

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, OCTOBER 20, 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, Susan Eudaly, Gary W. Hicks, Don Morris, Jim Williams, Rick Morris, Donna Hawley, and Mark Walburg

**Council Members Absent:** Stan Spadoni and Lou Magdits

**Department Directors in Attendance:** Public Works Director Steve Hargis, Police Chief Mark Kearse, Finance Director Steffanie Rogers, Solid Waste Director Brady Wilson, 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 Councilman Jim Williams to give the invocation.

Following the invocation, Councilman Don Morris led in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

**(A) Request for Ordinance to Amend Chapter 42 of the Rolla City Code (known as the Planning and Zoning Code):** Community Development Director John Petersen explained that the proposed ordinance is the result of a periodic review of the elements of Chapter 42 of the Rolla City Code. He noted that the proposed ordinance would specifically amend Section 42-227 of the Code pertaining to regulations for screening and fencing. Mr. Petersen explained the proposed ordinance is designed to reduce the need for variances through the Board of Adjustment, protect privacy and property values of adjacent land uses when screening and fencing systems are employed. In some detail, Mr. Petersen outlined the proposed amendments to Section 42-227 of the Code.

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**I. PUBLIC HEARINGS (continued)**

**(A) Request for Ordinance to Amend Chapter 42 of the Rolla City Code (known as the Planning and Zoning Code) (continued):** Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed amendments to Section 42-227 of the Code.

Mr. Floyd Huffman, 1335 Highway 72, Rolla, Missouri, asked Mr. Petersen what the fence being out or in means.

Mr. Petersen responded that in the case of a wooden fence, the finished side of the fence would face out and the unfinished side would face in.

No one else 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 CHAPTER 42 OF THE ROLLA CITY CODE, ARTICLE III, KNOWN AS THE PLANNING AND ZONING CODE, BY AMENDING CERTAIN PROVISIONS AND BY ENACTING NEW REGULATIONS.

**(B) Request for Ordinance to Rezone Lot 3 and Part of Lots 4 and 5 of Block 16 (Schuman Addition) from C-2 and R-3 to all R-3 Zoning (Kappa Delta Sorority):** Community Development Director John Petersen explained the applicants, Kappa Delta Sorority, plan to demolish the current structure and construct new housing for the Kappa Delta Sorority on three lots. The Planning and Zoning Commission recommend approval of this request.

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

Ms. Sylvia Strackeljohn, representing Kappa Delta Sorority, Collinsville, Illinois, stated that the Kappa Delta Sorority would like to rezone its property to all residential. Construction of the new structure would begin in the summer of 2010. Architectural designs have begun and the detailed designs will begin early next year. Regarding the four-inch water line concern, Ms. Strackeljohn indicated they are working with the mechanical engineers so that all City codes are met and there is no undue hardship on the City's water supply.

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**I. PUBLIC HEARINGS (continued)**

**(B) Request for Ordinance to Rezone Lot 3 and Part of Lots 4 and 5 of Block 16 (Schuman Addition) from C-2 and R-3 to all R-3 Zoning (Kappa Delta Sorority) (continued):** No one else 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 LOT 3 AND PART OF LOTS 4 AND 5 OF BLOCK 16, SCHUMAN ADDITION (1800 N. PINE) FROM C-2 AND R-3 TO ALL R-3 ZONING (KAPPA DELTA SORORITY).

**II. CITIZEN COMMUNICATIONS**

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

Mr. Floyd Huffman, 1335 Highway 72, Rolla, Missouri, recalled that a couple of weeks ago he spoke with the Council because he believes his family is being treated unfairly and singled out. He said he heard that the difference between the examples he gave of unfairness and the Huffman family situation is because the others examples had a buyer for their properties. Mr. Huffman asked if this is the consensus of the Council. Additionally, he asked the Council if there is anyone else currently or in the history of Rolla that has been treated the same way as the Huffman business. Mr. Huffman told the Council that they are a 60-year-old business and are still not being recognized as commercial.

Councilwoman Eudaly said everyone involved, i.e., adjacent property owners, needs to work out a compromise. She asked Mr. Huffman whether he and Councilman Hicks were able to arrive at a solution.

Mr. Huffman said the only place you can have a trailer sales is in a C-3 (Highway Commercial District) zone. He pointed out that obtaining credit is currently not an option. Mr. Huffman said he and his sister are getting older and they have to do something, but they cannot sell their property for 25 cents on the dollar because it is not fair.

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**II. CITIZEN COMMUNICATIONS (continued)**

**(A) Open Citizen Communication (continued):** Mr. Huffman said they just want to be treated fairly so they can borrow money, improve their business, and sell like other people. He added that he does not understand why he must have a buyer before the property is rezoned.

**III. OLD BUSINESS**

**(A) Ordinance for the Proposed 2008-2009 Sewer Rates:** Public Works Director Steve Hargis explained that the proposed ordinance would increase the current sewer user fee by 30 cents per 1000 gallons of water used, as proposed in the FY 2009 annual budget. This would increase the sewer user fees from \$2.70 per 1,000 gallons to \$3.00 per 1000 gallons of water used. For an average user of 6,000 gallons per month, Mr. Hargis noted the monthly bill would be \$18.00 per month or a monthly increase of \$1.80. Staff recommends approval of the subject ordinance.

Following discussion, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3881: 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. 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; Jordan, Ruck, R. Morris, Williams, Walburg, Barklage, Eudaly, Hicks, and D. Morris. Nays; Hawley. Absent; Spadoni and Magdits. Motion carried. The ordinance passed.

**(B) Ordinance to Rescind the Highway 63 & 72 Redevelopment Area:** City Administrator John Butz said the Council is asked to revisit an ordinance, which the Council voted down about a year ago, pertaining to the formation of the Tax Increment Financing (TIF) redevelopment area that was approved in January 2004. Mr. Butz explained the City executed the redevelopment agreement with the Sansone Group, St. Louis, Missouri in November 2006 and the project continued for about a year, but ultimately was not successful. Mr. Butz recalled that about nine months ago the Council visited this issue and decided to keep its options open to see if there was any interest from a prospective developer. Since that time no one has expressed any interest in the

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**III. OLD BUSINESS (continued)**

**(B) Ordinance to Rescind the Highway 63 & 72 Redevelopment Area (continued):** redevelopment area. Since the City is far into the 23-year term that is allowable for TIF, staff is recommending approval of the proposed ordinance, which would terminate the TIF redevelopment area.

Following a brief discussion, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3882: AN ORDINANCE TERMINATING THE DESIGNATION OF A PORTION OF THE CITY OF ROLLA, MISSOURI, AS A REDEVELOPMENT AREA AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO. 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; Walburg, R. Morris, Williams, Ruck, Hawley, Jordan, D. Morris, Eudaly, Hicks, and Barklage. Nays; None. Absent; Spadoni and Magdits. Motion carried. The ordinance passed.

**IV. NEW BUSINESS**

**(A) Request for Ordinance to Approve an Agreement with Missouri S&T for Pedestrian Bridges for the Deible Trail:** Public Works Director Steve Hargis explained that the subject ordinance will allow the Mayor to enter into a cost-share agreement with Missouri S & T for two pedestrian bridges to be used in conjunction with Phases I and II of the Deible Walking and Biking Trail. He described the trail as being approximately two miles long with one bridge will be near Oak Knoll South, and another bridge near the storm water detention facility just west of Southview. Mr. Hargis told the Council that the bridges will be made of concrete and would use innovative materials for strengthening the concrete. Missouri S & T graduate students would analyze the performance of the bridges over time. The total project costs to bring the bike trail from one end to the other are \$622,000. Of that amount, Mr. Hargis noted the City has secured a Missouri Department of Transportation (MoDOT) grant for \$290,000 and the Missouri S & T grant is \$165,000. The City's portion would be \$167,000 in cash and in-kind efforts.

After some discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE 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

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**IV. NEW BUSINESS (continued)**

**(A) Request for Ordinance to Approve an Agreement with Missouri S&T for Pedestrian Bridges for the Deible Trail (continued):** OF ROLLA, MISSOURI AND THE CURATORS OF THE UNIVERSITY OF MISSOURI ON BEHALF OF MISSOURI UNIVERSITY OF SCIENCE AND TECHNOLOGY FOR TECHNICAL ASSISTANCE.

**(B) Request for Ordinance to Approve the Road Dedication Plat of St. John's Parkway (Dietzmann):** Community Development Director John Petersen noted that the proposed St. John's Parkway would link Bridge School Road to Martin Springs Drive, immediately north of where the St. John's medical building project is currently under construction. Ultimately, that facility will link to St. John's Parkway. Mr. Petersen explained the subject plat dedicates the right-of-way and easements to the City. He added the road is being constructed beyond City standards and, upon filing the plat, the road will be transferred to the City. Mr. Petersen reported 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 NO. 3883: AN ORDINANCE APPROVING THE DEDICATION PLAT OF ST. JOHN'S PARKWAY, A SUBDIVISION IN ROLLA, MISSOURI (DIETZMANN). A motion was made by Hicks and seconded by R. Morris to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, one nay, and two absent. Motion carried. City Counselor Beger then read the proposed ordinance for its final reading, by title. 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; Williams, Jordan, Hawley, Hicks, R. Morris, Walburg, Barklage, Eudaly, D. Morris, and Ruck. Nays; None. Absent; Spadoni and Magdits. Motion carried. The ordinance passed.

**(C) Motion to Authorize the Destruction of Certain City of Rolla Records:** Finance Director Steffanie Rogers noted that State Statutes requires that the Council approve the destruction of City records. She reported that on October 13, 2008, staff discovered that a water line in the mechanical room had broken and the majority of the Finance Department records in the adjoining storage room were damaged.

Councilman Jordan indicated that in reading Chapter 109 of the State Statutes he could not find where the Council has the authority to allow the early destruction of records,

**IV. NEW BUSINESS (continued)**

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**(C) Motion to Authorize the Destruction of Certain City of Rolla Records:** although they may be illegible. He suggested the Council only authorize the destruction of records with a 2008 destruction date. Councilman Jordan further recommended waiting until authorization is verified before destroying the other records.

A motion was made by Jordan and seconded by D. Morris to authorize the destruction of records with a 2008 destruction date, as outlined in the attached agenda item, and delay consideration of the other records until destruction verification is obtained. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**(D) Proposed Land Sale of City-Owned Lots Adjacent to Oak Knoll South:** Public Works Director Steve Hargis mentioned that a few years ago the City purchased some land from Joseph and Molly Morgan for a bike trail. Two of the tracts were located north of Lions Club Drive and, at the time of the purchase, were located in the 100-year flood plain. Mr. Hargis reported that according to the Federal Emergency Management Association (FEMA), these tracts would no longer be located in the flood plain. Mr. Hargis stated that staff would like to have the two tracts platted and offered for sale.

Following discussion, a motion was made by Eudaly and seconded by Barklage to authorize the platting of the above-mentioned lots, by Elgin Surveying and Engineering, at a cost of \$1200, including monuments, and; authorize the request for proposals from area reality companies to establish the value of these lots and assist the City in listing the tracts. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**V. CLAIMS and/or FISCAL TRANSACTIONS**

**(A) Motion to Award the Bid for a Three-Quarter Ton Four-Wheel Drive Crew Cab Pickup:** Public Works Director Steve Hargis asked the Council to consider awarding the bid for a 2009 F250, three-quarter ton, four-wheel drive crew cab pickup to the low bidder, Dave Sinclair Ford (State bid) for \$18,170. He mentioned that this vehicle would replace a 1999 Dodge three-quarter ton, four-wheel drive pickup in the Street Department. After a brief discussion, a motion was made by Williams and seconded by

**V. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

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**(A) Motion to Award the Bid for a Three-Quarter Ton Four-Wheel Drive Crew Cab Pickup (continued):** Eudaly to award the bid for a 2009 Ford F250, three-quarter ton four-wheel drive crew cab pickup to Dave Sinclair Ford (State bid), St. Louis, Missouri, for \$18,170. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) Appointment of Martha Prine Edwards to the Recreation Center Advisory Committee (to fill unexpired term through October 2010):** A motion was made by Eudaly and seconded by Jordan to appoint Ms. Martha Prine Edwards to the Recreation Center Advisory Committee through October 2010 to complete the unexpired term of Marla Smith. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**(B) Appointment of Jeffrey Rohrer to the Board of Adjustment (to fill unexpired term through October 2011):** A motion was made by Eudaly and seconded by Jordan to appoint Mr. Jeffrey Rohrer to the Board of Adjustment through October 2011 to complete an unexpired term. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**(C) Appointment to Ad Hoc Council Retreat Planning Committee:** Mayor Jenks requested the appointment of Councilmen Barklage, Jordan and Magdits to the Ad Hoc Council Retreat Planning Committee. He noted the retreat is tentatively scheduled for November 13, beginning at Noon. A motion was made by Hicks and seconded by Eudaly to appoint Councilmen Barklage, Jordan and Magdits to the Ad Hoc Council Retreat Planning Committee. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**VII. COMMENTS FOR THE GOOD OF THE ORDER**

**(A) 100 E. Third Street:** Councilman Williams asked City Administrator John Butz if he had made contact with the man interested in the property at 100 E. Third Street.

**VII. COMMENTS FOR THE GOOD OF THE ORDER (continued)**

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**(A) 100 E. Third Street (continued):** Mr. Butz reported that he left a voice mail message with the man today and told him that the City has not decided how it will sell the property at 100 E. Third Street. Mr. Butz added that he would contact him when further information is obtained.

**(B) Fire Prevention Training:** Councilwoman Eudaly commended Fire Chief Robert Williams and the Rolla Fire Department for the awesome job they did in conducting the fire prevention training for the elementary students. She also expressed appreciation to the sponsors who purchased items for the students.

**(C) RMU Communication:** Councilwoman Eudaly indicated that she received an e-mail about Rolla Municipal Utilities (RMU) and their communication. She asked if RMU is going to have better communication with the citizens through e-mail.

Mr. Rodney Bourne of RMU stated that this issue might be addressed during the next Rolla Board of Public Works board meeting. He added the RMU Board plans to discuss airing their Board meetings on Rolla Channel 6 (RC6).

City Administrator John Butz added that RC6 has obtained cost estimates to determine what it will take to do an audio and video production in RMU's conference room. At this point, RMU is not interested in conducting their meetings in the Council Chambers. Mr. Butz indicated that it is possible to air the Board meetings from the RMU Conference Room, but there are more costs involved. RMU would be responsible for the costs if it were aired from the RMU Conference Room.

**(D) 8 Summit Avenue:** Councilman Barklage asked for an update regarding the property at 8 Summit Avenue.

City Administrator John Butz said the bid received to clear the debris from the property was over \$1,000, which requires Council approval. The Council will be asked to conduct a public hearing on this matter during its next meeting.

**VIII. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 7:45 p.m.

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Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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