

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 17, 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, Susan Eudaly, Gary W. Hicks, Judy Jepsen, Lou Magdits, Jim Williams, and Mark Walburg

Council Members Absent: Stan Spadoni, Richard Morris, and Richard Sibley

Department Directors in Attendance: Public Works Director Steve Hargis, Recreation Center Director Scott Caron, Police Chief Mark Kearse, Finance Director Steffanie Rogers, Fire Chief Robert Williams, 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, and City Clerk Carol Daniels

Councilmember Jim Williams led in the Pledge of Allegiance.

Mayor Jenks reported that he recently attended the annual Missouri Municipal League (MML) meeting. He encouraged the Council to attend future MML meetings because there are very timely and interesting sessions. Since most of the sessions are held concurrently, he said he and City Administrator John Butz are unable to attend all of them.

Mayor Jenks recalled that a few meetings ago, he indicated that citizen comments would not be received during the second monthly Council meeting. Since decisions are made during the second meeting, Mayor Jenks said the public should be given an opportunity to address the Council on pertinent issues. Beginning with the second October meeting, citizens will be given an opportunity address the Council. He noted, however, the comments might be limited to three minutes. Presentations requested by the Council will be given a longer time.

Based on a suggestion from a citizen and a councilmember, Mayor Jenks indicated that beginning with the first Council meeting in October, "Comments for the Good of the

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Order” will be now be received before the Council adjourns into Executive Session. He noted that after reconvening from Executive Session, most of the public and media have left and they are not present for anything that transpired after that time.

I. PUBLIC HEARING

(A) Request for Ordinance to Rezone Property at 1737 N. Bishop Avenue from R-3 to C-2 Zoning (Thompson Thrift Development, Inc.): Community Development Director John Petersen noted that the subject property contains 0.79 acres and is located on the northern side of Bishop Avenue where Pine Street intersects with Bishop Avenue. The applicant is requesting that the subject property be rezoned to C-2 (General Retail District). Mr. Petersen told the Council the applicant is proposing the construction of a three-bay commercial structure on the property. The Planning and Zoning Commission recommend approval of this request.

After a brief discussion, 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 John Beger 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 1737 NORTH BISHOP AVENUE (THOMPSON THRIFT DEVELOPMENT, INC.)

II. SPECIAL PRESENTATION

None.

III. OLD BUSINESS

(A) Ordinance to Approve 2007/08 Fiscal Budget: City Administrator John Butz commented on changes made to the proposed budget since the Council discussed it during the workshops held on August 27, 28, and 29. He noted that \$6,000 has been included to subsidize the Eugene E. Northern Community Hall operation.

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III. OLD BUSINESS (continued)

(A) Ordinance to Approve 2007/08 Fiscal Budget (continued): Mr. Butz pointed out that \$10,000 was added to the General Fund for a public, educational, governmental (PEG) channel, in determining how City Council meetings will be televised. Mr. Butz mentioned that there was much discussion regarding the manpower and equipment needs of the Police Department. He noted that many of those items were cut and placed under the unfunded items and the Council committed to reviewing those along with other critical, unfunded items, during the mid-year review. Mr. Butz added that the proposed budget includes a 1% cost-of-living adjustment to employees. It also proposes a second option on merit performance increases that are currently at 3%. This would offer a 1.5% or a 3% increase based on the performance review scores. Mr. Butz told the Council that the 10-Year Capital Improvement Plan is not included as part of this approval process. Over the next three to four months, Council and staff will work with the community to determine priorities. 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. Mr. Butz concluded by stating that the proposed budget projects revenues of \$25,800,926 and expenditures of \$25,621,501. Total reserves at the end of next year, including the Sewer Fund, Recreation Center, General Fund, and Solid Waste Fund, are estimated to be about \$8 million. Of that amount, General Fund reserves are about \$2.1 million.

Councilmember Ruck voiced his disapproval with the proposed cost-of-living adjustment. He noted that 80% of the individuals in the Council Chambers are City employees who are not happy and he cannot go along with the budget.

City Administrator John Butz said the expenses of all full-time personnel are \$6,827,000. The 1% COLA in the budget is \$68,270. Mr. Butz said he is sure the employees would love something more than that. However, going through the budgeting process, these decisions are difficult to make. The Council challenged staff to submit a budget with a 25% reserve fund balance. Achieving this required about an \$80,000 surplus in the General Fund. Mr. Butz said the challenge is to grow the economy.

Councilmember Ruck said he would rather see a 23% reserve fund balance and make someone happy than turn around and slap them in the face. He said they have been taking a brunt for the past four years and they are getting tired of it.

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III. OLD BUSINESS (continued)

(A) Ordinance to Approve 2007/08 Fiscal Budget (continued): Mayor Jenks said growing the economy is the only solution. He pointed out the General Fund is subsidizing the Park Fund by about \$400,000. Mayor Jenks added delaying the purchase of a couple of vehicles only moves the problem to next year. The reserves need to be kept strong in the event of an emergency, such as this year's ice storm.

Councilmember Hicks noted the proposed budget is "business as usual." However, this time it is hurting our employees and our employees are the best and most important asset the City has. He said he truly believes that in order to increase morale and have a good workforce, the City cannot offer them a 1% COLA when the national numbers are around 4%. Councilmember Hicks added that he feels the budget process is flawed. He said he was sorry he did not do enough this year, up to this point, to say anything about it. Councilmember Hicks said he could not support the proposed budget.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3824: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2007, AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Barklage and seconded by Magdits to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Walburg, Barklage, Magdits, Eudaly, and Jepsen. Nays; Ruck and Hicks. Absent; Sibley, Morris, and Spadoni. Motion carried. The ordinance passed.

Councilmember Barklage suggested that the COLA be addressed during the mid-year review.

Councilmember Williams added that he is unhappy with the budget, but the dollars are not available. He said it was either this route, or some employees would not be employed.

IV. NEW BUSINESS

(A) Request for Ordinance to Vacate a 15' Utility Easement Between Lots 1 and 2 of Timber Creek Subdivision and Dedicate a 10' Utility Easement on the North Side of Lot 2, Timber Creek Subdivision (Cheng): Community Development Director John Petersen explained that the subject lots were purchased for development and when the

IV. NEW BUSINESS (continued)

(A) Request for Ordinance to Vacate a 15' Utility Easement Between Lots 1 and 2 of Timber Creek Subdivision and Dedicate a 10' Utility Easement on the North Side of Lot 2, Timber Creek Subdivision (Cheng) (continued): plans were reviewed, it was realized that there was some encroachment on the easement. Since building on an easement is not permitted, Mr. Petersen said the owner is requesting that the 15-foot easement be vacated. He noted the applicant has requested the first and final readings of the proposed ordinance at this meeting. The Planning and Zoning Commission's recommendation is to approve the vacation request.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3825: AN ORDINANCE VACATING A 15' UTILITY EASEMENT BETWEEN LOTS 1 AND 2 OF TIMBER CREEK SUBDIVISION AND A DEDICATION OF A 10' UTILITY EASEMENT ON THE NORTH SIDE OF LOT 2 OF TIMBER CREEK SUBDIVISION, A SUBDIVISION IN THE CITY OF ROLLA, MISSOURI (CHENG). A motion was made by Williams and seconded by Jepsen to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried. City Counselor John Beger then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Walburg, Williams, Ruck, Magdits, Eudaly, Jepsen, Barklage, Hicks, and Jordan. Nays; None. Absent; Morris, Spadoni, and Sibley. Motion carried. The ordinance passed.

(B) Request for Ordinance to Approve Blue's Lake Plat No. 6 (Dietzmann): Community Development Director John Petersen explained that the subject property is located in the area of Blue's Lake, south of Martin Spring Drive. The developer has agreed to all the various dedications for easements. The proposed subdivision contains three lots. The new St. John's Medical Building will be located on one of these lots. The Planning and Zoning Commission recommend approval of the proposed plat.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING THE BLUE'S LAKE PLAT NO. 6, A SUBDIVISION IN ROLLA, MISSOURI (DIETZMANN).

IV. NEW BUSINESS (continued)

(C) Request for Ordinance to Approve the Subdivision Plat of I-44 Center Plat No. 2 (Real Ventures, LLC): Community Development Director John Petersen explained that the proposed plat splits Lot 2 by providing a road right-of-way and establishes Lot A and B for future development. The Planning and Zoning Commission recommend approving the subdivision as presented.

Following some discussion regarding the traffic problem in the subject area, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING I-44 CENTER PLAT NO. 2, A SUBDIVISION IN ROLLA, MISSOURI (REAL VENTURES, LLC).

Regarding traffic concerns in the area, Public Works Director Steve Hargis explained that the cost for the proposed project on the Highway V overpass would be a cost share. An agreement will be submitted to the Council for approval before any funds are expended on either the signals or the round-a-bout. He informed the Council that the Federal government gives communities entitlement money through the STP program, which can be used for State routes or City arterial streets. Mr. Hargis said that some of the STP funds would be used for these projects and some of the work may be done in-house. Mr. Hargis said the City will be purchasing the materials for the Highway V signals and the State will complete the installation. STP funds will be used for this project. The State is still evaluating the round-a-bout at this location.

(D) Request for Ordinance to Amend Chapter 27 of the City Code Relating to Traffic: Public Works Director Steve Hargis recalled that a couple of meetings ago a request was made to replace the existing yield sign with a stop sign at Brook Drive and Meadowbrook Drive. The stop sign has been installed and the proposed ordinance would make this change official.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 27 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO TRAFFIC.

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IV. NEW BUSINESS (continued)

(E) Request to Close a Portion of Certain Streets for the Arts and Crafts Festival and the St. Patrick's Church Oktoberfest: Public Work Director Steve Hargis requested that certain streets, as requested by the Rolla Downtown Business Association for the annual Arts and Crafts Festival, be closed on October 20. Additionally, the St. Patrick's Catholic Church is requesting that Vichy Road be closed from Sixteenth Street to Bishop Avenue on Sunday, October 7 for the annual Oktoberfest. Staff recommends approval. A motion was made by Williams and seconded by Jepsen to authorize the closing of the requested streets for the Arts and Crafts Festival and Oktoberfest. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

(F) Request for Ordinance to Amend Chapter 35 of the Rolla City Code Pertaining to Sewer and Water Fees: Public Works Director Steve Hargis noted that the proposed ordinance would increase the sewer user fee by \$0.20 per 1000 gallons. This will increase the sewer user fee from \$2.50 per 1000 gallons to \$2.70 per 1000 gallons.

After some discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 35 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO SEWERS AND WATER.

(G) Resolution Authorizing the Phelps County Drug Court Contract: Fire Chief Mark Kearse explained that the Rolla Police Department would like to enter into an agreement with the Phelps County Drug Court to provide them with abandoned/recovered bicycles that have remained unclaimed for a period of six months. These bicycles would allow a means of transportation for drug court participants.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1646: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE PHELPS COUNTY DRUG COURT CONTRACT BETWEEN THE CITY OF ROLLA AND THE CIRCUIT COURT OF PHELPS COUNTY. A motion was made by Williams and seconded by Barklage to approve the proposed resolution. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried. The resolution passed.

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V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award Bid for a Recreation Center Copier: Recreation Center Director Scott Caron reported that bids were recently opened for a replacement copier for The CENTRE. He told the Council that \$15,000 was budgeted for a copier. Mr. Caron informed the Council that six bids were received and the low bid was received from Corporate Business Systems for the Savin C4540SPF. Staff recommends awarding the bid to Corporate Business Systems for a Savin C4540SPF for \$9,368. After a brief discussion, a motion was made by Williams and seconded by Barklage to award the bid for the Recreation Center Copier to Corporate Business Systems for a Savin C4540SPF for \$9,368. A voice vote on the motion showed nine (9) ayes, zero (0) nays and three (3) absent. Motion carried.

(B) Resolution to Consider a Revision to the FY 2007 Budget: Finance Director Steffanie Rogers pointed out that the requested budget adjustments for FY 2007 increase expenditures by \$83,500. She continued by itemizing the four primary proposed budget adjustments as outlined in the agenda materials.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1647: A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2006, AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Barklage and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried. The resolution passed.

(C) Motion to Award Health Insurance Excess Coverage: Finance Director Steffanie Rogers reported that Welsch, Flatness and Lutz, the City's consultant/broker, received seven bids for the City's excess health insurance coverage. She informed the Council that Welsch, Flatness and Lutz and staff is recommending that the bid be awarded to Majestic Life Investors and to remain at the current deductible of \$75,000. Ms. Rogers noted there would be a 3.1% decrease over the 2006 bid, due to the reduction in fixed costs.

After a brief discussion, a motion was made by Eudaly and seconded by Barklage to award the health insurance excess coverage to Majestic Life Investors and to remain at the current deductible of \$75,000. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

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V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(D) Motion to Transfer Funds for CENTRE Operating Deficit: Finance Director Steffanie Rogers explained that each year she and Recreation Center Director Scott Caron project the deficit in the Recreation Center account in order to move funds from the sales tax account to offset the deficit, per audit recommendation. Staff is recommending a transfer of \$200,000 to clear the estimated operating deficit.

Following a brief discussion, a motion was made by Eudaly and seconded by Jordan to approve the operating transfer of \$200,000 to clear the estimated operating deficit for fiscal year 2007. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Rental Property Checklist: Councilmember Hicks complimented the Community Development Department on the new rental property checklist brochure. He said he hopes every renter in Rolla receives a copy because it contains some very practical information.

VII. CLOSED EXECUTIVE SESSION

None.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

IX. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:37 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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