

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 2, 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, Rick Morris, and Mark Walburg

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

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, 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., welcomed Boy Scout Troop 85 to the Council meeting, and explained that they are working toward one of their merit badges.

Mayor Jenks then asked Mr. Nathan Hall of the First Christian Church to give the invocation.

Following the invocation, Mayor Jenks asked Councilman Monty Jordan to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

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

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I. CONSENT AGENDA (continued)

The consent agenda consisted of the following:

(A) Approval of the City Council Minutes of:

- 1) January 5, 2009, City Council Executive Session Meeting (5:00 p.m.)
- 2) January 5, 2009, City Council Meeting
- 3) January 5, 2009, City Council Executive Session Meeting (8:25 p.m.)
- 4) January 20, 2009, City Council Meeting

II. PUBLIC HEARINGS

None.

III. CITIZEN COMMUNICATION

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

Mr. Tom VanDoren, County Road 5180, Rolla, Missouri, and representing the Square Dance and Country Dance Clubs, stated the article in the Rolla Daily News weekend edition has them somewhat concerned that the Council is still considering the use of a portion of the Eugene E. Northern Community Hall for the Municipal Court. He expressed his sincere thanks to the City Council, Mayor Jenks, City Administrator Butz, Judge Hickle, Judge Sheffield, and the County Commissioners for working together to try to come up with a solution for the Municipal Court. Mr. VanDoren told the Council that over 100 people attended the last Country Dance, which was held about nine days ago. He said their concern is if the space for the Municipal Court, offices, and storage is taken from Eugene E. Northern Community Hall, there will not be enough space for their dances. Mr. VanDoren asked the Council to consider keeping all of the current space in Eugene E. Northern Community Hall available for the citizens.

Ms. Jean Teasley, 305 Pinetree Road, Rolla, Missouri, and representing the dancers who use the Community Hall, asked the Council not to forget what the citizens have requested regarding use of the Community Hall. She expressed her appreciation to the Council for listening to them.

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III. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): Ms. Audie Calderon, 1214 Kadison Court, Rolla, Missouri, reported that she attended a dance at the City Hall in Salem, Missouri and no fee was charged. She added that she cannot understand why there has not been any progress made on whether the dance groups will still be able to use Eugene E. Northern Community Hall. Ms. Calderon asked the Council to make a decision on this matter and work out something for the seniors.

After a brief Council discussion, a motion was made by Eudaly and seconded by R. Morris to remove the use of Eugene E. Northern Community Hall as one of the options for the Municipal Court. After some dialogue, a voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

Mr. Johnny Jones, 206 Brookridge, Rolla, Missouri, recalled that he addressed the Council a few meetings ago regarding the flooding problems in his back yard. He reported that since he last addressed the Council, a Public Works Department supervisor and Councilman Hicks met with him at his home and explained what can and cannot be done to alleviate the flooding. In addition to the drainage that is emanating from Belmont Court, some of the drainage is coming from across the street by Soest Road. Mr. Jones said the Public Works supervisor told him the City does not have the funds to repair the entire flooding problem, but the City has a program where he would pay the City \$1,000 to temporarily fix the problem. Mr. Jones emphasized that he does not have \$1,000 to remedy the problem and does not feel that it is his responsibility. Mr. Jones asked the City Council to find the \$1,000 to have the Public Works Department to temporarily fix the drainage problem in his back yard.

Public Works Director Steve Hargis explained that the flooding problem in this area is not scheduled to be repaired for several years.

Following some Council discussion, City Administrator John Butz told the Council that localized flooding occurs in every subdivision that is at least 15 to 20 years old. Years ago, developers were not required to make the investment of managing the storm sewer through the street system. Mr. Butz explained the City has probably spent \$3 million to \$3.5 million on constructing detention ponds, which has made a tremendous difference. However, this work was only done in the major channels. At the same time, Mr. Butz explained that a hydrology study was conducted which found 33 to 35 neighborhoods that were impacted by localized flooding problems. He said the storm sewer systems were found to be either undersized or non-existent. Mr. Butz estimated the cost to repair

III. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): these systems to be in the range of \$8 and \$10 million. The City's objective had been to keep the homes or businesses from flooding. However, there is no way to fund another \$8 to \$10 million in improvements with the cost of the street improvements. Mr. Butz indicated that it would take a separate revenue source to fund the storm sewer systems in these neighborhoods. Short of a much larger dialogue on funding of capital improvements, the City will not be tackling these localized storm water problems for a long time.

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

(A) RMU Water Rate Increase: Rolla Municipal Utilities (RMU) Operations and Public Relations Coordinator Rodney Bourne noted that the Rolla Board of Public Works recently approved a modest rate increase of \$2 per month in the service availability fee, effective April 1, 2009. He pointed out that City ordinance requires a 30-day notice to the City Council and the public. Mr. Bourne mentioned that during the Council's next meeting he would conduct a formal presentation of the 2009 Water Rate Study, a copy of which was provided to the Council. He added that RMU customers would be notified of the upcoming increase with the February billing. Mr. Bourne then entertained questions and comments from the Council.

City Administrator John Butz asked Mr. Bourne if he would elaborate on the "Cold Weather Rule" and how it applies in Rolla.

Mr. Bourne stated that the Missouri Public Service Commission has a "cold weather rule" and may have initiated a "hot weather rule" for the regulated utilities in the state, such as Ameren, Kansas City Power and Light, Empire and Aquila. He said RMU does not exactly follow the "cold weather rule." Mr. Bourne explained that RMU does not print a cut-off list if the weather is forecasted to be below 32° within the next 24 hours. He added there might be times when RMU waits a week or several weeks without printing a cut-off list until the weather warms above 32°.

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

Mayor Jenks referred the Council to **(A)** the December 2008 Rolla Municipal Utilities (RMU) Monthly Report; **(B)** the December 22, 2008, Rolla Board of Public Works

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V. REPORT OF MAYOR AND COUNCIL/REPORTS OF BOARDS AND COMMISSION/CITY DEPARTMENTS (continued) Meeting Minutes; (C) the preliminary minutes of the January 13, 2009, Planning and Zoning Commission meeting; (D) the December 2008, Rolla Municipal Court Report; (E) the January 2009, Rolla Regional Economic Commission report; (F) the December 17, 2008, Rolla Health & Recreation Center Advisory Committee meeting minutes, and (G) The Centre FY 2008 Financial Analysis.

VI. OLD BUSINESS

(A) Ordinance to Adopt the Rolla West Master Plan as an Amendment to the Rolla 2020 Comprehensive Plan Update: Community Development Director John Petersen explained that the Comprehensive Plan's objective is to establish a land use vision for Rolla West. He emphasized this does not mean the land use plan cannot be changed. Mr. Petersen said it would be a guideline for the City Council when it is considering land use decisions. The Comprehensive Plan and the amendment are intended to provide some coordination among various entities such as private developers, Phelps County Regional Medical Center, and Missouri S & T. Mr. Petersen informed the Council that the Planning and Zoning Commission reviewed the plan and have recommended the plan be approved with one change. The proposed change is to leave green space between the residential area of University Place Subdivision and the proposed retail space.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3894: 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. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; D. Morris, R. Morris, Spadoni, Williams, Ruck, Jordan, Walburg, Hicks, and Eudaly. Nays; None. Absent; Hawley, Magdits, and Barklage. Motion carried. The ordinance passed.

(B) Ordinance to Revise the Rolla Cemetery Burial Fees: Parks and Recreation Director Ken Kwantes asked the Council to consider the final reading of the proposed ordinance, which would increase Rolla City Cemetery burial fees. He told the Council the proposed prices reflect the increases the City has realized in equipment, personnel, supplies, etc.

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VI. OLD BUSINESS (continued)

(B) Ordinance to Revise the Rolla Cemetery Burial Fees (continued): Some of the discussion, which followed, pertained to the proposed increase in the burial fees and concerns with the gate to the cemetery on Rolla Street being closed. Councilman Williams mentioned that he has received comments from citizens requesting that the gate remain open during the day.

Parks and Recreation Director Ken Kwantes indicated the Police Department has requested the gate remain closed, because of vandalism problems in the cemetery.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3895: 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. A motion was made by Williams and seconded by Ruck to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Ruck, Eudaly, Williams, Jordan, Spadoni, Hicks, R. Morris, D. Morris, and Walburg. Nays; None. Absent; Hawley, Barklage, and Magdits. Motion carried. The ordinance passed.

(C) Ordinance to Revise the Rolla Cemetery Lot Prices: Parks and Recreation Director Ken Kwantes asked the Council to consider the final reading of the proposed ordinance, which would increase cemetery lot prices. He explained that 100% of the proposed cemetery lot price increase would be placed into the perpetual care fund.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3896: AN ORDINANCE REPEALING SECTIONS 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. 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; Hicks, Jordan, Williams, Ruck, R. Morris, Eudaly, Walburg, D. Morris, and Spadoni. Nays; None. Absent; Magdits, Hawley, and Barklage. Motion carried. The ordinance passed.

VII. NEW BUSINESS

(A) Discussion Regarding the Upcoming Show Me Green Sales Tax Holiday: City Administrator John Butz recalled that a few years ago the Council chose to opt out of the “Back to School Sales Tax Holiday” which is held annually in August. He informed the Council that the Missouri Legislature recently approved a “Show Me Green Sales Tax Holiday” to promote energy efficient appliances, i.e. washers, dryers, microwaves, refrigerators, ranges. Unlike the “Back to School Sales Tax Holiday” where the City was required to “opt out,” if it did not want to participate, the City is “opted out” of the “Show Me Green Sales Tax Holiday” unless it chooses to “opt in.” If the City chooses to “opt in” to the “Green Sales Tax Holiday,” it must do so by March 5. Mr. Butz said it is difficult to estimate what the fiscal impact would be to the City if the Council chooses to “opt in.” He explained there is no way to estimate how many energy efficient appliances would be purchased during that time. Mr. Butz noted that a sample ordinance, which is included in the agenda materials, is provided by the Missouri Municipal League and is not prepared for the Council’s consideration at this meeting.

Based on the comments received from the Council, City Administrator John Butz indicated that staff would prepare an ordinance for Council consideration at its next meeting to “opt in” to the “Show Me Green Sales Tax Holiday.” He added that he would also provide a report pertaining to the “Back to School Sales Tax Holiday.”

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS

(A) First Quarter FY 2009 Financial Report: Finance Director Steffanie Rogers provided an overview of the Fiscal Year 2009 First Quarter Financial Report.

City Administrator John Butz indicated that quarterly, staff would continue presenting a financial report to the Council.

(B) Discussion Regarding a Fiscal Contingency Plan for the City of Rolla: City Administrator John Butz pointed out that the proposed contingency plan is a follow up from the discussion the Council had during its retreat on November 13, 2008. In addition to better reporting and accountability of the City’s financial position, the Council suggested the City draft a planning document that would outline how the Council would approach changes in the economic conditions. Mr. Butz said staff was challenged to come up with a solution should there be a 10% reduction in sales tax. Since Rolla is a sales tax heavy, dependent community and if it drops 10%, it would have a significant

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS (continued)

(B) Discussion Regarding a Fiscal Contingency Plan for the City of Rolla (continued): impact on the City. Mr. Butz provided an overview of the proposed fiscal contingency plan, which was included in the agenda materials. Mr. Butz said if the economy turns much further south coming into the summer, the City might need to consider some of the options he outlined. Council discussion followed with no action taken.

Mayor Jenks emphasized that the proposed contingency plan identifies possible budget cuts based on a “worst case scenario.”

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Meeting with County Officials Regarding Municipal Court: Mayor Jenks recalled that the City’s budget was cut from approximately \$26 million in FY 2008 to \$25.3 million in FY 2009. A part of the reduction was \$14,000 to have the Municipal Court moved from the old Courthouse. Mayor Jenks informed the Council this funding terminated effective 12:01 a.m. on February 1, 2009. Regardless of whether the Council chooses to leave the Municipal Court in the old Courthouse or move it to the new Courthouse, he said there would be a cost involved. Mayor Jenks said the Council must either make a decision to continue to pay money from the City’s General Fund to rent a facility for the Municipal Court or to move it to City Hall.

Some of the Council and staff pointed out that the County officials were very accommodating and attempted to work with the City on resolving this issue.

After Council discussion, a motion was made by D. Morris and seconded by R. Morris to relocate the Municipal Court and offices to Rolla City Hall. After a brief discussion, a voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Saw Mill Restaurant: Councilman Williams commended the Rolla Fire Department for the outstanding job they did in containing the recent fire at the Sawmill Restaurant located on Pine Street.

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

(B) Snow Storm: Councilman Rick Morris praised the City Street Department for the excellent job they did in clearing the streets during the recent snowstorm.

(C) Tour of Missouri: Councilman Don Morris expressed the Council's appreciation to Recreation Center Director Scott Caron for his work in Rolla's selection as a host city for the 2009 Tour of Missouri to be held in September 2009.

XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:01 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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