

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 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, Jim Williams, Rick Morris, Mark Walburg, and Richard Sibley

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Mark Kearse, Parks and Recreation Director Ken Kwantes, Recreation Center Director Scott Caron, Finance Director Steffanie Rogers, Fire Chief Robert Williams, Solid Waste Director Brady Wilson, 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

Mayor Jenks called the meeting to order at approximately 6:30 p.m. and asked Councilmember Jim Williams to give the invocation.

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

Mayor Jenks recognized and welcomed the Boy Scouts attending the Council meeting who are working on their merit badge.

I. CONSENT AGENDA

(A) Consider Approval of the City Council Minutes: A motion was made by Williams and seconded by Spadoni to approve the consent agenda, as submitted. A voice vote on the motion showed twelve (12) ayes, zero (0) nays, and zero (0) absent. Motion carried.

The consent agenda consisted of the following:

The minutes of the March 17, 2008, regular and Executive Session City Council meetings.

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II. PUBLIC HEARINGS

None.

III. CITIZEN COMMUNICATIONS

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

(1) Ms. Linda M. Arndt with the Federal Emergency Management Association (FEMA) told the Council that she is the point of contact to FEMA for any questions the Council may have. She mentioned that she provided each Councilmember with two business cards that contains her telephone number as well as FEMA's toll-free number. Ms. Arndt said the Council is encouraged to give the toll-free number to anyone who has sustained damage from the recent flooding. Ms. Arndt thanked the City for the use of The Centre as a disaster recovery center.

(2) Mr. James A. Kupets, 2005 Vienna Road, explained that last year two duplexes were constructed next to his property. He noted that the green trash containers have been at the curb since they were first delivered and, when the wind blows, the entire neighborhood has to pick up trash. Mr. Kupets told the Council that he has called the Solid Waste Department about this and nothing has been done. He added that there are limbs and trash on the buffer zone between his house and the duplexes. Mr. Kupets explained that water from the two large roofs and parking lots drain onto his property, has flooded his garage, and has made his backyard a quagmire. He emphasized that he has tried to telephone Mr. Brown three times and sent a note to him through a mutual friend, but has not received any response. Mr. Kupets said he also contacted the Codes Department and they indicated they could not do anything. He said he is having problems getting someone to do something and he does not want to take legal action to do it.

Mayor Jenks told Mr. Kupets that he would follow up with the City Engineer and the Sanitation Department on this matter.

(3) Mr. Ronnie Daniels, 13429 E. Highway 72, Lot 62, Rolla, Missouri, told the Council that he has worked the past three summers for the Parks and Recreation Department. He indicated, however, that he was not contacted to work this year. When

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III. CITIZEN COMMUNICATIONS (continued)

(A) Open Citizen Communication (continued): (3) (continued) he asked Mr. Stan Busch of the Parks and Recreation Department why he was not contacted to work this year, he was told it was because of the worker's compensation injury he sustained last year. Mr. Daniels asked the Council what he could do to get answers. He said he was laid off from the Parks and Recreation Department on December 14, 2007, and asked why he was not told in December that he would not be rehired.

Mayor Jenks indicated the Council does not normally get involved with personnel issues. Mayor Jenks told Mr. Daniels that he and Mr. Butz would be happy to meet with him to discuss this matter.

No one else present addressed the Council.

IV. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Transportation Issues for the Handicapped, Elderly and Low Income Residents of Rolla (Ms. Mary Harlan): Mayor Jenks reported that Ms. Harlan is ill and unable to make her presentation. She indicated by e-mail that she would schedule an appointment to meet with City Administrator John Butz and the Mayor to relay the information that she would like presented to the Council regarding transportation for the elderly and handicapped.

(B) Information on DED's Enhanced Enterprise Zone Program: City Administrator John Butz noted that the Department of Economic Development's (DED) joint application between the City and the County for an enhanced enterprise zone program surfaced during the last Rolla Regional Economic Commission (RREC) meeting. Mr. Butz recalled that it has been about two years since it was last reviewed. At that time, the County indicated they were not interested. However, there has been some development occurring around the HyPoint Industrial Park and there has been a renewed interest in possibly doing this. Mr. Butz said RREC Executive Director Elizabeth Bax would like to schedule a time to meet with the Council at one of its regular meetings and the County Commission. Ms. Bax will brief the Council at its April 21 meeting on the process for an enhanced enterprise zone.

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

Mayor Jenks referred the Council to (A) the February 2008 Rolla Municipal Utilities Monthly Report; (B) the March 11, 2008 Preliminary Minutes of the Planning and Zoning Commission Meeting; and (C) the February 2008 City's Cash Position and Expenditure Report.

City Administrator John Butz added that The Centre's report was received on Friday, after the agenda packets had been distributed. Copies of that report have been placed in the Council's mailboxes.

VI. OLD BUSINESS

(A) Ordinance to Approve the Estey Subdivision (Brown): Community Development Director John Petersen explained that the Estey subdivision, which is a minor subdivision, is located on Farrar Drive. The applicant has submitted all necessary fees and the Planning and Zoning Commission recommends approval of the subdivision.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3853: AN ORDINANCE APPROVING ESTEY SUBDIVISION, A SUBDIVISION IN ROLLA, MISSOURI (BROWN). A motion was made by Williams and seconded by Morris to approve the proposed ordinance. 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. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance to Approve the Jordan Subdivision (Jordan): Community Development Director John Petersen explained that the subject minor subdivision is located on South Highway 63. The applicant plans to develop storage units and a retail/office center on the lots. The Planning and Zoning Commission recommend approval of the proposed subdivision.

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After some discussion regarding the storm water detention requirements contained in the proposed ordinance, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3854: AN ORDINANCE APPROVING JORDAN SUBDIVISION, A SUBDIVISION IN ROLLA, MISSOURI

VI. OLD BUSINESS (continued)

(B) Ordinance to Approve the Jordan Subdivision (Jordan) (continued): (JORDAN). 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; Barklage, Hicks, Sibley, Ruck, Jordan, Spadoni, Walburg, Williams, Magdits, Eudaly, Jepsen, and Morris. Nays; None. Absent; None. Motion carried. The ordinance passed.

(C) Ordinance to Approve Waterman Heights Subdivision (Waterman/Skyles): Community Development Director John Petersen explained the primary reason for the subject minor subdivision is to create a more logical platting pattern. He noted there are five lots in the subdivision located along Rolla Street and Lanning Lane. The Planning and Zoning Commission recommend approval of the plat as submitted.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3855: AN ORDINANCE APPROVING WATERMAN HEIGHTS, A SUBDIVISION IN ROLLA, MISSOURI (WATERMAN/SKYLES). A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Jepsen, Morris, Spadoni, Williams, Ruck, Sibley, Magdits, Jordan, Walburg, Barklage, Hicks, and Eudaly. Nays; None. Absent: None. Motion carried. The ordinance passed.

(D) Ordinance to Rezone Property at 2000 Farrar Drive from C-3 to R-3 Zoning (Brown): Community Development Director John Petersen told the Council that this is the zoning portion of the subdivision approval. The applicant is requesting that the property be zoned to R-3 (Multi-Family District) to accommodate the construction of eight, four-plex structures. Mr. Petersen reported the Planning and Zoning Commission placed some conditions on the subject rezoning in order to ensure that development occurs in a way that will be compatible with the neighborhood. He continued by briefly touching on the subject conditions, which are contained within the proposed ordinance.

Following some discussion, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3856: 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 2000 FARRAR DRIVE (BROWN). A motion was made by Williams and

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seconded by Morris to approve the proposed ordinance. A roll call vote on the motion

VI. OLD BUSINESS (continued)

(D) Ordinance to Rezone Property at 2000 Farrar Drive from C-3 to R-3 Zoning (Brown) (continued): showed the following: Ayes; Ruck, Eudaly, Sibley, Williams, Jordan, Spadoni, Hicks, Barklage, Magdits, Morris, Jepsen, and Walburg. Nays; None. Absent; None. Motion carried. The ordinance passed.

VII. NEW BUSINESS

(A) Consideration of the 2007 SAFER Grant for the City of Rolla Fire Department:

City Administrator John Butz stated that he has asked Fire Chief Robert Williams to update the Council on the specifics of the SAFER (Staffing for Adequate Fire and Emergency Response) Grant. He pointed out the good news is the City has been awarded a \$632,000 grant. However, the City does not have sustained funding to support the grant. Mr. Butz said the timeframe of the grant is making it difficult, because the personnel under this grant must be hired by May 31, 2008. He said the City is in a very tight budget. During the April 21 meeting, staff will be submitting a mid-year budget adjustment where the revenue side is down a total of about \$240,000 in the General Fund. The \$89,000 Verizon settlement will reduce that amount to \$151,000. At the next meeting, Mr. Butz said the Council would need to have some tough discussions about funding not only this grant request, but existing fundable items in the budget.

Fire Chief Robert Williams then addressed the Council and apprised them on the background of the SAFER grant application. He told the Council that in 2005 the application process began to add up to 12 personnel. Chief Williams explained that 12 personnel are what would be needed for the future growth of Rolla. To be more realistic, it was decided to request only six personnel. Chief Williams reported that approximately four weeks ago, word was received from U.S. Representative Jo Ann Emerson's office that the City of Rolla Fire Department had been awarded the grant.

After a lengthy discussion, City Administrator John Butz suggested the Council defer consideration until the April 21, 2008, Council meeting. To accept this grant, the Council would need to make a decision that within the next year it goes to the voters for a one-eighth-cent sales tax. This would generate about \$450,000 that would sustain the grant.

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VII. NEW BUSINESS (continued)

(B) Request for Ordinance to Consider the Formation of an Educational/Governmental Channel to be Known as Rolla Channel 6 (RC6): City Administrator John Butz explained that the City and the Rolla Public Schools approached Fidelity Communications about a partnership knowing that Channel 16, the public access channel (PAC), has not been operating as a PAC for several months. What is being proposed is a publicly funded, educational, governmental channel. Mr. Butz pointed out that for a cost of \$15,000 a year, the City would be able to run as much programming and channel content as the City believes is appropriate for the community.

Mr. Steve Leonard, 1005 Condo Drive, Rolla, Missouri, addressed the Council and suggested that a document be prepared which specifically addresses what the City and School will be receiving for their money. He said a clear and obvious statement is needed in the contract stating the purpose of the station. Mr. Leonard told the Council that he is willing to maintain the status quo of Channel 16 indefinitely.

After some discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR OF THE CITY OF ROLLA, MISSOURI (CITY), TO ENTER INTO A CABLE SERVICE AGREEMENT WITH THE ROLLA PUBLIC SCHOOLS (RPS) AND FIDELITY CABLEVISION, INC. FOR THE PURPOSE OF FORMING AN EDUCATIONAL AND GOVERNMENTAL CABLE CHANNEL.**

(C) Discussion Regarding the Potential Funding for Veterans Park Infrastructure: City Administrator John Butz recalled that at its last meeting, the Council asked staff to obtain a legal opinion on the ability to use some portion or some funding element of the half-cent park sales tax to fund the construction of a vehicular/pedestrian bridge over the Deible Creek at Southview Drive for access into Veterans Park. The Council also asked staff to provide detailed information on the options for a bridge.

Public Works Director Steve Hargis addressed the three possible funding options, as outlined in his memorandum contained in the agenda materials, along with the associated costs for construction of a vehicular/pedestrian bridge to access Veterans Park.

Council discussion followed.

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VIII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award the Beverage Bids for the Ber Juan Sportsplex, the Centre and SplashZone: Parks and Recreation Director Ken Kwantes reported that bids were recently received for a three-year beverage contract for all Rolla parks, The Centre and SplashZone. Mr. Kwantes stated that staff is recommending that the three-year (2008, 2009, and 2010) bid be awarded to the low bidder, Ozarks Coca-Cola. A motion was made by Jordan and seconded by Barklage to award the three-year beverage bid to Ozarks Coca-Cola. A voice vote on the motion showed twelve (12) ayes and zero (0) nays. Motion carried.

(B) Resolution Authorizing the Mayor to Enter into a Contract with Willard Asphalt Paving, Inc., for 2008 Asphalt Overlay Project 253: Public Works Director Steve Hargis recalled that at its last meeting, the Council awarded the asphalt bid for the 2008 construction season to Willard Asphalt. The subject resolution would authorize the Mayor to enter into a contract with Willard Asphalt.

After a brief discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1658: 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 WILLARD ASPHALT PAVING, INC., FOR PROJECT 253, 2008 ASPHALT OVERLAY. A motion was made by Williams and seconded by Hicks to approve the proposed resolution. A voice vote on the motion showed twelve (12) ayes, and zero (0) nays. Motion carried.

(C) Information Regarding the Sale of City of Rolla Fire Truck Engine 31: Fire Chief Robert Williams reported that with Council approval, Engine 31 has been sold to the Welling, Oklahoma Fire Department for \$27,000. The paperwork is in the process of being finalized. A motion was made by Williams and seconded by Eudaly to authorize the sale of Engine 31 to the Welling, Oklahoma Fire Department for \$27,000. A voice vote on the motion showed twelve (12) ayes and zero (0) nays. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Rolla Street Completion Update: Councilmember Morris asked for a status report on the Rolla Street improvements.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Rolla Street Completion Update (continued): Public Works Director Steve Hargis reported that the portion of Rolla Street north of Highway 72 is ready to be prepared for paving as soon as the weather permits. The excavation work on south Rolla Street has been completed, the storm sewer work has almost been completed and the concrete is being poured.

(B) 1600 Pine Street Status: Councilmember Williams asked about the status of the 1600 Pine Street nuisance (deteriorated paint).

City Administrator John Butz reported that a summons has been issued and it is now in the hands of the City Prosecutor.

Councilmember Williams asked Mr. Butz if he would let him know when this matter will be considered by the court.

(C) Veterans Park: Councilmember Magdits asked the staff, Council, and the veterans to reconsider dedicating Southview Park as the Veterans Park. He pointed out that Southview Park already has streets and access, and that it is level. Mr. Magdits pointed out that this would be achievable much quicker than what was discussed for the current Veterans Park.

Mr. Butz recommended discussing this suggestion with the Veterans Committee.

Some Council discussion followed.

(D) Rolla Daily News Article: Councilmember Barklage encouraged the Councilmembers who did not read the article in today's Rolla Daily News from Mr. Bob McKune, a Rolla citizen, to obtain a copy. He said Mr. McKune wrote about all the positive aspects of living in Rolla, Missouri, and what he feels about it. Mr. Barklage commended Mr. McKune for his article.

(E) Storm Sewer Management: Councilmember Jepsen commented about how far the Public Works Department has come in their storm sewer management over the past ten years. She said they have done an outstanding job.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(F) Flag on Cell Phone Tower: Councilmember Jepsen asked if the owners of the cell tower in Schuman Park have been contacted regarding the poor condition of the flag.

City Administrator John Butz reported that Optasite Towers has been contacted and they have told the City they are going to replace it. The City will remove the flag if the company fails to replace it.

(G) Storm Water Improvements: Councilmember Hicks echoed Councilmember Jepsen's comments on the storm water improvements.

(H) Flood Map Revision: Councilmember Hicks asked about the flood map revisions, which resulted in 60 structures being included in the flood plain.

City Administrator John Butz stated that the changes made to the maps were in title only. When the City received the results, which were done by a contractor, 60 structures had been included in the flood plain. Mr. Butz said this does not factor in the data the City is preparing and has filed with them to have structures removed from the flood plain. The City is still working to get these changed and has contacted U.S. Representative Jo Ann Emerson's office for Federal assistance.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:35 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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