

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 4, 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, Richard Morris, Richard Sibley, and Mark Walburg

Department Directors in Attendance: Fire Chief Robert Williams, Solid Waste Director Brady Wilson, Recreation Center Director Scott Caron, Police Chief Mark Kearse, Parks and Recreation Director Ken Kwantes, and Community Development Director John Petersen

Other City Officials in Attendance: City Administrator John Butz, City Counselor John Beger, Communications Coordinator Scott Grahl, Assistant Public Works Director Gary Heavin, and City Clerk Carol Daniels

Mayor William S. Jenks, III, called the meeting to order at approximately 6:30 p.m. and asked Pastor David Keck of the Rolla Family Worship Center to give the invocation. Following the invocation, Councilmember Monty Jordan led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Jordan 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 May 7, 2007, regular City Council meeting, the May 14, 2007, Special Rolla City Council Workshop, the May 21, 2007 regular City Council meeting and the May 21, 2007, City Council Executive Session meeting.

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I. CONSENT AGENDA (continued)

(A) City Council Minutes (continued): Regarding the minutes of the May 14, 2007, Special Rolla City Council Workshop, Councilmember Hicks noted that based on the \$775,000 contribution from RMU to the City for the Briggs and Stratton building, Councilmember Barklage suggested that a “friendly suit” be pursued to determine ownership of the Briggs and Stratton building. Councilmember Hicks asked that the minutes be amended to reflect this comment.

Additionally, Councilmember Hicks stated that during the May 14, 2007, meeting he made a suggestion to have the electrical engineering students and possibly engineering management at the University of Missouri – Rolla, provide a study of RMU operations, not just rates. He asked that the minutes be amended to reflect this change.

II. PUBLIC HEARINGS

None.

III. CITIZEN COMMUNICATION

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

(1) Phelps County Commissioner Larry Stratman: Phelps County Commissioner Larry Stratman recalled that this past Saturday, Phelps County celebrated its 150th birthday with a Sesquicentennial Celebration. The celebration could not have been the success it was without the City’s help. Mr. Stratman thanked the City for its help, in particular the assistance from Police Chief Mark Kears and Public Works Director Steve Hargis.

(2) Dr. William Moorkamp: Dr. William Moorkamp reminded the Council that five years ago last Friday, June 1, the Recreation Center opened its doors. Since that time, 1,070,460 individuals have checked in for a workout. Dr. Moorkamp said the Recreation Center Advisory Committee thought it would be a good idea to tell the community more about the Recreation Center. The Committee suggested collaborating

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III. CITIZEN COMMUNICATION (continued)

(2) Dr. William Moorkamp (continued): with the Council by conducting a contest during the next six weeks where citizens would be asked to submit a paper stating what they believe is the best reason the Recreation Center started five years ago. Dr. Moorkamp recommended the formation of a committee comprised of two Council members and two individuals from the Recreation Center to select the grand prize winner. The grand prizewinner would receive five free visits to The CENTRE, including the use of a personal trainer. Additionally, they would be recognized by the City Council during one of its meetings, and be treated to lunch with Mayor Jenks and City Administrator Butz.

Following Dr. Moorkamp's presentation, Councilmembers Sue Eudaly and Jim Williams expressed their willingness to serve on the committee.

(3) Mr. Jim Corey: Mr. Jim Corey, 414 Bill Avenue, said a three-way stop is needed at Newcastle and Winchester Drives. He noted that his wife, daughter, and grandson were almost hit a couple of times while in the crosswalk. Mr. Corey said some of the vehicles in this area are traveling about 45 mph to 50 mph.

Additionally, Mr. Corey asked the Council to authorize a "no parking" sign near the fire hydrant across the street from his home or have the curb painted yellow or red.

(4) Ms. Donna Hawley: Ms. Donna Hawley, 2602 Brook Drive, asked the Council if a feasibility study had been conducted regarding the utility assistance idea she presented during the Council's last meeting.

Mayor Jenks stated that he cannot speak for the Council, but indicated he has not received any input from the Council regarding it.

Ms. Hawley said she feels strongly that the babies, children and the elderly should not have to suffer because of the Rolla Municipal Utilities (RMU) rates. She said the people that are the most vulnerable are not going to address the Council.

Councilmember Hicks asked RMU General Manager Dan Watkins if he could be billed an extra dollar per month to be placed in the "Helping Hands" program.

Mr. Watkins responded that the dollar could automatically be added to his bill.

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III. CITIZEN COMMUNICATION (continued)

(4) Ms. Donna Hawley (continued): Councilmember Hicks said he would have the extra dollar added to his utility bill. Additionally, he challenged the remainder of the Council to contribute. Mr. Hicks stated that he does not feel the citizens should be forced to contribute to the assistance fund.

It was suggested that a public service announcement be drafted advising the citizens of this assistance program.

Ms. Hawley said there is nothing in the franchise ordinance saying that you cannot set aside a tax or a small portion of the payment in lieu of taxes (PILOT) to assist the citizens.

Councilmember Sibley asked Mayor Jenks if the City could obtain a legal opinion as to the legality of contributing a portion of the PILOT to an assistance program.

(5) Mr. Ed Palacios: Mr. Ed Palacios, 405 Bill Avenue, asked the Council if he could have a new rollout, trash container. He stated that he is receiving complaints from some of his neighbors because of the odors emanating from the container. Mr. Palacios told the Council that he is a hunter and fisherman and in an effort to reduce the odors, he said he freezes the waste and double bags it before placing it in the roll-out container the day of the pickup. Regardless, the waste thaws and sometimes leaks before the sanitation truck comes to empty the container. Mr. Palacios said he has tried bleaching and cleaning the container, but is unable to remove the odor. If possible, Mr. Palacios asked if he could have a new rollout container.

Additionally, Mr. Palacios noted that during a recent windstorm, his fence was knocked down. Before he had an opportunity to repair it, Mr. Palacios said the City was contacted. Mr. Palacios told the Council that he has a pool in his back yard and City Code requires that a fence be placed around the pool. He explained to the Council that he received a warning from the City to repair the fence. Mr. Palacios said he repaired the fence and then it was blown down from another storm. During the two years this occurred, Mr. Palacios told the Council that there was a pool with water in it at a residence on Hutchison Drive that does not have a fence surrounding it. He asked why he is required to have a fence around his pool, but the residence at 422 Hutchison who has a pool, does not. Mr. Palacios told the Council he paid \$4,000 for his privacy fence so no one will get hurt.

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III. CITIZEN COMMUNICATION (continued)

(5) Mr. Ed Palacios (continued): Mayor Jenks indicated to Mr. Palacios that the City would check into this matter. He also told Mr. Palacios the City would provide with him a new rollout container.

(6) Mr. Floyd Huffman: Regarding the comments made earlier by Ms. Hawley, Mr. Floyd Huffman, 1335 East Highway 72, said he believes the City should not get into the welfare business. In his opinion, Mr. Huffman said the City and welfare business do not seem to fit. Mr. Huffman said the government has gotten into everything, which drives up prices. He asked the Council to look at how the City is affecting people, in particular the poor people. He said if there is anything the City could do to look after the overhead that is generated to builders, developers and contractors, please do so, because we are hurting, regulated, and taxed to death.

No one else present addressed the Council.

IV. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Rolla Area Chamber of Commerce Motel Tax Financial Audit: Mr. Mark Kean, Kean & Company, LLC, Certified Public Accountant, provided an overview of the Rolla Area Chamber of Commerce's Motel Tax Fund audit for December 31, 2006 and 2005. Following his presentation, Mr. Kean, Ms. Stevie Kearse, Executive Director of the Rolla Area Chamber of Commerce and Mr. Jeff Brummet, Treasurer of the Rolla Area Chamber Commerce, entertained questions from the Council.

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

Mayor Jenks referred the Council to **(A)** the April 2007 Rolla Municipal Utilities Monthly Report; **(B)** the May 8, 2007, preliminary minutes of the Planning and Zoning Commission meeting; **(C)** the April 2007 City's Cash Position and Expenditure Report; **(D)** the April 2007 Rolla Municipal Court Report; **(E)** the April 18, 2007, Rolla Health & Recreation Center Advisory Committee Meeting Minutes, and; **(F)** The FY 2007 CENTRE Financial Analysis.

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VI. OLD BUSINESS

(A) Resolution on the Memorandum of Understanding with the Rolla West Funding Cooperators: City Administrator John Butz told the Council that the proposed Memorandum of Understanding (MOU) has been circulated among the cooperators. To date, the cooperators who have executed the MOU are the University of Missouri – Rolla, Rolla Regional Economic Commission and the Phelps County Regional Medical Center Board. The County of Phelps and Rolla Municipal Utilities (RMU) have yet to execute the MOU. Mr. Butz explained that he has not made a formal request to RMU, but he plans to make it following the Council’s approval of it.

During the discussion that followed, a few of the Council members said they did not feel comfortable asking RMU for assistance at this time.

A motion was made by Jordan and seconded by Williams to remove Rolla Municipal Utilities (RMU) from participation in the funding of this project. A hand count on this motion showed eight (8) ayes and four (4) nays. Motion carried.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1631: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CONTRACT, as amended, BETWEEN THE CITY OF ROLLA AND ROLLA WEST FUNDING COOPERATORS. A motion was made by Barklage and seconded by Spadoni to approve the subject resolution. A hand count on the motion showed nine (9) ayes and three (3) nays. Motion carried. The resolution passed.

(B) Ordinance to Approve Mid America Plat 2 (Mid America Bank and Trust): Community Development Director John Petersen said the property owners have requested a replat of the Mid America Subdivision to eliminate about a ten foot easement. The subject property contains 3.52 acres and is located in Mid America Plat No. 2. The Planning and Zoning Commission recommend approval of this request.

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City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3807: AN ORDINANCE APPROVING MID AMERICA PLAT 2, A SUBDIVISION IN ROLLA, MISSOURI (MID AMERICA BANK AND TRUST). A motion was made by Williams and seconded by Jordan to approve the

VI. OLD BUSINESS (continued)

(B) Ordinance to Approve Mid America Plat 2 (Mid America Bank and Trust) (continued): proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Barklage, Spadoni, Hicks, Ruck, Sibley, Morris, Jordan, Jepsen, Walburg, Williams, and Magdits. Nays; None. Motion carried. The ordinance passed.

(C) Request for Ordinance to Approve Maxwell Subdivision Plat No. 4 (Development Contractors LLP): Community Development Director John Petersen told the Council that the subject property contains 2.56 acres and the proposal is to subdivide the property into seven lots. Two of the lots would be in a manufacturing area (M-2 Heavy Manufacturing District). The remaining part is zoned R-3 (Multi-Family District). The Planning and Zoning Commission's recommendation is to approve the proposed plat.

After a brief discussion, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3808: AN ORDINANCE APPROVING MAXWELL SUBDIVISION PLAT NO. 4, A SUBDIVISION IN ROLLA, MISSOURI (DEVELOPMENT CONTRACTORS LLP). A motion was made by Hicks and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Sibley, Ruck, Morris, Spadoni, Walburg, Barklage, Magdits, Eudaly, Jepsen, and Hicks. Nays; None. Motion carried. The ordinance passed.

(D) Discussion Regarding the City of Rolla Animal Control Regulations: Police Chief Mark Kearse advised that Lieutenant Jim Macormic was the staff liaison for the Ad Hoc Committee, which reviewed several animal control issues. He explained that the specific areas discussed were 1) regulating the number of dogs/cats per household; 2) a proactive registration or outright banning of certain breeds of dogs with aggressive tendencies, and; 3) regulations regarding "exotic" animals. Chief Kearse added that staff recommends 1) the number of dogs and cats per household be limited to no more than four combined, which is more restrictive than the ad hoc committee recommended; 2) registration should be implemented for all dog breeds and cats and it should be mandatory that all pit bull type dogs be altered (spayed/neutered) at the time of registration; 3) the proposed "exotic animal" ordinance should be implemented, which

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now defines exotic animals and removes the responsibility of the city administrator and police chief on the decision-making for each individual case, and; 4) it shall be unlawful for any person

VI. OLD BUSINESS (continued)

(D) Discussion Regarding the City of Rolla Animal Control Regulations (continued):

owning or in control of any animal to permit or allow such animal to defecate upon any public property or private property of another unless such person shall remove immediately all feces so deposited by such animal, and dispose such feces in an appropriate trash receptacle. Chief Kearse continued by providing a PowerPoint presentation of the current ordinance and the proposed ordinance. He entertained questions, comments, and suggestions to the proposed ordinance during and following his presentation.

After a lengthy discussion, Mayor Jenks suggested that staff revise the ordinance taking into consideration the Council's comments and key points discussed and bring it back to the Council for further consideration. After it appears there is some Council consensus, a public hearing would be held to obtain citizen input.

City Administrator John Butz suggested considering the proposed ordinance by breaking it down into key sections.

The Council also asked for a copy of the former dog-licensing ordinance.

VII. NEW BUSINESS

None.

VIII. CLAIMS and/or FISCAL TRANSACTIONS

None.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Tax Increment Finance (TIF) Commission: Mayor Jenks requested the reappointment of Mr. Tom Thomas and Councilmember Lou Magdits to the TIF

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Commission. A motion was made by Jordan and seconded by Eudaly to reappoint

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Tax Increment Finance (TIF) Commission: Mr. Tom Thomas and Councilmember Lou Magdits to a four-year term on the Tax Increment Financing Commission. A voice vote on the motion showed unanimous approval. Motion carried.

X. EXECUTIVE SESSION

A motion was made by Eudaly and seconded by Jordan 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; Morris, Walburg, Spadoni, Williams, Ruck, Sibley, Magdits, Eudaly, Jepsen, Barklage, Hicks, and Jordan. Nays; None. Motion carried.

The Council adjourned into Executive Session at approximately 8:55 p.m.

XI. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 9:50 p.m.

City Counselor John Beger announced that during Executive Session the Council considered establishment of a park at HyPoint Industrial Park on property already owned by the City in cooperation with the HyPoint Tenants Association and the Rolla Community Development Corporation. Discussion was had with no formal action taken.

The Council was also apprised of a proposed donation of property to the City for a park and an offer to sell additional contiguous property to the City. Discussion was had with no formal action taken.

XII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Cemetery Maintenance: Parks and Recreation Director Ken Kwantes stated the City has been maintaining Ozark Memorial Gardens Cemetery. With Memorial Day and the Veterans Park dedication, Mr. Kwantes noted there has been more interest in placing decorations in the City and Ozark Memorial Gardens cemeteries. Because of the rapid

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

(A) Cemetery Maintenance: growth of grass and the numerous floral decorations at both cemeteries, Mr. Kwantes announced that the floral decorations placed on the ground at the Rolla Cemetery will be removed beginning this week.

Discussion followed concerning the maintenance and ownership of the Ozark Memorial Gardens cemetery.

(B) Veterans Memorial Park: Councilmember Morris thanked Councilmember Spadoni and the Korean Veterans Association for a great Memorial Day service. He noted there were several visitors from the Rolla area as well as friends from Fort Leonard Wood who attended the services.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 9:58 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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