

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 7, 2008
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, Richard Morris, and Richard Sibley

Council Members Absent: Jim Williams and Mark Walburg

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Mark Kearse, Parks and Recreation Director Ken Kwantes, Solid Waste Director Brady Wilson, 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

Councilmember Sue Eudaly opened the meeting with prayer and then led in the Pledge of Allegiance.

I. CONSENT AGENDA

Councilmember Barklage pointed out that the motion approving the amendment to the resolution under Item V.I. of the December 17, 2007, minutes indicates that Councilmember Hicks made both the motion and second. A motion was made by Jepsen and seconded by Eudaly to approve the Consent Agenda, as amended. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried.

The consent agenda consisted of the following:

The minutes of the December 3, 2007, regular and Executive Session City Council meetings and the December 17, 2007, regular City Council Meeting.

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II. PUBLIC HEARINGS

(A) Abatement of Public Nuisance (Dangerous Building) at 403 N. Park: Codes Administrator Brian Epstein reported that the subject property is located at 403 N. Park Street and is owned by Mr. Don Ratzlaff who resides in Salina, Kansas. He continued by providing the background of the nuisance on the subject property. After Mr. Epstein addressed questions from the Council, Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject nuisance at 403 N. Park Street. No one present addressed the Council. However, Mayor Jenks read the attached letter from Mr. Albert Hamilton, regarding the subject property. After reading Mr. Hamilton's letter, Mayor Jenks closed the public hearing.

City Administrator John Butz noted the City requires structures of this type to at least be secured. Some of the Council members indicated their wishes that the structures be secured until the nuisance is abated.

After Council discussion, a motion was made by Eudaly and seconded by Barklage to set aside consideration of this item until the February 4, 2008, Council meeting. After further discussion, a voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried.

City Administrator John Butz clarified that the bids for the demolition of 403 N. Park Street have been opened, but due to the postponement of this item, they will not be awarded at this meeting.

III. CITIZEN COMMUNICATION

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

Mr. Len Ihler, 704 and 705 George Drive and his brother Mr. John Ihler, 703 George Drive, addressed the Council concerning a peace disturbance problem that has continued for a few months. Mr. Len Ihler explained that every morning between midnight and 5 a.m., a huge diesel truck from Maryland Heights, Missouri, which delivers a shipment to Triad Printing, makes so much noise that they are unable to sleep. Mr. John Ihler said they have not had a good night's sleep in months. Mr. Len Ihler explained that Mr. Doug Cresswell, owner of Triad Printing, contacted him and asked him not to call the police

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III. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): and that he would work it out. The Ihlers said the noise from the delivery truck continues and they have not heard further from Mr. Cresswell. Police Chief Mark Kearse told the Ihlers to call the police each time their peace is disturbed so that it is documented, however no ticket has been written.

Mayor Jenks added that he understood that a meeting is to be held with the City Prosecutor, City Counselor John Beger, City Administrator John Butz, Triad Printing's attorney, Mr. Kent Robinson, and himself regarding this matter.

In response to questions from the Council, Mr. Doug Cresswell, owner of Triad Printing, explained the trucks making the deliveries are the route trucks from his wholesaler. Mr. Cresswell explained the route truck leaves Maryland Heights, Missouri between 11 p.m. and midnight and makes several stops. He said he has checked into getting the routes reversed to see how that would affect him and other dealers; however, he explained it does not just affect his business.

A motion was made by Spadoni and seconded by Eudaly that a meeting be held with the City Prosecutor, City Counselor John Beger, City Administrator John Butz, Attorney Kent Robinson (Triad Printing's attorney) and Mayor Jenks to try to come to some resolution. A voice vote on the motion showed unanimous approval. Motion carried.

No one else present addressed the Council.

IV. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

None.

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

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Mayor Jenks referred the Council to (A) the November 2007 Rolla Municipal Utilities Monthly Report; (B) the December 11, 2007, preliminary minutes of the Planning and Zoning Commission meeting; (C) the November 2007 City's Cash Position and Expenditure Report; (D) the November 2007 Rolla Municipal Court Report;

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

(E) the November 27, 2007, Development Review Committee meeting minutes; (F) the November 21, 2007, Rolla Health and Recreation Center Advisory Committee Meeting Minutes, and; (G) the FY 2008 CENTRE Financial Analysis.

VI. OLD BUSINESS

(A) Ordinance to Approve the Subdivision Plat of Asher Street Dedication:

Community Development Director John Petersen explained that the Public Works Department discovered that the vacation of the former Asher Street was not filed due to not having a plat depicting the new location of Asher Street. However, the subject ordinance will correct the problem. Mr. Petersen advised that the hospital is responsible for maintenance of the parking lot. He noted that the Planning and Zoning Commission recommended approval of the subject dedication.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3844: AN ORDINANCE APPROVING ASHER STREET DEDICATION PLAT, A SUBDIVISION IN ROLLA, MISSOURI (CITY OF ROLLA). A motion was made by Barklage and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Ruck, Eudaly, Sibley, Jordan, Spadoni, Hicks, Barklage, Magdits, Morris, and Jepsen. Nays; None. Absent; Williams and Walburg. Motion carried. The ordinance passed.

(B) Ordinance to Adopt the Major Thoroughfare Plan as an Amendment to the Rolla 2020 Comprehensive Plan Update 2005 for the City of Rolla:

Community Development Director John Petersen stated that the Major Thoroughfare Plan is a document that is constantly under review and is part of the City's Comprehensive Plan. Since the time the Comprehensive Plan was adopted in 2005, some issues have surfaced. Mr. Petersen explained that the proposed amendment to the plan would expand the current major thoroughfare system by adding a collector street between State Highway E and U.S. Highway 63 across the north of Rolla and would add the designation of a collector along County Road 2020 to County Road 2000, generally following the former Route 66 right-of-way. The Planning and Zoning Commission recommend approval.

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VI. OLD BUSINESS (continued)

(B) Ordinance to Adopt the Major Thoroughfare Plan as an Amendment to the Rolla 2020 Comprehensive Plan Update 2005 for the City of Rolla (continued): City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3845: AN ORDINANCE ADOPTING AN AMENDED MAJOR THOROUGHFARE PLAN AS FOUND IN THE *ROLLA 2020* COMPREHENSIVE PLAN UPDATE, 2005 PURSUANT TO CHAPTER 42, SECTION 42-5 THROUGH 42-7 OF THE ROLLA CITY CODE. 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; Hicks, Magdits, Jordan, Ruck, Sibley, Morris, Eudaly, Barklage, Jepsen, and Spadoni. Nays; None. Absent; Williams and Walburg. Motion carried. The ordinance passed.

(C) Ordinance to Amend Certain Sections of Chapter 15 of the Rolla City Code Pertaining to Stormwater and Flood Control Regulations: Public Works Director Steve Hargis asked the Council to consider the final reading of the proposed flood plain ordinance in order to keep current with the Federal Emergency Management Association (FEMA) regulations. The primary change is to become current with the republished maps from FEMA.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO 3846: AN ORDINANCE AMENDING SECTIONS 15-3, 15-92, 15-94, 15-95, 15-100, AND 15-104 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO STORMWATER AND FLOOD CONTROL. 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; Sibley, Spadoni, Jordan, Ruck, Morris, Barklage, Magdits, Eudaly, Hicks, and Jepsen. Nays; None. Absent; Williams and Walburg. Motion carried. The ordinance passed.

(D) Ordinance to Approve the Settlement Offer with U.S. Cellular: City Administrator John Butz explained that the subject ordinance is similar to the ordinance the Council approved a couple of months ago pertaining to Verizon Wireless. The issue relates to the ability to impose the business license tax or telecommunications business license tax. Mr. Butz reported the City has had its first positive turn on the issue with Verizon. He told the Council the City received a letter from Verizon's attorney

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acknowledging that they may very well be subject to the franchise fees that are imposed on landline companies.

VI. OLD BUSINESS (continued)

(D Ordinance to Approve the Settlement Offer with U.S. Cellular (continued): City Counselor John Beger read the following proposed ordinance for its final reading, by title. **ORDINANCE NO 3847: AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH U.S. CELLULAR AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE MISSOURI MUNICIPAL LEAGUE.** A motion was made by Barklage and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Morris, Ruck, Sibley, Magdits, Jordan, Jepsen, Eudaly, Hicks, and Barklage. Nays; None. Absent; Walburg and Williams. Motion carried. The ordinance passed.

VII. NEW BUSINESS

(A) Motion to Award the Bid to Demolish the Structure at 403 N. Park Street: Mayor Jenks noted that consideration of this item has been postponed until the February 4, 2008, Council meeting.

(B) Motion to Approve the Resolution for Grant Funds Through the Delta Regional Authority to Reconstruct Portion of Ridgeview Road: Community Development Director John Petersen explained that the Delta Regional Authority (DRA) was created about five or six years ago and covers the delta along the Mississippi River. He told the Council that Phelps County is an eligible county. Mr. Petersen explained the Delta Regional Authority has grant funds available that communities may apply for to do various projects that will help their economies. The City is requesting \$30,000 of DRA funding to assist in the completion of the Ridgeview Road construction.

City Counselor John Beger read the following proposed resolution for one reading, by title. **RESOLUTION NO. 1656: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI (THE "CITY") TO SIGN THE UNIFORM GRANT PRE-APPLICATION FORM AS PROVIDED BY THE DELTA REGIONAL AUTHORITY (THE "DRA") FOR THE 2008 GRANT PROGRAM.** A motion was made by Eudaly and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried. The resolution passed.

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VIII. CLAIMS and/or FISCAL TRANSACTIONS

None.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Appointments to the Rolla 2020 Fiscal Advisory Committee: A motion was made by Eudaly and seconded by Spadoni to appoint Councilmember Lou Magdits, Councilmember Don Barklage, Ms. Emma Lou Brent, Mr. Bob McKune, Mr. Doug Cresswell, Mr. Jess Cortese, Mr. David McKee, Mr. Rodney Creech, Mr. Jerry Paule, Mr. Terry Harris, Mr. Wayne Parry, and Ms. Kate Howell to the Rolla 2020 Fiscal Advisory Committee. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried.

(B) Complaint by City on Private Property West of Rolla Along Highway 44 and adjacent to the Southwest Treatment Plant: Councilmember Hicks addressed the Council concerning Mr. Don Spencer's property located along Interstate 44 about one mile from the city limits. Mr. Hicks stated that he has made several contacts to the Department of Natural Resources (DNR) and the Phelps County Health Department regarding the inadequate sewer at this location. He noted there are eight to ten various occupied travel trailers or mobile homes at this location. Although the Phelps County Health Department agrees there is a problem, Mr. Hicks was told that he could not enter the property without a complaint from an adjacent landowner. Mr. Hicks informed the Council the City of Rolla is an adjacent landowner. Mr. Hicks asked the Council to enable the Mayor to make such a complaint. In addition to the eyesore, Mr. Hicks said raw sewage is dumping into the creek. Following some discussion, a motion was made by Hicks and seconded by Jepsen to make an official complaint to the Phelps County Health Department in order to mitigate the sewage problem on the private property owned by Mr. Don Spencer located adjacent to the Southwest Treatment Plant. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Community Survey: Councilmember Magdits asked City Administrator John Butz if he would give an update on the community survey.

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

(A) Community Survey (continued): City Administrator John Butz reported that he received confirmation from Mr. Chris Tatham of the ETC Institute that he will be sending the agreements shortly. The survey will be conducted in January and February and the results will be ready in March.

Councilmember Magdits said he believes the survey is a great tool. However, in the last two surveys he said he did not believe the Council asked the right question on a critical issue. Mr. Magdits said the Council never asked the question about Buehler Park and selling parkland or surplus land. Additionally, the Council never really honed in on the issue of the park tax. Mr. Magdits pointed out one of the biggest projects the City has ever undertaken is the Ridgeview Road extension and Rolla West. The whole purpose of the survey is to be statistically engaged where the public stands on an issue. Mr. Magdits stated the Council should ask a very pointed question similar to “would you support a ½-cent tax for twenty years, ten years, or whatever it is for the extension of Ridgeview Road and its corresponding development?”

City Administrator John Butz responded that he would provide the Council with the five questions he has submitted to the ETC Institute. One or possibly two of the questions pertain to the Ridgeview Road and Rolla West projects.

(B) SAFER Grant: Councilmember Hicks noted that during the December 3, 2007, meeting, the Council was informed that the fire department was granted an award. The Council was told a request would be submitted to the Council for approval at the December 17, 2007, meeting. Mr. Hicks asked for an update on this grant.

City Administrator John Butz reported the City has received an e-mail notification, but the formal documents have not yet been received.

(C) Cemetery Rules Meeting: Councilmember Eudaly reminded the Council that the first Cemetery Rules Committee meeting would be held on January 15, 2008, at 5 p.m. at The CENTRE.

(D) Ward Meetings: City Administrator John Butz announced that the three ward meetings for the Capital Improvement Plan have been tentatively scheduled for the following times: Wards I and II will be conducted on January 28 at The CENTRE;

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

(D) Ward Meetings (continued): Wards III and IV will be conducted on January 29 at the Rolla Technical Center, and; Wards V and VI will be conducted on February 6 at the Ridgeview Christian Church. All of the ward meetings will be held from 4:30 p.m. to 6 p.m.

XI. EXECUTIVE SESSION

None.

XIII. 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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