

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 3, 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, Solid Waste Director Brady Wilson, Fire Chief Robert Williams, Parks and Recreation Director Ken Kwantes, 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, Codes Administrator Brian Epstein, and City Clerk Carol Daniels

Mayor Jenks called the meeting to order at approximately 6:30 p.m. and asked a member of the Rolla Ministerial Alliance to give the invocation.

Following the invocation, Mayor Jenks asked Councilman Lou Magdits to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Eudaly to approve the consent agenda, as submitted. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

The consent agenda consisted of the following:

(A) Approval of the City Council Minutes of:

- 1) October 6, 2008, City Council Meeting
- 2) October 6, 2008, City Council Executive Session Meeting
- 3) October 20, 2008, City Council Meeting

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II. PUBLIC HEARINGS

(A) Ordinance Amending Chapter 6 of the Rolla City Code Pertaining to Building Regulations and Adoption of the 2006 International Building Code: Community Development Director John Petersen recalled that approximately a year ago the City Council appointed a committee to review the 2006 International Codes. Over a six-month period, the committee met over eight times and has unanimously recommended the code as outlined in the agenda materials. Mr. Petersen expressed appreciation to the members of the committee for their service. He then turned the floor over to Codes Administrator Brian Epstein who highlighted the committee's recommendations. Mr. Epstein reported the committee's consensus was to recommend approval of the proposed ordinance to the City Council in order to maintain the current ISO (Insurance Services Office) rating.

Mayor Jenks pointed out the statement, included in the agenda commentary, about the ISO rating benefitting the consumer by possibly providing additional discounts in home insurance rates, is not true. He said it may have an impact on the construction of a major building, but as far as fire protection is concerned, it would not have an affect.

Following some Council discussion, a motion was made by Magdits and seconded by Williams to table consideration of the ordinance amending Chapter 6 of the Rolla City Code pertaining to building regulations and adoption of the 2006 International Building Code.

After further Council discussion, Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed ordinance to amend Chapter 6 of the Rolla City Code pertaining to building regulations and the adoption of the 2006 International Building Code.

Mr. Jim Larson, 11025 Emerald Ridge, Rolla, Missouri, told the Council that he just learned of the public hearing this afternoon. He also mentioned that he was only aware of one of the committee meetings. Mr. Larson asked the Council not to approve the new building codes until it is necessary. He said the City should delay approving the new building codes because of the rough economy. He pointed out that it would only cost more to the public if it were approved.

Mr. Tom Sager, 8 Laird Avenue, suggested the contractors be notified of building code meetings either through e-mail or through the City's web site.

II. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Chapter 6 of the Rolla City Code Pertaining to Building Regulations and Adoption of the 2006 International Building Code: Mr. Mark Williams, a Rolla contractor and member of the Building Codes Review Committee, said the committee decided to submit the proposed ordinance to the Council for discussion. He noted there are some concrete and plumbing issues that need to be discussed further. Mr. Williams stated that he believes the suggestion to table consideration of the ordinance for a year is a good idea.

No one else present addressed the Council. Mayor Jenks then closed the public hearing. He added that although the public hearing has been closed, he said he wants to keep the dialogue open because this is an issue that affects the citizens of Rolla.

Following some Council discussion, a voice vote on the motion to table consideration of the ordinance amending Chapter 6 of the Rolla City Code pertaining to building regulations and adoption of the 2006 International Building Code showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Request for Nuisance Abatement at 8 Summit Avenue: Codes Administrator Brian Epstein asked the Council to consider the abatement of a nuisance at 8 Summit Avenue. He showed the Council photos of the property, which portrayed an overgrown lot and general unsafe conditions about the property. Mr. Epstein told the Council that an estimate of \$3,600 was received from Graceland Construction to abate the nuisance.

Following a brief Council discussion, Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed nuisance abatement at 8 Summit Avenue.

Mr. Michael Kaelin, 7 Summit Avenue, informed the Council that he has been living at 7 Summit Avenue for about three years. He told the Council the house at 8 Summit is inhabited, but he rarely sees the occupant. As witnessed in the photos, Mr. Kaelin said the occupant does not maintain his residence. He explained that a dead tree from 8 Summit Avenue fell on his house. He also mentioned that he has problems with mosquitoes because of the overgrown property and his six-year-old daughter cannot play in her own backyard because of them.

No one else present addressed the Council concerning the proposed nuisance abatement at 8 Summit Avenue. Mayor Jenks closed the public hearing.

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II. PUBLIC HEARINGS (continued)

(B) Request for Nuisance Abatement at 8 Summit Avenue (continued): A motion was made by Hicks and seconded by Eudaly that the Council finds a nuisance exists at 8 Summit Avenue and orders the Codes Administrator to abate the nuisance with the cost of the abatement plus a \$200 administrative fee to be assessed and certified to the City Clerk who shall cause a Special Tax Bill against the property to be prepared and collected by the City Collector. The Council further accepts the bid of \$3,600 from Graceland Construction to abate the nuisance. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

III. CITIZEN COMMUNICATION

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

(B) Country Dance Club of Rolla: Mayor Jenks announced that the Country Dance Club of Rolla has postponed addressing the Council at this meeting.

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

(A) Rolla Regional Economic Commission Quarterly/Annual Report: Rolla Regional Economic Commission Executive Director Elizabeth Bax provided an overview of the Rolla Regional Economic Commission's (RREC) annual report.

(B) MIRMA Grant for Dash Mount Camera: Mr. Kelly Beets, Senior Loss Control Consultant with the Missouri Intergovernmental Risk Management Association (MIRMA), presented Police Chief Mark Kearse with a certificate of recognition for participation in MIRMA's grant program. Mr. Beets indicated the City would also be receiving a check for \$2,665 to help fund the new in-car video camera system for the Police Department.

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

Mayor Jenks referred the Council to (A) the September 2008 Rolla Municipal Utilities Monthly Report; (B) the September 2008, Rolla Regional Economic Commission meeting minutes; (C) the preliminary minutes of the October 14, 2008, Planning and Zoning Commission Meeting; (D) the September 2008 Rolla Municipal Court Report; (E) the September 30, 2008, Development Review Committee Meeting Minutes; (F) the September 24, 2008 Rolla Health and Recreation Center Advisory Committee Meeting Minutes; (G) The Centre FY 2008 Financial Analysis, and; (H) the SplashZone FY 2008 Financial Analysis.

According to a recent article in the Rolla Daily News, Councilman Don Morris noted that Rolla Municipal Utilities (RMU) is recommending a 15 cent increase in the water rates over the next five years because there is about a \$500,000 shortfall. Councilman Morris noted that he received a telephone message from a constituent asking what is going on with RMU's management program that all of a sudden RMU would come up with \$500,000 short. Councilman Morris said he is sure there is a valid reason for it, but it might be a good idea to express it to the public.

Since no RMU representatives were available to respond, Mayor Jenks indicated that staff would contact RMU for a response to this inquiry.

VI. OLD BUSINESS

(A) Ordinance to Approve Agreement with Missouri S & T for Pedestrian Bridges for the Deible Trail: Public Works Director Steve Hargis recalled that during the last Council meeting he outlined the specifics of the subject project. He explained that the proposed cost-share agreement between Missouri S & T and the City is to construct two pedestrian bridges on Phases I and II of the Deible walking/bike trail. Mr. Hargis pointed out that the portion funded by the Missouri Department of Transportation (MoDOT) is \$260,000 and not \$290,000 as stated during the October 20, 2008, Council meeting. The subject ordinance would authorize the Mayor to enter the subject agreement with Missouri S & T.

After a brief discussion, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3884: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO

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VI. OLD BUSINESS (continued)

(A) Ordinance to Approve Agreement with Missouri S & T for Pedestrian Bridges for the Deible Trail (continued): EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE CURATORS OF THE UNIVERSITY OF MISSOURI ON BEHALF OF MISSOURI UNIVERSITY OF SCIENCE AND TECHNOLOGY FOR TECHNICAL ASSISTANCE. A motion was made by Eudaly and seconded by R. Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Walburg, R. Morris, Spadoni, Ruck, Eudaly, Magdits, Jordan, D. Morris, Barklage, Hicks, and Hawley. Nays; Williams. Motion carried. The ordinance passed.

(B) Ordinance to Rezone Lot 3 and Parts of Lots 4 and 5 of Block 16 in Schuman Addition from C-2 and R-3 to all R-3 Zoning (Kappa Delta Sorority): Community Development Director John Petersen explained that Kappa Delta Sorority is requesting their property be rezoned to all R-3 (Multi-Family District) zoning. Mr. Petersen told the Council that in 2010 plans are to demolish the structures and construct a new sorority house on the property. The Planning and Zoning Commission recommend approval of the rezoning.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3885: 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). A motion was made by Jordan and seconded by Barklage 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. Nays; None. Absent; None. Motion carried. The ordinance passed.

(C) Ordinance to Amend Certain Provisions of Chapter 42 of the Rolla City Code: Community Development Director John Petersen explained that the proposed ordinance would update portions of the City's zoning code in an attempt to address and correct issues or concerns. He told the Council what primarily brought about this change was the request from certain commercial businesses to erect fences, taller than the seven-foot maximum, which would require a variance from the Board of Adjustment. To avoid the need for a variance, staff is recommending an amendment for areas zoned C-2 (General

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VI. OLD BUSINESS (continued)

(C) Ordinance to Amend Certain Provisions of Chapter 42 of the Rolla City Code (continued): Retail District) and C-3 (Highway Commercial District). Additionally, the proposed ordinance stipulates the types of permitted and inappropriate fencing materials. Mr. Petersen reported that the Planning and Zoning Commission recommends approval of the proposed ordinance.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3886: 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. 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; Eudaly, Barklage, Spadoni, Hicks, Ruck, Hawley, R. Morris, Jordan, D. Morris, Walburg, Williams, and Magdits. Nays; None. Absent; None. Motion carried. The ordinance passed.

(D) Motion to Authorize the Destruction of Certain City of Rolla Records: City Administrator John Butz recalled that this issue surfaced during the Council's last meeting. At that meeting, Councilman Jordan suggested the City receive verification from the Secretary of State's Office as to how the water-damaged records should be addressed. Mr. Butz referred the Council to the e-mail from the Secretary of State's Office that authorizes the destruction of the 2009 records. However, the newer records that were more severely damaged by water would be reviewed and copies made before destruction. A motion was made by Williams and seconded by Jordan to authorize the early destruction of the attached 2009 records, due to water damage. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VII. NEW BUSINESS

(A) Motion to Authorize the Trial Use of GovDeals Online Auction Service: City Administrator John Butz reported that recently GovDeals Online Auction Service contacted City staff about selling some of the City's surplus equipment. He recalled that recently the City conducted a surplus property sale of items collected for over a year and that it became complicated to retain the location of the equipment. Mr. Butz suggested that the City try to sell through GovDeals, for a 90-day period, two or three vehicles that are being surplus. He added that GovDeals would receive a 7.5% fee of whatever is

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VII. NEW BUSINESS (continued)

(A) Motion to Authorize the Trial Use of GovDeals Online Auction Service (continued): sold. Mr. Butz noted that through this process, staff would not have the same opportunity to bring back the bids for award by the Council. However, Council will receive a copy of the bid results.

Following a brief discussion, a motion was made by Williams and seconded by Barklage to authorize the trial use of GovDeals Online Auction Service for 90 days. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS

(A) Motion to Award Bid for the Sale of Surplus Lot at 1208 Elliott Drive: City Administrator John Butz recalled that about two months ago Habitat for Humanity approached the City about selling the small lot it owns located at the end of Elliott Drive in order to construct a home. The Council considered Habitat for Humanity's request and authorized staff to accept proposals for this property. Mr. Butz reported the City received a proposal from Phelps County Habitat for Humanity for \$500 to construct a 1,200-square-foot house. Additionally, Rolla Public Schools submitted a proposal for \$100 for a 1,400-square-foot house. Mr. Butz pointed out the reason the bids are so low is because there is a water line assessment of about \$8,000 to bring water and sewer to the home and this was factored into the value of those lots. Staff recommends surplusing of the lot to Phelps County Habitat for Humanity for \$500.

After a brief discussion, a motion was made by Hicks and seconded by Barklage to authorize the sale of 1208 Elliott Drive to Phelps County Habitat for Humanity for \$500. A voice vote on the motion showed eleven ayes, one nay, and zero absent. Motion carried.

Mayor Jenks entertained a motion from the Council to waive all permit fees associated with the construction of the home by Habitat for Humanity, with the exception of frontage fees. A motion was made by Spadoni and seconded by D. Morris to waive all building permits fees, etc., with the exception of frontage fees, in association with the Phelps County Habitat for Humanity project at 1208 Elliott Drive. A hand count on the motion showed five ayes and seven nays. Motion failed.

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS (continued)

(B) Motion to Purchase a 2006 Chevrolet Impala for the Rolla Police Department:

Police Chief Mark Kears explained that staff is recommending the purchase of a pre-owned 2006 Chevrolet Impala police car, previously used by the Edgar Springs, Missouri Police Department, which was recently disbanded. He said the vehicle has been driven for 23,436 miles and is valued at \$11,750. Chief Kears noted the bid from the Missouri State Highway Patrol for a comparable vehicle with 27,000 more miles on it is \$13,500. Chief Kears added the vehicle is equipped with the necessary police equipment, which will save the City \$6,000. After a brief discussion, a motion was made by R. Morris and seconded by Eudaly to authorize the purchase of the 2006 pre-owned Chevrolet Impala for \$11,750. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Discussion on Huffman Rezoning: Councilman Hicks stated that for several months the Council has discussed the Huffman property rezoning and the issue resurfaces about once a year. He explained that he met with Mr. Huffman with the proposed rezoning plan that is contained in the agenda materials, but has not spoke with Mr. Huffman since that meeting. Councilman Hicks said he brought this up for discussion because several Council members asked what had transpired. Councilman Hicks indicated that he felt the Council should rezone this property because it is a viable commercial situation. He added that he does not believe it needs to be all dense commercial zoning, rather somewhat layered into the residential areas. Councilman Hicks emphasized that he proposed this rezoning plan to benefit the community.

After much discussion, a motion was made by Barklage and seconded by Spadoni to table consideration of this matter until the Mayor appoints a committee of three Council Members to meet with Mr. Huffman and/or his sister and attempt to arrive at a consensus for the rezoning of his property.

Following additional Council discussion, Mr. Tom Sager, 8 Laird Avenue, a resident adjacent to the Huffman property, said he believes the residents surrounding the Huffman property would either like to see the trailer park cleaned up or housing constructed on it. He added that he wants to know what is going to be done with it before he agrees to the rezoning.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Discussion on Huffman Rezoning (continued): City Administrator John Butz said he totally understands the notion about meeting with Mr. Huffman's neighbors, but he reminded the Council that this must be done in a public process. If the Council forms a committee and it meets with the Huffmans to talk about the rezoning, it must be a public meeting and advertised accordingly. Mr. Butz said the Council should not be trying to work this out with the public. The public's day is before the Planning and Zoning Commission when they are notified of the public hearing. He stated the Council must be careful in rezonings that the public process is not taken away and that negotiations are not done outside the parameter of the process.

After Council discussion, Councilmen Barklage and Spadoni withdrew their motion to table consideration of this matter.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Sewer Rate Increase: Regarding the sewer rates discussed during the Council's last meeting, Councilwoman Hawley said the Rolla Daily News article indicated that the reason power costs were increasing at two of the City's wastewater treatment plants was because of Intercounty Electric. She stated that she disagrees with this statement and according to Public Works Director Steve Hargis' budget recently presented to the Council, the power costs were actually going down. Councilwoman Hawley indicated she did not know where the notion came that Intercounty Electric was to blame for the fact the power costs were increasing. Based on the budget, she said Intercounty Electric should be given credit for bringing down the power supply costs. Councilwoman Hawley said she had to say this because it leaves the wrong impression with the public that Intercounty Electric is part of the problem when in reality they are not.

Public Works Director Steve Hargis responded that over the past few years electric costs have increased as well as labor costs, bond payments, and contributions to the General Fund. He said he could not think of anything that has decreased.

Councilwoman Hawley pointed out that in 2005, 2006, and 2007, an additional section was included in the sewer rate increase ordinances that stated, "This rate increase is to fund planned improvements at the Southwest Treatment Plant. It is the intent of the Rolla City Council to lower this user rate once these improvements have been funded." According to these ordinances and now that the improvements are funded, those rate increases should have been rolled back.

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

(A) Sewer Rate Increase (continued): City Administrator John Butz added the rates would be rolled back once the debt service payments are paid.

Councilwoman Hawley also commented that, by ordinance, the City is supposed to be setting up a replacement account. About \$250 million goes into this account every year. However, it does not appear there is a separate account for these monies. If the City has been putting this amount of money into this account over the years, Councilwoman Hawley asked where the money has gone and why it is not being used to pay off the bond payments.

Public Works Director Steve Hargis said the money has been used to pay off the bond. However, it has been depleted over the years. In addition to the bonds, the improvements were paid with reserves.

Councilwoman Hawley stated that if the City is going to have a financial policy such as the 7% operating fee charge, then it needs to be set up per ordinance so everyone understands what the City is doing and why it is being done.

After discussion, a motion was made by Hawley and seconded by Magdits to draft an ordinance to establish a fixed percentage for payment-in-lieu-of by enterprise funds. Following additional discussion, a hand count on the motion showed seven ayes, five nays, and zero absent. Motion carried.

XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 9:08 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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