

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 7, 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, Lou Magdits, Richard Morris, Richard Sibley, and Mark Walburg

Council Members Absent: Jim Williams and Judy Jepsen

Department Directors in Attendance: Public Works Director Steve Hargis, Recreation Center Director Scott Caron, Police Chief Mark Kears, Finance Director Steffanie Rogers, and Community Development Director John Petersen

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lee Bushie, Communications Coordinator Scott Grahl, Fire Marshall Larry Seest, and City Clerk Carol Daniels

Mayor William S. Jenks, III, called the meeting to order at approximately 6:30 p.m. and asked Pastor Gary Teague of the Apostolic Pentecostal Church to give the invocation. Following the invocation, Councilmember Mark Walburg led in the Pledge of Allegiance.

Mayor Jenks along with Mr. Joe Kears, Police Chief Mark Kears's father, formally promoted Police Chief Mark Kears by pinning eagles to Chief Kears's epaulets. Chief Kears was appointed to the position of Police Chief during the City Council April 16, 2007, meeting.

I. CONSENT AGENDA

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

MAY 7, 2007

**CITY COUNCIL MEETING MINUTES
MONDAY, MAY 7, 2007
PAGE 2**

I. CONSENT AGENDA (continued)

The consent agenda consisted of the following:

(A) City Council Minutes: The minutes of the April 2, 2007, regular City Council meeting and the April 16, 2007, regular and Executive Session City Council meetings.

II. PUBLIC HEARINGS

None.

III. CITIZEN COMMUNICATION

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

Ms. Tracey Watson, 1008 W. 12th Street, addressed the Council. Ms. Watson stated that when she first appeared before the City Council regarding the Rolla Municipal Utility (RMU) rate increases, she presented a rate study compiled of four towns that are part of MoPEP and five that are not, as well as information from Intercounty Electric and Gascoage Electric. Ms. Watson explained to the Council the formula she used to compute the rates of the towns mentioned in the rate study. Ms. Watson stated that she recently attended the RMU board meeting and felt that the Board received her rate study with the intent of it being “picked apart”. Ms. Watson also stated that she feels she is being lied to regarding RMU. Ms. Watson also stated that one of the towns she contacted “wanted to know what we were smoking in Rolla”. Ms. Watson continued to address the Council regarding the issue of RMU and a contract with MoPEP. She feels the contract is to MoPEP’s advantage and not to Rolla’s advantage. She also stated that a great deal of the problem at RMU is the arrogant attitude they exude. Ms. Watson stated that the smug statement of, “it is what it is, folks,” is tossed around as though no one should even question what is being said. Ms. Watson stated that the City owns RMU, but RMU is run as a separate business. She also stated that the bottom line is – the City Council is the only authority over RMU and their Board, but the City Council is afraid to confront RMU or the Board. Ms. Watson continued by discussing a copy of a letter, that she had earlier distributed to the Council, addressed to Mr. Dan Watkins. Ms Watson informed the council that she has had difficulty finding out who the custodian of records is for RMU.

MAY 7, 2007

**CITY COUNCIL MEETING MINUTES
MONDAY, MAY 7, 2007
PAGE 3**

III. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): She then explained to the Council the phone calls she made attempting to speak to the custodian of records. Ms. Watkins stated that RMU is run like a secret society and that the only thing missing is the secret handshake. She also stated that one of the biggest misrepresentations is that RMU is a cost-of-service business. After several more statements, Ms. Watson ended her comments by stating that she feels the City Council should be represented at the RMU Board meetings.

Mr. Ed Tenes addressed the Council and said he did not come to criticize, but to praise Mr. Dennis Cook of the Public Works Department. Mr. Tenes commended Mr. Cook and his crew for their outstanding cooperation on a project at 407 North Pine Street.

No one else present addressed the Council.

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

Mayor Jenks referred the Council to **(A)** the March 2007 Rolla Municipal Utilities Monthly Report; **(B)** the April 10, 2007, preliminary minutes of the Planning and Zoning Commission meeting; **(C)** the March 2007 City's Cash Position and Expenditure Report; **(D)** the February and March 2007 Rolla Municipal Court Reports; **(E)** the March 27, 2007 Development Review Committee Meeting minutes; **(F)** the March 21, 2007, Rolla Health & Recreation Center Advisory Committee Meeting Minutes, and; **(G)** The FY 2007 CENTRE Financial Analysis.

Councilmember Hicks commented on the "Missouri Department of Revenue (Sales Tax)" line item totaling \$65,373.47 in the Rolla Municipal Utilities (RMU) report. He said he did not realize that sales tax was paid on electric.

Mr. Dennis Roberts, RMU Office Manager, explained that sales tax is only charged on commercial accounts. Residential accounts are not taxable.

MAY 7, 2007

V. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) The Rolla Area Chamber of Commerce 1st Quarter 2007 Report; (B) Management Plan and; (C) Tourism Marketing Plan: Ms. Stevie Kears, Executive Director of the Rolla Area Chamber of Commerce, addressed the Council and explained the Chamber partnered with the University of Missouri MBA class to provide the management plan. Ms. Kears introduced Mr. Barry White with the Center for Entrepreneurship and Outreach Office at the University and thanked him for his efforts and guidance on this project. Ms. Kears continued by providing an overview of the Rolla Area Chamber of Commerce's first quarter report for 2007, management plan, and the tourism marketing plan.

VI. OLD BUSINESS

(A) Request for Ordinance to Annex a Corridor of I-44 Right-of-Way Into the City of Rolla (MoDOT/City of Rolla): Community Development Director John Petersen noted that Missouri Department of Transportation (MoDOT) is applying for annexation of their right-of-way at the request of the City. One of the primary reasons for looking at this kind of annexation is to "mark our territory" to make sure we do not have a city bumping up against us in the future. Mr. Petersen explained that any subsequent annexation would be decided by the City Council. He noted that the adjoining property owners have not expressed opposition to this annexation and the Planning and Zoning Commission recommend approval of this request.

City Counselor Lee Bushie read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3803: AN ORDINANCE ANNEXING A CORRIDOR OF I-44 RIGHT-OF-WAY INTO THE CITY PURSUANT TO THE PROVISIONS OF SECTION 71.012 RSMo. (MoDOT). 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, Sibley, Jordan, Spadoni, Hicks, Barklage, Magdits, Morris, and Walburg. Nays; Ruck. Absent; Williams and Jepsen. Motion carried. The ordinance passed.

(B) Request to Rezone Tract B and Part of Tract A of Maxwell Subdivision Plat No. 2 from M-2 Zoning to R-3 Zoning (Development Contractors LLP): Community Development Director John Petersen explained that the subject property, consisting of 1.58 acres, is taking some legal non-conforming uses and making them conforming.

VI. OLD BUSINESS (continued)

(B) Request to Rezone Tract B and Part of Tract A of Maxwell Subdivision Plat No. 2 from M-2 Zoning to R-3 Zoning (Development Contractors LLP) (continued):

He noted there are four, single-family rental homes in this area and this will change the zoning from M-2 (Heavy Manufacturing District) to R-3 (Multi-Family District) zoning,

which is more consistent with the land use that has been occurring in the area. No objections to this rezoning request have been received. The Planning and Zoning Commission recommend approval of the rezoning request.

City Counselor Lee Bushie read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3804: 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 TRACT B AND PART OF TRACT A OF MAXWELL SUBDIVISION PLAT NO. 2 FROM M-2 (HEAVY MANUFACTURING DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT ZONING (DEVELOPMENT CONTRACTORS LLP). A motion was made by Jordan and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hicks, Magdits, Jordan, Ruck, Sibley, Morris, Eudaly, Walburg, Barklage, and Spadoni. Nay; None. Absent; Williams and Jepsen. Motion carried. The ordinance passed.

(C) Request to Rezone Property at 1002 Strobach from R-1 Zoning to C-O Zoning (Hopkins):

As discussed during the Council's last meeting, Community Development Director John Petersen stated that the subject rezoning is consistent with what the City Council has done on Strobach for a number of years. The subject rezoning recognizes that across Strobach, with Wal-Mart and the other commercial enterprises, a reasonable transition is something that would be desirable to try to accomplish. Mr. Petersen told the Council the applicants are requesting office zoning. No objections to this rezoning request have been received.

After a brief discussion, City Counselor Lee Bushie read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3805: 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 1002 STROBACH FROM R-1 (SINGLE FAMILY DISTRICT) ZONING

CITY COUNCIL MEETING MINUTES

MONDAY, MAY 7, 2007

PAGE 6

VI. OLD BUSINESS (continued)

(C) Request to Rezone Property at 1002 Strobach from R-1 Zoning to C-O Zoning (Hopkins) (continued): TO C-O (OFFICE DISTRICT) ZONING (HOPKINS). A motion was made by Eudaly and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Sibley, Spadoni, Jordan, Ruck, Morris, Walburg, Barklage, Magdits, Eudaly, and Hicks. Nays; None. Absent; Williams and Jepsen. Motion carried. The ordinance passed.

(D) Request for Ordinance to Approve the Wal-Mart Super Center Plaza III Subdivision (Wal-Mart): Community Development Director John Petersen explained the subject property is located at the current site of Wal-Mart, on the west side of South Bishop. The second lot that Wal-Mart is adding will be for a service station. The Planning and Zoning Commission's recommendation is to approve the subject plat as submitted.

City Counselor Lee Bushie read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3806: AN ORDINANCE APPROVING WAL-MART SUPER CENTER PLAZA III, A SUBDIVISION IN ROLLA, MISSOURI (WAL-MART). A motion was made by Hicks and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Walburg, Morris, Ruck, Sibley, Magdits, Jordan, Eudaly, Hicks, and Barklage. Nays; None. Absent; Williams and Jepsen. Motion carried. The ordinance passed.

(E) Discussion Needed on the Memorandum of Understanding with the Rolla West Funding Cooperators: City Administrator John Butz recalled that the subject Memorandum of Understanding with the Rolla West Funding Cooperators, which was discussed during the Council's last meeting, has been slightly modified to reflect some of the sentiment from the County. In particular, the County was concerned about any extension of Highway 72, unless it was driven entirely by economic development opportunities or interests, as opposed to transportation improvements. The modified Memorandum of Understanding has been sent to the cooperators. Mr. Butz noted the Council would ultimately be seeing this in another two to four weeks with the final proposal.

VII. NEW BUSINESS

MAY 7, 2007

CITY COUNCIL MEETING MINUTES
MONDAY, MAY 7, 2007
PAGE 7

(A) Motion to Approve the Proposed Hangar Rental Rates – Rolla National Airport:

City Administrator John Butz reported the new ten unit T-hangar hangars at the Rolla National Airport are nearing completion. He told the Council the City has received 90% State and Federal funding for this project. Staff is proposing to increase almost all of the hangar rentals and to set the new rentals for the new ten unit T-hangar that will become available within the next two to three months. After some discussion, a motion was made by Barklage and seconded by Spadoni to approve the proposed hangar rental rates for the Rolla National Airport. A voice vote on the motion showed unanimous approval. Motion carried.

(B) Motion to Approve the Cost-Share for Scottsvale Drive (Alfred Chapman):

Public Works Director Steve Hargis indicated the City received a request from developer Alfred Chapman asking the City to cost-share in the building of Scottsvale Drive in Brookridge South I and II. The subdivision development requirements for that street are a 34-foot wide street rather than a 30-foot wide street. In addition, there is also a requirement for four inches of asphalt instead of three, and twelve inches of base rock instead of eight. Mr. Hargis recalled that during the April 2, 2007, Council meeting, an ordinance was approved that generally states that it is the City's policy to participate in the cost of a street that is a higher order than a normal residential street. Mr. Chapman is seeking to obtain participation retroactive to the streets in Brookridge South No. 1 and 2. The streets are under construction in Phase I. The plans for Phase II have not been received by the City. Based on current bid prices, Mr. Hargis said the amount of the City's participation would be \$25,378.82. If the Council elects to participate, Mr. Hargis recommended that the reimbursement be based on his calculations today. In addition, he recommended that Mr. Chapman not be reimbursed until the improvements have been completed and accepted by the Public Works Department.

After much discussion, a motion was made by Barklage and seconded by Morris to participate in the cost-share of Scottsvale Drive in Brookridge South I and II up to \$25,378.82. Reimbursement will be made upon completion of the entire road and acceptance of the improvements by the City. A hand count on the motion showed six (6) ayes and five (5) nays. Motion carried.

VIII. CLAIMS and/or FISCAL TRANSACTIONS

MAY 7, 2007

CITY COUNCIL MEETING MINUTES

MONDAY, MAY 7, 2007

PAGE 8

(A) Motion to Approve the Bid for the Airport Lighting Improvements: Public Works Director Steve Hargis reported that four bids were recently received for lighting improvements at the Rolla National Airport. This will complete the work that began a few years ago in replacing the lighting system and bringing the runway widths into compliance. Gaines Construction Co., Wentzville, Missouri, submitted the low bid of \$325,442.35. Staff recommends bid award to Gaines Construction Co., pending Missouri Department of Transportation (MoDOT) approval. After a brief discussion, a motion was made by Eudaly and seconded by Spadoni to award the bid for airport lighting improvements, Phase II to Gaines Construction Co. for \$325,442.35, pending MoDOT approval. A voice vote on the motion showed unanimous approval. Motion carried.

(B) Motion to Award the Bid for Project 212, Phase II for the Rolla Street Improvements: Public Works Director Steve Hargis explained that six bids were received for the concrete work in conjunction with the improvements of Rolla Street from Lariat to Little Oaks Road. Additionally, it includes work to be done on El Bosa Nova Lane and White Columns Drive. Staff is recommending the bid be awarded to the low bidder, Donald Maggi, Inc., for \$221,163.54. Following some discussion, a motion was made by Morris and seconded by Eudaly to award the bid for Project 212, Phase II, Rolla Street Improvements, to Donald Maggi, Inc., Rolla, Missouri for \$221,163.54. A voice vote on the motion showed unanimous approval. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS

(A1.) Library Board Appointments: A motion was made by Hicks and seconded by Eudaly to appoint/reappoint the following to the Library Board: Mr. Larry Bowen for a second term, Ms. Karla Carroll for her first term and Mr. Gary Armaly for his first term. A voice vote on the motion showed unanimous approval. Motion carried.

(A2.) Planning and Zoning Commission Appointment: A motion was made by Eudaly and seconded by Jordan to appoint Mr. Dennis Bennett to the Planning and Zoning Commission for a four-year term. A voice vote on the motion showed unanimous approval. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

MAY 7, 2007

CITY COUNCIL MEETING MINUTES
MONDAY, MAY 7, 2007
PAGE 9

(A3.) Rental House Inspections Committee: A motion was made by Jordan and seconded by Barklage to appoint student representative Ms. Allison Harris and renter representative Scott Eichacker to the Rental House Inspections Committee. A voice vote on the motion showed unanimous approval. Motion carried.

(B) City Administrator's 2006-07 Goals and Objectives: Mayor Jenks requested a motion to approve the City Administrator's Goals and Objectives for 2006/2007.

Councilmember Magdits said that for whatever reason, the Council too long in approving the goals and objectives. He added that a significant mistake was made last year by not having a six-month review with City Administrator John Butz. Mr. Magdits said it is incumbent upon Mr. Butz to ask the Council to conduct the six-month review and he suggested the six-month review be performed in June.

A motion was made by Jordan and seconded by Ruck to approve the City Administrator's Goals and Objectives for 2006/2007. A voice vote on the motion showed unanimous approval. Motion carried.

X. EXECUTIVE SESSION

None.

XI. COMMENTS FOR THE GOOD OF THE ORDER

(A) Notice of Termination from Sansone Group: City Administrator John Butz reported that late this afternoon he received a fax from the Sansone Group terminating the redevelopment agreement between Sansone Family Holding Company and the City of Rolla dated November 20, 2006. The fax stated the Sansone Family Holding Company has determined the redevelopment project is not economically feasible. In the event economic conditions change, Sansone Group would be interested in developing in Rolla. City Administrator John Butz added the Sansone Group had about another month remaining according to the redevelopment agreement. Mr. Butz noted they had a six-month period in which either to acquire the property or to proceed with eminent domain and they were not able to succeed.

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

MAY 7, 2007

CITY COUNCIL MEETING MINUTES

MONDAY, MAY 7, 2007

PAGE 10

(B) Southside Area Streets: Councilmember Hicks noted the City annexed the south side area several years ago and the City has several streets in that area that are in terrible repair. On behalf of the citizens in Longview and Line-Barnitz, he asked if the City could repair the large holes in those streets. Additionally, Mr. Hicks asked if there is a timeframe when the curbs and gutters will be constructed in that area.

Public Works Director Steve Hargis responded that the capital improvement plan would be redone during this year's budget process.

City Administrator John Butz added the Plan of Intent on the vote for the annexation stated the City would maintain the roads in the condition they are in, which is chip and seal. Once the City gets through the eight-year capital improvement plan, plans are to move into the south side area. Rather than trying to patch, Mr. Butz said that in the interim the City plans to put an asphalt overlay of one or two inches.

Councilmember Morris noted that development is occurring off Osage Drive. He asked at what point the City could ask the developer to take part in widening Osage Drive. Mr. Morris said it is not equipped to handle the traffic that will be generated from the new subdivision.

Now that Osage Drive is in the city limits, City Administrator John Butz said it should be a 34-foot wide residential collector street by the existing load. Subject to Council budgetary approval through a process, the City would have incurred the cost to redevelop that street entirely. In fact, the City planned to do that for all the streets in that area.

(C) Special Council Workshop: City Administrator John Butz reminded the Council of the special Council workshop on utility costs, scheduled for Monday, May 14. The workshop will particularly focus on the areas the City Council has the most control, i.e., payment-in-lieu-of-taxes (PILOT). A light meal will be served at 5:30 p.m., with the workshop beginning about 5:50 p.m.

XII. ADJOURNMENT

MAY 7, 2007

**CITY COUNCIL MEETING MINUTES
MONDAY, MAY 7, 2007
PAGE 11**

Having no further business, the meeting adjourned at approximately 8:32 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

MAY 7, 2007