

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 18, 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, Donald Barklage, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Judy Jepsen, Lou Magdits, Jim Williams, Richard Morris, Richard Sibley, and Mark Walburg

Council Members Absent: Monty Jordan

Department Directors in Attendance: Fire Chief Robert Williams, Solid Waste Director Brady Wilson, Public Works Director Steve Hargis, Finance Director Steffanie Rogers, 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 Lee Bushie, 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 Don Barklage to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Morris to approve the consent as submitted. A voice vote on the motion showed unanimous approval. Motion carried.

The consent agenda consisted of the following:

(A) A storm sewer easement along Newcastle Drive obtained by Scott Family Investments, LLC for storm sewer improvements, and; **(B)** a utility easement obtained from Dale and Sara Wands to correct the description of an existing easement in which the wrong lot number was recorded.

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II. PUBLIC HEARINGS

(A) Request for Ordinance to Rezone Part of Lots 1-3 and all of Lot 4, Block 6, Cowan's Addition from C-1 to C-2 Zoning (Newkirk): Community Development Director John Petersen explained that the subject property contains three parcels and is located south of Second Street between Rucker and Faulkner Avenues. The applicant is requesting C-2 (General Retail District) zoning to allow the construction of a building to be used for the sale of bottled water. The Planning and Zoning Commission recommend approval of this rezoning request.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present addressed the Council. 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 PART OF LOTS 1-3 AND ALL OF LOT 4, BLOCK 6 OF COWAN'S ADDITION FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) TO C-2 (GENERAL RETAIL DISTRICT) ZONING (NEWKIRK).

III. CITIZEN COMMUNICATION

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

(1) Mr. Russell J. Falkenrath: Mr. Russell J. Falkenrath, 1103 Winchester Drive and 12184 County Road 5030, Rolla, Missouri addressed the Council. Mr. Falkenrath said that last year the Council approved an ordinance that takes away his right to livelihood. He said now this party takes, or commandeers, or steals his equipment, not to mention his cardboard. Mr. Falkenrath asked when the Council approved an ordinance that allowed the City to take away his equipment. He indicated that as soon as possible he would file charges with Police Chief Mark Kearse against Solid Waste Director Brady Wilson for (alleged) stealing.

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III. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(1) Mr. Russell J. Falkenrath (continued): When Mayor Jenks asked Mr. Falkenrath what equipment was allegedly stolen, Mr. Falkenrath said he would not be specific until charges were filed.

(2) Dr. James Stoffer: Dr. James Stoffer, President of the Rolla Board of Public Works, stated that what he is about to say has not been seen or approved by the entire board. Dr. Stoffer mentioned that a special meeting would be held between the Rolla Board of Public Works and the Rolla City Council in order to cover the topics suggested by the ad hoc committee and the citizens' group. Dr. Stoffer suggested that this meeting be held on July 9.

Dr. Stoffer said that he is tired of Rolla Municipal Utilities (RMU) people being maligned in the media. He added he is proud of what RMU people have done for the citizens of Rolla. Dr. Stoffer told the Council that he is addressing the Council to respond to the misinformation and incorrect information that has been presented to the Council during the past several weeks. He stated that he only speaks to challenge what some people have called lies and to show the Council that they are the ones who were misinformed or maybe have trouble telling the truth.

Dr. Stoffer explained that one must understand that electric, water, and usage is dependent upon weather. RMU must attempt to predict a budget based on usage that is weather dependent.

Dr. Stoffer continued by responding to comments recently made by some citizens regarding the increase in electrical rates. He noted that 82.6% of RMU's budget goes for power costs. Dr. Stoffer added that RMU has barely been keeping up with the consumer price index (CPI) and the price of coal has doubled.

Following his presentation, Dr. Stoffer addressed questions and comments from the Council.

Mayor Jenks added there would be a public meeting with Rolla Board of Public Works officials on July 9 in the City Council Chambers.

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IV. OLD BUSINESS

None.

V. NEW BUSINESS

(A) Request for Ordinance to Adopt the Revised Rolla Cemetery Policies and Fees:

Parks and Recreation Director Ken Kwantes noted that the following two proposed ordinances would implement new charges for lots purchased, grave openings and policies in the Rolla Cemetery. These recommended changes are a result of increased personnel and materials costs. Mr. Kwantes asked the Council to consider the first readings of both ordinances. If approved, they would go into effect on August 1, 2007.

After some discussion, City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE REPEALING SECTIONS 7-9 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PRICES OF GRAVE LOTS, DESIGNATED PORTIONS OF PROCEEDS TO ETERNAL CARE FUND, AND ENACTING NEW CODE SECTIONS IN LIEU THEREOF.**

(B) Request for Ordinance to Adopt the Revised Burial Charges for the Rolla Cemetery:

Mayor Jenks noted the revised burial charges for the Rolla Cemetery were discussed along with Item V.A. He asked the Council if there were any objections to reading the ordinance for its first reading. No objections were noted.

City Counselor Lee Bushie read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE REPEALING SECTION 7-26 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO THE FEES FOR BURIAL PERMITS AND ENACTING NEW CODE SECTIONS IN LIEU THEREOF.**

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(C) Resolution Authorizing the Street Name Change from El Bosa Nova Lane to Collegiate Boulevard (UMR): Community Development Director John Petersen recalled the Collegiate Station at Rolla Subdivision was approved last year. When this subdivision was platted, the street right-of-way (Collegiate Boulevard) was dedicated to the City. Mr. Petersen explained the developer will be responsible for development of the

V. NEW BUSINESS (continued)

(C) Resolution Authorizing the Street Name Change from El Bosa Nova Lane to Collegiate Boulevard (UMR) (continued): road. He added that the University of Missouri-Rolla has requested that the current El Bosa Nova Lane, as shown on the map included in the agenda materials, be changed to Collegiate Boulevard. The Planning and Zoning Commission recommend approval of this request.

After a brief discussion, City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 1632: A RESOLUTION PROPOSING TO CHANGE THE NAME OF A PORTION OF EL BOSA NOVA LANE TO COLLEGIATE BOULEVARD. A motion was made by Williams and seconded by Barklage to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried. The resolution passed.

(D) Resolution Authorizing the Application for the DREAM Program Offered by the Missouri Department of Economic Development: Community Development Director John Petersen explained that DREAM stands for Downtown Revitalization Economic Assistance for Missouri program. He recalled that last year the City, along with 98 other cities, submitted an application to the State Department of Economic Development for participation in this program. Mr. Petersen reported that ten cities were selected to participate in the program; however, the City of Rolla was not included. He explained the DREAM program is a structure for helping cities maximize their downtown development potential and is not a grant program.

City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 1633: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI (THE "CITY") TO SUBMIT AN APPLICATION FOR THE DOWNTOWN REVITALIZATION ECONOMIC ASSISTANCE FOR MISSOURI PROGRAM (DREAM) TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT ("DED"). A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried. The resolution passed.

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(E) Motion to Authorize the Mayor to Sign a Contract for Services from Development Strategies, Inc., to Prepare a Retail Market Study of Rolla/Phelps County: Community Development Director John Petersen informed the Council that in May requests for proposal (RFP) were mailed to six or seven marketing study consultants.

V. NEW BUSINESS (continued)

(E) Motion to Authorize the Mayor to Sign a Contract for Services from Development Strategies, Inc., to Prepare a Retail Market Study of Rolla/Phelps County (continued): Proposals were received from Buxton, CommunityID for \$70,000, Growth Services for \$28,600, and from Development Strategies, Inc., for \$38,200. Mr. Petersen noted the Rolla West Planning Group interviewed these three companies earlier this month and decided the survey portion of Development Strategies, Inc.'s. proposal was not necessary at this time and recommended that it be withdrawn. Mr. Petersen reported the Planning Group is recommending that Development Strategies be selected at a cost of \$22,200. He mentioned the consultant would be able to have the material to the City within six weeks.

Following discussion, a motion was made by Eudaly and seconded by Jepsen to authorize the Mayor to execute a contract for services based on the attached Scope of Services with Development Strategies, Inc., for \$22,200. A voice vote on the motion showed nine (9) ayes and two (2) nays. Motion carried.

(F) Motion to Authorize the Execution of the License Agreement for the HyPoint Industrial Park Lagoon Property: City Administrator John Butz referred the Council to the subject license agreement with the HyPoint Tenants Association (HPTA). He continued by reviewing the key sections of the proposed license agreement. After some Council discussion, it was decided to amend Item No. 3 to read as follows: "The City will agree to mow the lands as identified and presented in exhibit A." Following further discussion, a motion was made by Barklage and seconded by Spadoni to approve the License Agreement for the HyPoint Industrial Park Lagoon property, as amended. A voice vote on the motion showed ten (10) ayes and one (1) nay. Motion carried.

(G) Motion to Authorize the Mayor to Execute the FY 2007 Emergency Shelter Program Grant Contract: City Administrator John Butz told the Council the City and the Russell House were awarded \$8,155 from the Stewart B. McKinney Federal Grant Program. The Russell House has been the recipient of these grants funds for at least the past nine years. A motion was made by Williams and seconded by Eudaly to approve the

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execution of the 2007 emergency shelter program grant contract for \$8,155. A voice vote on the motion showed unanimous approval. Motion carried.

V. NEW BUSINESS (continued)

(H) Resolution Authorizing the Mayor to Execute the Contract for Services with the Russell House: City Administrator John Butz explained that once the City receives the grant funds for the Russell House, the City is compelled under a contract arrangement to administer those funds as a pass-through. The contract with the Russell House is for \$7,992 and the City will retain 2% for administrative services.

City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 1634: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CONTRACT FOR SERVICES BETWEEN THE CITY OF ROLLA AND THE RUSSELL HOUSE. A motion was made by Barklage and seconded by Jepsen to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried.

(I) Resolution Authorizing the Mayor to Enter Into a Supplemental Development Agreement for the Blue's Lake Development (Dietzmann): Public Works Director Steve Hargis recalled that in March 2007, the City entered into a development agreement to determine if Blue's Lake could act as a regional detention facility for the area between Martin Springs Drive and Bridge School Road. Mr. Joe Wilson of Allgeier, Martin and Associates, Inc., was retained to perform the analysis and as suspected, the lake, with some modifications, could be used to handle the 100-year storm. The original agreement stipulated the developer and the City would each pay 50% of the study, with the developer determining the feasibility. Additionally, any future cost-share would be based on how much of the development contributed to the lake and how much area outside the development would contribute to the storm water for the lake. Mr. Hargis said staff has determined there is approximately 168 acres in this drainage basin. Sixty-two of those acres are under Blue's Lake Development. Mr. Hargis said staff would like to proceed with the project by developing plans for the actual construction of the spillway and modifications to the dam. Staff is proposing the City would maintain the actual spillway. The land, berm, and other associated environs of this project would be under the ownership of the developer. At this point, a rough estimate for the improvements is

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\$250,000. This would rebuild the berm in order to meet the current requirements and modify the spillway to handle the 100-year storm.

V. NEW BUSINESS (continued)

(I) Resolution Authorizing the Mayor to Enter Into a Supplemental Development Agreement for the Blue's Lake Development (Dietzmann) (continued): City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 1635: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND JOHN F. DIETZMANN AND JOAN D. DIETZMANN RELATING TO STORMWATER DETENTION. 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.

(J) Resolution Authorizing a Grant Agreement with MoDOT Regarding Lighting and Grading Improvements at the Rolla National Airport: Public Works Director Steve Hargis explained that the next three items are related to the lighting and grading improvements at the Rolla National Airport. The subject grant agreement with the Missouri Department of Transportation (MoDOT) will allow for the construction of lights on Runway 4-22. In addition, the runway width will be brought into compliance with the standard FAA width of 100 feet. Mr. Hargis informed the Council that MoDOT will pay 90% of the cost of this project or \$360,000 and the City's portion is estimated at \$40,000, which includes both construction and construction observation.

City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 1636: A RESOLUTION AUTHORIZING EXECUTION OF AN AIRPORT AID AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF ROLLA, MISSOURI. A motion was made by Barklage and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried. The resolution passed.

VI. CLAIMS and/or FISCAL TRANSACTIONS

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(A) Resolution Entering into a Contract with Gaines Construction Regarding Lighting and Grading Improvements at the Rolla National Airport: Public Works Director Steve Hargis explained the subject resolution would authorize the Mayor to sign

VI. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Resolution Entering into a Contract with Gaines Construction Regarding Lighting and Grading Improvements at the Rolla National Airport (continued): the contract with Gaines Construction for \$325,442.35 for the actual construction of the airport improvements. This bid was awarded a few meetings ago and staff has been awaiting MoDOT's approval, which has now been received.

City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 1637: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI CERTAIN AGREEMENTS BETWEEN THE CITY OF ROLLA, MISSOURI AND GAINES CONSTRUCTION COMPANY FOR THE AIRPORT LIGHTING IMPROVEMENTS, PHASE II STATE PROJECT NO. AIRE 056-56A. A motion was made by Eudaly and seconded by Barklage 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 with Missouri Engineering Company for the Construction Observation of the Airport Project: Public Works Director Steve Hargis told the Council the subject resolution would authorize the Mayor to execute the contract with Missouri Engineering Company for the construction observation portion of the project for \$43,598.68. MoDOT has approved this contract.

City Counselor Lee Bushie read the following proposed resolution for one reading, by title. RESOLUTION NO. 1638: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI ENGINEERING COMPANY FOR PROFESSIONAL SERVICES. A motion was made by Barklage and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed unanimous approval. Motion carried. The resolution passed.

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(C) Motion to Award the Low Bid for a Fifteen-Passenger Van: Public Works Director Steve Hargis informed the Council that the new van would be used to transport the Licking, Missouri prison work crew to and from Rolla. When the program began, the

VI. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion to Award the Low Bid for a Fifteen-Passenger Van (continued): City started with only five prisoners from the Licking prison. The City is now has eight prisoners in the work crew. Mr. Hargis told the Council that if the current van breaks down, there is no backup in the City's fleet to pick up these eight individuals from Licking, Missouri. The City purchased the first used van from State surplus and it now has about 100,000 miles on it. Mr. Hargis explained the original van will be transferred to the Parks Department for daily activities and to keep as a stand by while the new van will be used to pick up and return the workers to Licking, Missouri. Staff is recommending award to the low bidder, Hutcheson Ford, St. James, Missouri for \$21,973.

After a brief discussion, a motion was made by Williams and seconded by Eudaly to award the bid for a fifteen-passenger van to Hutcheson Ford, St. James, Missouri for \$21,973. A voice vote on the motion showed ten (10) ayes and one (1) nay. Motion carried.

VII. MAYOR/CITY COUNCIL COMMENTS

(A) Appointment of Scott Jarrett to the Rolla Housing Authority Board: Mayor Jenks requested the appointment of Mr. Scott Jarrett to fill the vacancy on the Rolla Housing Board. He noted that Mr. Jarrett is a City police officer. A motion was made by Hicks and seconded by Walburg to appoint Mr. Scott Jarrett to the Rolla Housing Authority Board. A voice vote on the motion showed unanimous approval. Motion carried.

(B) Vacancy on the Board of Adjustment: Mayor Jenks noted that presently there are two vacancies on the Board of Adjustment and a third vacancy will occur in August. He said he is open to any recommendations for these positions.

(C) Vacancy on the City of Rolla Personnel Board: Mayor Jenks also noted there is a vacancy on the Rolla Personnel Board. He told the Council that he is open to any recommendations for this board as well.

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VII. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) Councilman Terry Ruck – Request for Four-Way Stop at Sixth and Walnut Streets: Councilmember Ruck noted there have been several accidents and near misses at Sixth and Walnut Streets over the past 17 years because motorists do not see the yield sign and it will worsen when school is in session.

City Administrator John Butz reported that, according to the Police Department, there have been nine accidents in five years and four accidents this past year.

Mr. Ruck suggested possibly placing a flashing red light at this intersection.

Mayor Jenks indicated that staff would look into this situation.

VIII. EXECUTIVE SESSION

None.

IX. COMMENTS FOR THE GOOD OF THE ORDER

(A) RMU Board/City Council Meeting: City Administrator John Butz announced that the meeting between the Rolla Board of Public Works and the City Council is tentatively scheduled for July 9 in the City Hall Council Chambers.

(B) Proposed Animal Control Ordinance: Regarding the animal control ordinance that was presented during the Council's previous meeting, Councilmember Magdits stated that with so much to dislike in the ordinance, he is afraid the Council will end up with something that is going to take a long time to sort out. He asked the Council to consider evaluating and acting on the ordinance in four separate pieces so the Council can arrive at some consensus quickly, get something in place, and consider the more controversial areas as time goes on.

Mayor Jenks added that if the ordinance were approved as it was originally presented, he said he would veto the ordinance. He said every person should be able to walk, ride a bicycle, or run on any public property without the danger of being attacked by a dog. Mayor Jenks pointed out that there were 23 dog attacks last year in Rolla.

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Some discussion followed.

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

(C) RMU Helping Hand Fund: Councilmember Hicks recalled that at the Council's last meeting he offered to contribute \$1 per month to the Rolla Municipal Utilities (RMU) Helping Hand Fund. Mr. Hicks referred the Council to the voluntary contribution form for the Helping Hand Fund that he provided to the Council. He extended his challenge to the Council to contribute to this fund.

(D) 2006 Codes Committee: Councilmember Ruck asked when the 2006 Code Committee would be meeting.

City Administrator John Butz said he believes the Code Committee will resume meeting in August. He said he would verify this information.

(E) Smoking Committee: Councilmember Ruck asked about the status of the Smoking Committee.

Recreation Center Director Scott Caron mentioned the committee met last week and something will be provided to the Council within the next few weeks.

X. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:54 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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