

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 18, 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, Don Morris, Lou Magdits, Jim Williams, Rick Morris, Donna Hawley, and Mark Walburg

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Mark Kearse, Finance Director Steffanie Rogers, Fire Chief Robert Williams, Recreation Center Director Scott Caron, 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 Rev. M. Danny Kemp of the Calvary Assembly of God Church to give the invocation.

Following the invocation, Mayor Jenks asked Councilman Stan Spadoni to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Request to Rezone Property at 400 East 6th Street from C-1 to PUD Zoning (Marge & Mavis, LLC): Community Development Director John Petersen recalled that in June, the Council approved the rezoning of the subject property from R-3 (Multi-Family District) zoning to C-1 (Neighborhood Business District) zoning. At that time, the City was not aware of the desire to have the ability to sell alcoholic beverages on premise as well as a residential structure that was being proposed for the attic. Mr. Petersen noted that these uses are not permitted in C-1 (Neighborhood Business District) zoning. The best way to accommodate a mixed-use development is through the Planned Unit Development (PUD) provision of the zoning code. He said the PUD provides the flexibility that is needed to make a project like this occur. Mr. Petersen pointed out that

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I. PUBLIC HEARINGS (continued)

(A) Request to Rezone Property at 400 East 6th Street from C-1 to PUD Zoning (Marge & Mavis, LLC) (continued): this development is consistent with the Comprehensive Plan in the sense that a major component of the plan encourages investment into the city's older neighborhoods. Mr. Petersen informed the Council that the Planning and Zoning Commission unanimously recommend approval of the PUD as presented.

Mayor Jenks opened the public hearing to anyone wishing to address the Council regarding the subject-rezoning request.

Mr. Steven Scholz, a partner in the proposed project, said he and Mr. Klinski have been overwhelmed by everyone's kindness and support in this project. He added that they are anxious to get the project started. Mr. Scholz then addressed a few questions from the Council.

No one else present addressed the Council concerning the subject-rezoning request. Mayor Jenks closed the public hearing.

Community Development Director John Petersen told the Council that the applicants have requested that the Council consider the first and final readings of the proposed ordinance at tonight's meeting.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 3873: 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 400 EAST 6TH STREET (BLOCK 70, COUNTY ADDITION) FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING (MARGE & MAVIS, LLC).** A motion was made by Williams and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes and one nay. Motion carried. City Counselor Beger then read the proposed ordinance for its final reading, by title. A motion was made by R. Morris and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Magdits, Hicks, Hawley, Ruck, R. Morris, Spadoni, Walburg, Barklage, Eudaly, Jordan, D. Morris, and Williams. Motion carried. The ordinance passed.

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I. PUBLIC HEARINGS (continued)

(B) Public Hearing Setting the 2008 Tax Rate: Finance Director Steffanie Rogers explained that after publication of tonight's public hearing notice, she received notice that the Board of Equalization changed the rates. She noted that according to State Law, the public hearing notice must be advertised seven days before the hearing. In addition to the public hearing scheduled for this meeting, Ms. Rogers said another public hearing has been advertised for Monday, August 25 at 4 p.m., before the City Council's special Executive Session meeting. She added that the rates must be certified to the County Clerk by September 1.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed 2008 tax rates. No one present addressed the Council. Mayor Jenks closed the public hearing.

II. CITIZEN COMMUNICATIONS

(A) Open Citizen Communication: Mayor Jenks opened the floor to anyone wishing to address the City Council. No one present responded.

III. SPECIAL PRESENTATIONS

(A) Status of Rolla Channel 6 (RC6): Mr. Gabe Mankin, Video Production Manager of Rolla Channel 6 (RC6), thanked City Administrator John Butz, City Communications Coordinator Scott Grahl, City IT Coordinator Brian Kinsey, Mr. John Paul and Ms. Melody Glick of Fidelity Communications, and Drs. Jerry Giger and Aaron Zalis of the Rolla Public Schools for their support in the launching of RC6. Mr. Mankin explained that the overall mission of RC6 is to enhance the City of Rolla's and Rolla Public School's public information and communications systems, involve the community in local government and in Rolla Public School's decision-making as well as provide useful information to general and specialized audiences. Mr. Mankin told the Council that the RC6 Advisory Committee oversees the operation of RC6.

Mr. Mankin informed the Council that the launch date for RC6 would be during the first two weeks of September. He mentioned that RC6 is awaiting the arrival of some key pieces of equipment. Production of the City Council meetings is expected to begin on October 6 with the School Board meetings airing on September 18.

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III. SPECIAL PRESENTATIONS (continued)

(A) Status of Rolla Channel 6 (RC6) (continued): In addition to the School Board and City Council meetings, Mr. Mankin told the Council that RC6 will be producing Rolla High School sports, Rolla Municipal Utilities Board Meetings, Planning and Zoning Commission meetings, the St. Patrick's Day parade, the Rolla Christmas Parade, the Tour of Missouri event and a show called "City Minutes," hosted by City Communications Coordinator Scott Grahl. Mr. Mankin mentioned that RC6 will feature a Community Calendar and emergency messages will be displayed over digital programming.

Following his presentation, Mr. Mankin addressed some questions and comments from the Council.

(B) Second Quarter 2008 Tourism Report: Rolla Area Chamber of Commerce Executive Director, Ms. Stevie Kearsse addressed the Council and introduced Ms. Amy Campbell, the Chamber of Commerce's new tourism director. Ms. Kearsse then provided an overview of the second quarter 2008 Tourism Report, a copy of which was included with the agenda materials.

(C) RMU FY 2009 Budget: Rolla Municipal Utilities General Manager Dan Watkins provided a brief overview of Rolla Municipal Utilities FY 2009 annual budget. He prefaced his comments by stating the budget is built around the current rate base. Mr. Watkins explained the Board of Public Works has not addressed changing the water or electric rates at this time. He added, however, that rates would probably need to be addressed sometime during the fiscal year.

Following his presentation, Mr. Watkins entertained questions from the Council.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

(A) Request for Ordinance to Amend Section 27-32 of the City Code Regarding Motorized Bicycles: Police Chief Mark Kearsse asked the Council to consider the first reading of a proposed ordinance that would amend the operation of motorized bicycles.

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V. NEW BUSINESS (continued)

(A) Request for Ordinance to Amend Section 27-32 of the City Code Regarding Motorized Bicycles (continued): The subject ordinance would make it unlawful for a motorized bicycle to be operated within the city limits without a valid driver's license. Chief Kears added that this ordinance mirrors State Statute and would allow the City to prosecute violators in municipal court instead of State court.

After some discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-32 OF THE ROLLA CITY CODE, AND ADDING A SECTION THERETO MAKING IT UNLAWFUL TO OPERATE A MOTORIZED BICYCLE, AS DEFINED IN SECTIONS 301.010 AND 307.180 RSMo., ON ANY HIGHWAY OR STREET IN THE CITY OF ROLLA WITHOUT POSSESSING A VALID DRIVER'S OR CHAUFFER'S LICENSE.

(B) Request for Ordinance to Repeal Section 30-37 of the City Code Regarding Vagrancy: Police Chief Mark Kears asked the Council to consider the first reading of an ordinance to repeal Section 30-37 of the Rolla City Code, which currently makes vagrancy a crime in Rolla. Chief Kears told the Council that the State Supreme Court recently repealed this portion of State Statute and he recommended that the City follow suit since there is a liability concern for the City.

Following a brief discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 30-37 OF THE ROLLA CITY CODE PERTAINING TO VAGRANCY.

(C) Request for Ordinance to Amend Sections 27-66 of the Rolla City Code Regarding the Speed Limit on Green Acres: City Administrator John Butz referred the Council to the subject ordinance the Council requested during its last meeting, which would reduce the speed limit on Green Acres Drive from 25 M.P.H. to 15 M.P.H.. He reiterated that the Public Works Department recommendation is not to take any action because they do not feel there is a problem. Mr. Butz recognized that the City has heard from neighbors who feel there are concerns with the speed and they would like to have it reduced. Mr. Butz noted that it is difficult for him to traverse Green Acres Drive at 15 M.P.H. He suggested that the speed limit be reduced to 20 M.P.H.

V. NEW BUSINESS (continued)

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(C) Request for Ordinance to Amend Sections 27-66 of the Rolla City Code Regarding the Speed Limit on Green Acres (continued): Following a brief discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. A motion was made by Barklage and seconded by Ruck to amend the ordinance by changing the speed limit on Green Acres Drive to 20 M.P.H. A hand count on the motion showed seven ayes and five nays. Motion carried. 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.

Note: The final reading of the ordinance to amend the speed limit on Green Acres Drive was further considered under Item VIII. A. "Comments for the Good of the Order."

VI. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award the Bid for Project 255, Seal Coat Runway 13-31: Public Works Director Steve Hargis reported that on August 13, 2008, three bids were received for seal coating Rolla National Airport runway 13-31. Staff is recommending that the bid be awarded to the low bidder, Huff Sealing Corporation for \$160,507.08, pending Missouri Department of Transportation approval.

Following some discussion, a motion was made by Williams and seconded by Eudaly to award the bid for Project 255, seal coating Runway 13-31 at the Rolla National Airport to Huff Sealing Corporation for \$160,507.08, pending Missouri Department of Transportation approval. A voice vote on the motion showed twelve ayes. Motion carried.

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VII. MAYOR/CITY COUNCIL COMMENTS

(A) Renewal of Airport Committee Members: Mayor Jenks informed the Council that three members of the Airport Committee should usually be appointed/reappointed every year. However, Mr. Doug Behrick was inadvertently not reappointed. Therefore, Mayor Jenks indicated that he is requesting the reappointments of Councilman Don Barklage, Mr. John Wyss, and Mr. Bill Hoertel to two-year terms, and Mr. Doug Behrick to a one-

VII. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Renewal of Airport Committee Members (continued): year-term on the Airport Committee. Mr. Behrick's reappointment will be considered again next year for a two-year term to the Committee. A motion was made by Jordan and seconded by Spadoni to reappoint Councilman Don Barklage, Mr. John Wyss, and Mr. Bill Hoertel to two-year terms, and to reappoint Mr. Doug Behrick to a one-year term on the Airport Committee. A voice vote on the motion showed twelve ayes. Motion carried.

(B) Rolla 2020 Fiscal Advisory Committee Preliminary Report: Councilman Lou Magdits, Chairman of the Rolla 2020 Fiscal Advisory Committee, reported that the Committee, consisting of various business people in Rolla, met over several months. He said the mission of the Committee was to help the City come up with some policy statements on how to approach the budget and one component was looking at cost savings. Councilman Magdits then commented on each of the proposed policy recommendations as outlined in the agenda materials. At the next meeting, he said he would like to provide more detailed information with firm numbers.

City Administrator John Butz said he would like the Council to at least adopt the Statements of Principle/Policy Recommendations. He added that he would recommend making the recommendations a living part of the dialogue and have them hung in the Council Chambers as an ongoing reminder about fiscal responsibility and discipline.

Council discussion followed with no action taken.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Green Acres Drive Speed Limit: Councilman Rick Morris suggested the Council consider the final reading of the ordinance, discussed earlier in the meeting, which would amend the speed limit on Green Acres Drive to 20 M.P.H. since he believes the Council has already decided what it should be. A motion was made by R. Morris and seconded

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by Ruck to suspend the rules and that the proposed ordinance be read for its final reading, by title. A hand count on the motion showed nine ayes and three nays. Motion carried.

City Counselor John Beger then read the following proposed ordinance, as amended, for its final reading, by title. ORDINANCE NO. 3874: AN ORDINANCE AMENDING CHAPTER 27 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA,

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

(A) Green Acres Drive Speed Limit (continued): MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO TRAFFIC. A motion was made by Williams and seconded by R. Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Barklage, Spadoni, Ruck, Hawley, R. Morris, Jordan, D. Morris, Walburg, Williams, and Magdits. Nays; Hicks. Motion carried. The ordinance passed.

Regarding a comment from a Green Acres Drive resident that a Rolla Municipal Utilities (RMU) vehicle was seen speeding in the area, Councilman Spadoni said he was told that the vehicle was not an RMU vehicle, rather a Green Acres Drive resident who owns a red pickup. Councilman Spadoni added that he believes it is critical, now that the new speed limit ordinance has been approved, that the speed limit on Green Acres Drive be enforced.

(B) Budget Line Item Vetoes: Councilman Ruck suggested that next week during the budget discussions that line item vetoes be considered.

(C) Special Meetings: City Administrator John Butz announced that on Thursday, August 21 at 2 p.m. in the Third Floor Conference Room, staff would be informally discussing and reviewing the budget with interested council members.

On Monday, August 25, 2008, at 4 p.m., Mr. Butz explained there would be a Special City Council Meeting to consider a public hearing and ordinance setting the 2008 tax rate. Following the open session meeting, an Executive Session meeting will be held with the City's special counsel regarding labor negotiations.

Mr. Butz announced that the fiscal year 2009-budget workshops would be held on Tuesday, August 26, and Wednesday, August 27, in the City Council Chambers beginning at 5:30 p.m. At 5 p.m., a light dinner will be held in the Third Floor Conference Room before the budget workshops.

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IX. EXECUTIVE SESSION

A motion was made by Williams and seconded by Eudaly to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss litigation. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Hawley, Ruck, R. Morris, Spadoni,

IX. EXECUTIVE SESSION (continued)

Walburg, Barklage, Magdits, Eudaly, D. Morris, and Hicks. Nays: None. Motion carried.

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

X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:45 p.m.

City Counselor John Beger reported that during Executive Session the Council was advised of developments concerning a pending matter of litigation. Discussion was had, but no formal action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:46 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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