

**ROLLA CITY COUNCIL MEETING MINUTES  
TUESDAY, JANUARY 20, 2009  
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, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Don Morris, Jim Williams, and Mark Walburg

**Council Members Absent:** Donald Barklage, Lou Magdits, Rick Morris, and Donna Hawley

**Department Directors in Attendance:** Police Chief Mark Kears, Fire Chief Robert Williams, Parks and Recreation Director Ken Kwantes, Recreation Center Director Scott Caron, Finance Director Steffanie Rogers, and Community Development Director John Petersen

**Other City Officials in Attendance:** City Administrator John Butz, Assistant City Counselor Brendon Fox, Communications Coordinator Scott Grahl, and City Clerk Carol Daniels

Mayor Jenks called the meeting to order at approximately 6:30 p.m. and asked Dr. Phil Cox to give the invocation.

Following the invocation, Mayor Jenks asked Councilman Terry Ruck to lead in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

**(A) Request for Ordinance to Adopt the Rolla West Master Plan as an Amendment to the Rolla 2020 Comprehensive Plan:** Community Development Director John Petersen outlined the purpose of the Rolla West Master Plan as a long-term comprehensive vision for land use, transportation, and infrastructure within the proposed Rolla West area. Using visual aids, he pointed out that the Rolla West area encompasses about a 1.65 square mile area with approximately 50% of the area located within the corporate limits of the city. About 70% of the entire area is vacant. Mr. Petersen explained the residential area (University Place Subdivision), located off Old Wire Outer Road, would be protected from the intensity of commercial activity. He told the Council

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**I. PUBLIC HEARINGS (continued)**

**(A) Request for Ordinance to Adopt the Rolla West Master Plan as an Amendment to the Rolla 2020 Comprehensive Plan (continued):** that Alternative III of the plan shows an open space and trail, which provides a buffer or screen from the existing residential area. Mr. Petersen reported that the Planning and Zoning Commission recommend that the Comprehensive Plan should be amended to reflect that the former commercial area will be designated for open space and parks.

City Administrator John Butz stated that with the addition of the E-cubed campus and the Missouri S&T Technical Park, the estimated cost of the Rolla West project is between \$43 and \$48 million. The project will take anywhere from five to twenty years to materialize. Mr. Butz indicated that the City does not plan to ask the voters to bond this magnitude of project, but rather chip away on the project over time. Mr. Butz said that some obvious ways to look at funding elements would be through the Transportation Development District (TDD) or the Community Improvement District (CID). He explained that the property owners in the district impose both of these sales taxes and they would benefit by the improvements. Mr. Butz said there is still a lot of work to be done on how to fund Rolla West. Over the next 90 to 120 days, the City will be meeting with businesses that are directly impacted by the roadway system, (Highway 72 extension and the Kingshighway areas) to understand their interests in seeing the infrastructure upgraded in that area. Mr. Butz said the City will again meet with the Missouri Department of Transportation (MoDOT) and the Missouri University of Science and Technology (Missouri S&T), return in a few months, and discuss it with the Council.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed plan.

Mr. Glen Gibson, 1635 Columbia Avenue, Rolla, Missouri, told the Council that he is one of the residents of the University Place Subdivision, which was mentioned earlier. Mr. Gibson explained that he and the other residents would definitely like to see green space between their residential area and the proposed retail space. Mr. Gibson emphasized the residents by no means want to limit the expansion of Rolla. He said the residents were told when they moved to this neighborhood that the area behind them was residential. Mr. Gibson said the residents would greatly appreciate it if the Council would approve the plan as recommended by the Planning and Zoning Commission.

Ms. Elizabeth Bax, Executive Director of the Rolla Regional Economic Commission, said she would like to recommend passage of the proposed ordinance during the Council's next meeting. Ms. Bax reminded the Council that this is actually an investment

**I. PUBLIC HEARINGS (continued)**

**(A) Request for Ordinance to Adopt the Rolla West Master Plan as an Amendment to the Rolla 2020 Comprehensive Plan (continued):** for which Rolla will realize a substantial return. She said studies have been done that prove that Rolla can look forward to a substantial return which will help in maintaining the rising cost of City services, but also perhaps enhancing and increasing those services to the residents of Rolla and enhancing the quality of life.

No one else present addressed the Council. Mayor Jenks closed the public hearing.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE ADOPTING THE ROLLA WEST MASTER PLAN AS AN AMENDMENT TO THE *ROLLA 2020* COMPREHENSIVE PLAN UPDATE, 2006 IN ITS ENTIRETY PURSUANT TO CHAPTER 42, SECTION 42-5 THROUGH 42-7 OF THE ROLLA CITY CODE.

**II. CITIZEN COMMUNICATION**

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

Mr. James Corey, 414 Bill Avenue, Rolla, Missouri, asked if he could file a paper to impeach Councilwoman Donna Hawley. He said she has already showed “abuse of power” toward one of our council members. Mr. Corey asked if a citizen could file the same report to have her impeached.

City Administrator John Butz responded that impeachment proceedings are Council driven. From a citizen’s perspective, the right of recall is allowed per State Statute. Mr. Butz indicated that this requires a large percentage of the voters to sign a petition requesting a recall.

Mr. Robert Weitzsacker, 12601 Old Highway 66, #30, Rolla, Missouri, recalled that he recently addressed the Council regarding the possibility of Rolla Municipal Utilities (RMU) acquiring land from him. Mr. Weitzsacker told the Council that he made an offer to RMU in the Rolla newspaper (Rolla Daily News) that simply stated the only way to find the truth is to have a lie detector test. He added that he would pay for all charges of the people involved to get to the bottom of this and to find the truth. Mr. Weitzsacker

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**II. CITIZEN COMMUNICATION (continued)**

**(A) Open Citizen Communication (continued):** stated that he only asks that if his statements were found to be true, that RMU or the City Council pick up the same tab that he would be expected to pay. Mr. Weitzsacker continued by providing an overview of documents he provided to the Council. Mr. Weitzsacker told the Council that his farm is still for sale at a cost of \$500,000 and he will not sell just a part of it. Mr. Weitzsacker asked the Council if they have any information as to whether there will be any negotiations or if the City plans to pursue eminent domain.

Mayor Jenks responded that the City does not have an answer and the last information he received is that RMU is still looking at its options, which may be to construct within the enclosure of the Ameren UE substation.

No one else present addressed the Council.

**III. SPECIAL PRESENTATIONS**

**(A) Channel 6 Semi-Annual Review:** Mr. John Paul, Director of Sales for Fidelity Communications, noted that according to the Rolla Channel 6 Memorandum of Understanding, Fidelity is required to report the financial condition of Rolla Channel 6 (RC6) to the City every six months. Mr. Paul referred the Council to a copy of the financial report, provided earlier to the Council. He told the Council that the first six months for Channel 6 were stressful, but successful. Mr. Paul then entertained questions and comments from the Council.

**(B) Quarterly Report for Rolla Regional Economic Commission:** Rolla Regional Economic Commission (RREC) Executive Director Elizabeth Bax mentioned that RREC serves as an economic development contractor to the City of Rolla and is operated on a calendar year basis. In terms of personal focus for the coming year, Ms. Bax told the Council that her first priority is to locate a tenant for the Briggs and Stratton building. Her second priority is working with the City of Rolla to advance the plan for development of Rolla West and the Highway 63 bypass. Ms. Bax entertained some questions and comments from the Council.

**IV. OLD BUSINESS**

None.

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**V. NEW BUSINESS**

**(A) Request for Ordinance for Departmental Name Change of the City of Rolla Solid Waste Department:** In the absence of Solid Waste Director Brady Wilson, City Administrator John Butz explained that since the Solid Waste Department's duties has diversified over the years, staff is recommending that the name of the department be changed to the Environmental Services Department. He noted that the proposed ordinance would amend the City Code to reflect the name change.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading by title. ORDINANCE NO. 3892: AN ORDINANCE AMENDING CHAPTER 18 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO GARBAGE, TRASH, AND REFUSE. A motion was made by D. Morris and seconded by Hicks to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried. Mr. Fox then read the proposed ordinance for its final reading, by title. 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; Walburg, Spadoni, Williams, Ruck, Eudaly, D. Morris, Hicks, and Jordan. Nays; None. Absent; R. Morris, Hawley, Magdits, and Barklage. Motion carried. The ordinance passed.

**(B) Request for Ordinance to Vacate a 15' Utility Easement in Paul's Addition (Akers):** Community Development Director John Petersen explained the applicant is requesting the vacation of a fifteen-foot utility easement in order to be able to construct a duplex structure. The easement is not currently being used by any utility. Mr. Petersen added the applicant has requested consideration of the first and final readings of the proposed ordinance.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading by title. ORDINANCE NO. 3893: AN ORDINANCE VACATING 15 FOOT UTILITY EASEMENT LOCATED BETWEEN LOT 3 OF PAUL'S ADDITION AND LOT 4 A OF PAUL'S ADDITION REPLAT LOTS 4,6,7 AND 8 (AKERS). A motion was made by Hicks and seconded by Jordan to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried. Mr. Fox then read the proposed ordinance for its final reading, by title. 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:

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**V. NEW BUSINESS (continued)**

**(B) Request for Ordinance to Vacate a 15' Utility Easement in Paul's Addition (Akers) (continued):** Ayes; Hicks, Ruck, Jordan, Spadoni, Walburg, Williams, Eudaly, and D. Morris. Nays; None. Absent; Barklage, Hawley, Magdits, and R. Morris. Motion carried. The ordinance passed.

**(C) Request for Ordinance to Revise the Rolla Cemetery Burial Fees:** Parks and Recreation Director Ken Kwantes referred the Council to the proposed burial fee prices for the Rolla Cemetery. He indicated these costs would probably remain the same for at least the next two years. Mr. Kwantes said the increase would cover labor, equipment and land costs at the cemetery, as well as administrative and record-keeping costs.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 7-26 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO THE FEES FOR BURIAL PERMITS AND ENACTING NEW CODE SECTIONS IN LIEU THEREOF.

**(D) Request for Ordinance to Revise the Rolla Cemetery Lot Prices:** Parks and Recreation Director Ken Kwantes referred the Council to the proposed cemetery lot prices. He mentioned that staff is recommending that most of the increase be placed into the perpetual care fund in order to increase the amount of interest that would be transferred to the Cemetery Department operations account.

After a brief discussion, Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading by title. ORDINANCE: AN ORDINANCE REPEALING SECTION 7-9 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PRICES OF GRAVE LOTS, DESIGNATED PORTIONS OF PROCEEDS TO ETERNAL CARE FUND, AND ENACTING NEW CODE SECTIONS IN LIEU THEREOF.

**VI. CLAIMS AND/OR FISCAL TRANSACTIONS**

**(A) Motion to Award the Bid for a 2009, 36 HP Front Mount-Mower Diesel Tractor:**

Parks and Recreation Director Ken Kwantes reported that bids were opened on January 7, 2009, for a 72-inch front-mount mower. Staff is recommending that the bid be awarded to the low bidder, Wayde's Equipment for a 2009 F3680 mower for \$16,581. After a brief discussion, a motion was made by Spadoni and seconded by Eudaly to award the bid for a 2009 F3680 mower for \$16,581 to Wayde's Equipment. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

**(B) Motion to Award the Bid for a Diesel Mower with a 60" Mower Deck:** Parks and Recreation Director Ken Kwantes reported that bids were opened on January 7, 2009, for a Zero Turning Radius Diesel Mower with a 60-inch mower deck. Staff is recommending that the bid be awarded to the low bidder, Wayde's Equipment for a 2009 Kubota ZD326-60 for \$12,780. A motion was made by Williams and seconded by Eudaly to award the bid for a 2009 Kubota ZD326-60 to Wayde's Equipment for \$12,780. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

**VII. MAYOR/CITY COUNCIL COMMENTS**

**(A) Senior Citizen Center Ad Hoc Committee Appointments:** Mayor Jenks stated that he would first like to make some changes to the wording of the "Committee Mission." He indicated that he would like the mission to read as follows: "The primary mission of the Committee is to evaluate the need for a Senior Center that could be funded and determine what the senior programming needs are in Rolla, Missouri." He added that he would like to amend sub paragraph 4 to read, "Assess public support for a senior center." He asked that sub paragraph 5 be amended to read, "Identify potential Senior Center revenue sources for the Senior Center."

Regarding the formation of the Senior Citizen Center Ad Hoc Committee, Mayor Jenks stated that he preferred the Council not be involved in this committee, since the Council would ultimately consider the committee's recommendation. He noted that the individuals listed in the agenda materials are heavily involved in the Rolla community and in the various organizations that may have an impact on the ad hoc committee's recommendation to the Council. A motion was made by Spadoni and seconded by Eudaly to approve the appointment of the following individuals to the Senior Citizen Center Ad Hoc Committee to Review the Parks and Recreation Sales Tax: Mr. Bill

**VII. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(A) Senior Citizen Center Ad Hoc Committee Appointments (continued):**  
Winch, Mr. Jim Fiscus, Ms. Ruth Hengartner, Ms. Donna Lewis, Ms. Marsha Ray, Mr. Ed Froelich, Mr. Dan Babcock, Mr. Bill Morgan, Ms. Mary Harlan, Ms. Shelley Woltkamp, Ms. Carolyn Tilford and Ex Officio members Ms. Susan Birdsong, Mr. Ken Kwantes and Ms. Kristy Bullock. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

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

**(A) Rolla Municipal Court:** Councilman Jim Williams reported that before the Council Meeting he spoke with Judge Mary Sheffield regarding courtroom space for the Municipal Court. He stated that he would like to clarify that currently there are no plans to use the Eugene Northern Community Hall for the Municipal Court hearings. He indicated the City has other options that they are pursuing and it will take some time for consideration of these options.

Mayor Jenks added he would personally like to keep the Municipal Court offices in the old Phelps County Courthouse. By renting those facilities, it provides a revenue stream to help support and maintain the old courthouse. In order to do this, Mayor Jenks stated that the Municipal Court hearings would need to be in the new Phelps County Courthouse. Mayor Jenks continued by stating that if the Municipal Court hearings were held elsewhere, then the court offices would also need to be in that location.

**IX. EXECUTIVE SESSION**

None.

**X. ADJOURNMENT**

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

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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