

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 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, and Richard Sibley

Council Members Absent: Mark Walburg

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor John Beger, Communications Coordinator Scott Grahl, and City Clerk Carol Daniels

Pastor Billy D. Walker of the Tenth Street Baptist Church opened the meeting with prayer.

Following the invocation, Councilmember Lou Magdits led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Morris to approve the Consent Agenda, as submitted. A voice vote on the motion showed eleven (11) ayes, zero (0) nays, and one (1) absent. Motion carried.

The consent agenda consisted of the following:

(A) City Council Minutes: The minutes of the August 6, 2007, and August 20, 2007, regular and Executive Session City Council meetings.

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II. PUBLIC HEARINGS

(A) Ordinance to Renew the Cable Franchise with Fidelity Cable Television: City Administrator John Butz mentioned that the first reading of the proposed ordinance was conducted during the Council's last meeting. He continued by providing a brief overview of the proposed franchise agreement with Fidelity Cable Television.

Following Mr. Butz's comments, Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed Fidelity Cable Television franchise. However, no one present addressed the Council. Mayor Jenks then closed the public hearing.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 3823: AN ORDINANCE REPEALING SECTIONS 16-31 THROUGH 16-40 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO THE FIDELITY CABLEVISION, INC. CONTRACT, AND ENACTING NEW SECTIONS IN LIEU THEREOF.** 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; Morris, Spadoni, Williams, Ruck, Eudaly, Magdits, Jordan, Jepsen, Barklage, Hicks, and Sibley. Nays; None. Absent; Walburg. Motion carried. The ordinance passed.

(B) Ordinance to Approve the 2007-2008 Fiscal Budget: City Administrator John Butz said that the proposed 2008 fiscal year budget of just over \$26 million was reviewed at length last week with the Council. As authorized by the Council, \$6,000 for the Eugene E. Northern Community Hall, and \$10,000 for the PEG (public, educational, and government) channels were added to the proposed budget. Mr. Butz clarified that the City is not currently funding anyone with the PEG channels. Since the last budget workshop, Mr. Butz said it was discovered that a trail was added twice in the expense side and twice in the revenue side of the Street Capital Improvement Fund. The net affect of this entry is positive in that it increases the Street Capital Improvement Fund by about \$50,000.

After a brief discussion, Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed FY 2008 budget. However, no one present addressed the Council. Mayor Jenks then closed the public hearing.

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II. PUBLIC HEARINGS (continued)

(B) Ordinance to Approve the 2007-2008 Fiscal Budget (continued): City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2007, AND APPROPRIATING FUNDS PURSUANT THERETO.

III. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Jenks opened the floor to any citizen wishing to address the Council. However, no one present responded.

IV. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Rolla Municipal Utilities Budget Presentation: Rolla Municipal Utilities General Manager Dan Watkins provided an overview of Rolla Municipal Utilities' (RMU) fiscal year 2008 budget, which was distributed to the Council on August 6, 2007. Mr. Watkins mentioned that the RMU Board decided not to increase the water rates at this time. Additionally, he said there is no electric rate increase presently anticipated because power supply costs have stabilized. During and following his presentation, Mr. Watkins entertained questions and comments from the Council.

Mr. Watkins noted that RMU has partnered with Missouri Enterprise in conducting a citizen attitude survey. He asked the Council if they would each complete the survey. Mr. Watkins told the Council that this information would be returned to Missouri Enterprise for tabulation.

(B) Status of Retail Development in Rolla/Phelps County: Mr. Robert Lewis of Development Strategies, said the purpose of the subject report is to find out about the retail establishments Rolla has, how much Rolla could support in retail relative to what it has, and how much more retail Rolla could attract. He noted that Rolla was also measured in terms of its placement within Phelps County and the surrounding counties. With the use of visual aids, Mr. Lewis provided a summary of his report. Following his presentation, Mr. Lewis addressed questions from the Council.

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

Mayor Jenks referred the Council to (A) the July 2007 Rolla Municipal Utilities Monthly Report; (B) the August 14, 2007, preliminary minutes of the Planning and Zoning Commission meeting; (C) the July 2007 City's Cash Position and Expenditure Report; (D) the July 2007 Rolla Municipal Court Report; (E) the July 31, 2007, Development Review Committee meeting minutes; (F) the July 18, 2007, Rolla Health & Recreation Center Advisory Committee Meeting Minutes, and; (G) The FY 2007 CENTRE Financial Analysis.

VI. OLD BUSINESS

None.

VII. NEW BUSINESS

(A) Discussion Regarding Enforcement of "Inoperative or Unlicensed" Vehicles: City Administrator John Butz said the issue of "inoperative or unlicensed" vehicles surfaced about three years ago, but did not come to any resolution at that time. He noted there is a conflict in Section 28-2(m) of the City Code, adopted in 1987, which says a vehicle is considered junked or abandoned if it is not in operable condition for a consecutive period of 30 days. Mr. Butz pointed out that in 2001 the City adopted the International Property Maintenance Code and that extended the definition to included unlicensed vehicles. In either case, Mr. Butz explained the City gives the property owner 30 days to resolve the nuisance. Mr. Butz suggested amending one of the two ordinances for consistency. He asked for Council discussion in this matter.

Discussion followed with no action taken. After further research, Mr. Butz said the Council would be revisiting this issue within a few weeks.

VIII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Approve the Replacement of Cardio Equipment at the Recreation Center: Recreation Center Director Scott Caron informed the Council that annually four to five pieces of cardiovascular equipment are replaced. Based on usage, five

VIII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion to Approve the Replacement of Cardio Equipment at the Recreation Center (continued): different pieces of equipment need to be replaced and staff recommends replacing the five pieces of cardiovascular equipment. A motion was made by Williams and seconded by Spadoni to approve the purchase of five pieces of cardiovascular equipment from the State bid for \$22,710. A voice vote on the motion showed unanimous approval. Motion carried.

(B) Resolution Authorizing the City to Enter into an Agreement with HNTB Corporation for the Rolla West Project: Public Works Director Steve Hargis recalled that in July the Council authorized staff to begin negotiations with HNTB Corporation for a contract for professional services to assist the City with the Rolla West project. Mr. Hargis explained that the subject master agreement will entail four separate tasks as follows: Task 1 – Assistance with the Highway 72 extension project; Task 2 – A master plan for the development of the Rolla West project; Task 3 – A fifth interchange justification report and environmental impact statement (EIS) re-evaluation, and; Task 4 – Design and construction management. Mr. Hargis reported that staff recommends approval of the resolution and authorization of Task 1 only. The Council will be asked to approve the other three tasks later.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1645: 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 HNTB CORPORATION FOR PROFESSIONAL SERVICES. A motion was made by Barklage and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed ten (10) ayes, one (1) nay, and one (1) absent. Motion carried. The resolution passed.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Councilmember Judy Jepsen – Discussion on Park Dedication Ordinance: Councilmember Judy Jepsen pointed out that Section 42-27 of the City Code relates to the dedication of parkland in subdivisions. Since the City usually takes cash in lieu of parkland, Councilmember Jepsen wondered if the ordinance should be amended.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Councilmember Judy Jepsen – Discussion on Park Dedication Ordinance (continued): City Administrator John Butz said he recalled where, on at least two occasions during the past few years, the City did not take land, but required the developer to maintain a private park. Mr. Butz added that a lot of the trail system has been done through a buildup of these adjacencies. He said that his only concern about eliminating it is in some cases the City may need to purchase property. Mr. Butz said the key is the City needs to be strategic in its occasions to accept that land.

(B) Councilmember Judy Jepsen – Request to Initiate Rezoning on Buehler Park from C-2 to GI: Councilmember Jepsen requested that the City initiate the rezoning of Buehler Park to GI (Government and Institutional District). After a brief discussion, a motion was made by Jepsen and seconded by Hicks to conform to the policy of the City's zoning code and rezone Buehler Park to GI (Government and Institutional District). A voice vote on the motion showed eleven (11) ayes and zero (0) nays, and one (1) absent. Motion carried.

X. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 8:38 p.m.

XI. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:43 p.m.

City Counselor John Beger reported that in Executive Session the Council discussed continuing efforts to sell a parcel of City property. Without formal action, the consensus of the Council was to continue in those efforts without change in the offered sale price.

XII. COMMENTS FOR THE GOOD OF THE ORDER

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(A) 1600 N. Pine Street: Councilmember Williams asked if the property owner of 1600 N. Pine Street has been contacted about painting the siding of the house. He said the tenants told him the house was supposed to have been painted about eight years ago.

City Administrator John Butz said the property owner has been sent formal notice to paint the siding.

In addition to the unpainted siding, Councilmember Williams said the yard is in need of mowing.

City Administrator John Butz reported there are approximately six to eight houses in the city that are in need of maintenance. The Council will be asked to order work done on these properties. Because of the expense, any recommended demolitions will probably be processed through the Municipal Court.

(B) Intercounty Electric: Councilmember Ruck told the Council he received several e-mails this past weekend regarding Intercounty Electric and the recent newspaper article. Councilmember Ruck suggested forming an Ad Hoc committee, comprised of some Council members and citizens, to discuss the feasibility of Intercounty Electric. He noted there is a lot of misunderstanding and mixed emotions.

A motion was made by Ruck to form an Ad Hoc Committee to study the feasibility of Intercounty Electric. The motion died for lack of a second. (amendment requested by Council during October 1, 2007, Council Meeting).

Much discussion ensued concerning the recent article about Intercounty Electric servicing the city of Rolla and the comments from Intercounty's general manager.

Before asking Intercounty to address the Council concerning the comments in the article, City Administrator John Butz suggested that the Council allow him and Mayor Jenks to meet first with Intercounty's general manager.

XIII. ADJOURNMENT

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Having no further business, the meeting adjourned at approximately 9:01 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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