

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 17, 2009
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET
6:30 P.M.**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Monty Jordan, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Don Morris, Lou Magdits, Jim Williams, and Mark Walburg

Council Members Absent: Terry Ruck, Monty Jordan, Donald Barklage, 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, Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, 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 Senior Pastor Matt Forrest of the Vineyard Christian Fellowship to give the invocation.

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

I. PUBLIC HEARINGS

None.

II. CITIZEN COMMUNICATION

(A) Request Waiver on One-Year Delay to Reconsider Zoning Amendment on Huffman Mobile Home Park – Mr. Floyd Huffman: Representing his uncle Mr. Floyd Huffman as well as the Huffman family, Mr. Shaun Allen, #5 McFarland Drive, Rolla, Missouri, addressed the Council. Mr. Allen asked the Council to consider waiving

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II. CITIZEN COMMUNICATION (continued)

(A) Request Waiver on One-Year Delay to Reconsider Zoning Amendment on Huffman Mobile Home Park – Mr. Floyd Huffman (continued): the one-year reapplication process for the rezoning of the center and lower portions of the Huffman Mobile Home Park. At this time, he said the Huffmans are not requesting the rezoning of the two lots on Johnson Street.

A motion was made by D. Morris and seconded by R. Morris to grant a waiver on the one-year rezoning reapplication process for the Huffman Mobile Home Park property and to submit the rezoning request to the Planning and Zoning Commission. After a brief discussion, a voice vote on the motion showed seven ayes, one nay, and four absent. Motion carried.

(B) Open Citizen Communication: Ms. Joyce Darr, 37 Johnson Street, urged the Council, in future dealings pertaining to the Huffman rezoning request, not to change the rules to accommodate them a few months ahead of time than it would normally be considered. Ms. Darr asked the Council to keep the needs and the concerns of Johnson/Laird residents in their considerations.

Mayor Jenks pointed out that City ordinance allows the Council to consider granting a waiver.

No one else present addressed the Council.

III. SPECIAL PRESENTATIONS

(A) RMU Pending Water Rate Increase: Rolla Municipal Utilities (RMU) Operations and Public Relations Coordinator Rodney Bourne told the Council that he is present to explain the actions of the Rolla Board of Public Works in January where the Board authorized an increase in the service availability fee from \$6 to \$8 per month. The increase will become effective with the billing beginning April 1, 2009. Mr. Bourne presented information to the Council to explain how the service availability fee equates to a very high level of service. He pointed out the water department has experienced an average shortfall over the last nine years of almost \$400,000 a year. Mr. Bourne entertained questions and comments from the Council throughout his presentation.

III. SPECIAL PRESENTATIONS (continued)

(A) RMU Pending Water Rate Increase (continued): Councilman Magdits, Chair of the RMU Review Committee, indicated the Committee is about finished with its meetings. He said he believes it is incumbent upon the Council to communicate what is going to be RMU's operating philosophy. Councilman Magdits asked the Council whether it philosophically believes that everything should be cost-of-service based and should it be discussed at the committee level. From the Council discussion, which followed, it appeared the Council agreed that it should be discussed at the committee level.

(B) Schuman Park Environmental Issues: Parks and Recreation Director Ken Kwantes referred the Council to a copy of a news release pertaining to the environmental study at Schuman Park. Mr. Kwantes explained that Mr. John Cable of Triangle Environmental Science and Engineering, Inc. would report on the results of the preliminary borings conducted in Schuman Park.

Mr. Cable addressed the Council and presented the findings of the environmental study conducted at Busy Bee Laundry located at 103 East 14th Street next to Schuman Park. He told the Council that the soil contamination, caused by a volatile organic compound (spot cleaner), was originally discovered on the Busy Bee Laundry property in April 2008. Mr. Cable emphasized the contamination does not pose a threat to park users, to any Rolla municipal wells, nor to Frisco Lake.

IV. OLD BUSINESS

None.

V. NEW BUSINESS

(A) Request for Resolution to Approve Agreement with Missouri Department of Conservation for Ber Juan and Schuman Lakes: Parks and Recreation Director Ken Kwantes told the Council that the subject resolution would authorize the Mayor to enter into a mutual agreement with the Missouri Department of Conservation to assist the City in managing both Schuman and Ber Juan Lakes. Since the agreement for Schuman Lake has expired, this would be the renewal of that agreement. However, this will be a new

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V. NEW BUSINESS (continued)

(A) Request for Resolution to Approve Agreement with Missouri Department of Conservation for Ber Juan and Schuman Lakes (continued): agreement for Ber Juan Lake. Mr. Kwantes explained that Mr. Nick Girando, Fisheries Management Biologist with the Missouri Department of Conservation, has been helping the City manage Ber Juan Lake for the past three years.

After some discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1678: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A MEMORANDUM OF AGREEMENT WITH THE CONSERVATION COMMISSION OF THE STATE OF MISSOURI. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried. The resolution passed.

(B) Ordinance to “Opt-In” to the “Show Me Green Sales Tax Holiday”: City Administrator John Butz reported that the legislature has now authorized a second sales tax holiday called the “Show Me Green Sales Tax Holiday” which occurs in mid April and specifically targets “energy star appliances” identified in the subject ordinance. If the City chooses to “opt in” to this holiday, it must do so by early March. Mr. Butz stated it is difficult to estimate the holiday’s economic impact on the City, because people typically do not purchase appliances just to take advantage of a 2.5% savings if they have perfectly good appliances. He said staff does not anticipate a huge run on these items.

After a brief discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3897: AN ORDINANCE ALLOWING THE “SHOW ME GREEN SALES TAX HOLIDAY” TO APPLY TO THE LOCAL SALES TAXES OF THE CITY OF ROLLA, MISSOURI, BETWEEN APRIL 19, 2009, AND APRIL 25, 2009. A motion was made by Walburg and seconded by Hicks to suspend the rules and that the proposed ordinance be read for its final reading, by title. A voice vote on the motion showed six ayes, two nays, and four 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 Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, R. Morris, Williams, Walburg, Eudaly, Hicks, and D. Morris. Nays; Magdits. Absent; Hawley, Jordan, Ruck, and Barklage. Motion carried. The ordinance passed.

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V. NEW BUSINESS (continued)

(C) Request for Ordinance to Approve Mutual Aid Agreement with Pulaski County Sheriff's Department: Police Chief Mark Kearse explained that staff is requesting approval of a mutual aid agreement between the Rolla Police Department and the Pulaski County Sheriff's Department. He told the Council the Police Department has been assisting the Pulaski County Sheriff's Department for the past 13 years without an official agreement. He noted that the subject agreement primarily addresses law enforcement authority and liability issues during mutual aid situations.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3898: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE PULASKI COUNTY SHERIFF'S DEPARTMENT PERTAINING TO MUTUAL AID. A motion was made by Eudaly and seconded by R. Morris to suspend the rules and that the proposed 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. City Counselor Beger then read the proposed ordinance for its final reading, by title. 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; Spadoni, Walburg, R. Morris, Williams, Magdits, D. Morris, Eudaly, and Hicks. Nays; None. Absent; Ruck, Hawley, Jordan, and Barklage. Motion carried. The ordinance passed.

(D) Request for Ordinance to Approve Letter of Agreement with Missouri S & T Police Department: Police Chief Mark Kearse asked the Council to consider the first reading of an ordinance to approve a revised agreement with the Missouri S & T Police Department. Chief Kearse said it was brought to his attention that an agreement, approved in 1989, stated that Missouri S & T Police Officers may accept City of Rolla Reserve Police Officer Commissions. Additionally, the City of Rolla Reserve Officer Commissions provided Missouri S & T Police Officers with the necessary authority, within the Rolla city limits, to perform all duties of a full-time Rolla Police Officer.

Following discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3899: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE

V. NEW BUSINESS (continued)

(D) Request for Ordinance to Approve Letter of Agreement with Missouri S & T Police Department (continued): UNIVERSITY OF MISSOURI SCIENCE & TECHNOLOGY (MISSOURI S & T) POLICE DEPARTMENT PERTAINING TO RESERVE OFFICER COMMISSIONS. A motion was made by R. Morris 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 seven ayes, one nay, and four absent. Motion carried. A motion was made by Williams and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Hicks, R. Morris, Spadoni, Walburg, Magdits, Eudaly, and D. Morris. Nays; None. Absent; Jordan, Hawley, Barklage and Ruck. Motion carried. The ordinance passed.

(E) Request for Ordinance to Revise Lot 2 of Cedar Trail Planned Unit Development Site Plan (Timber Ridge Builders, Inc.): Community Development Director John Petersen told the Council that the developer of the Cedar Trail Planned Unit Development has asked for a revision to the site plan. The request is to revise the current site plan for Lot 2 by eliminating five, four-plex structures and two, eight-plex structures and replace them with duplex structures. Mr. Petersen noted the original site plan showed 44 units and the revised plan would have 26 units. The Planning and Zoning Commission recommend approval of the Planned Unit Development, as amended.

Councilman Hicks indicated that he specifically remembers, during the initial discussion of this Planned Unit Development, that Christy Drive would be constructed. However, the proposed ordinance, states that it will be “under construction.” After some discussion, staff said the wording from the initial ordinance would be reviewed and amended before the Council considers the final reading of the ordinance.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 42-384(c) (ORDINANCE NO. 3772) OF THE ROLLA CITY CODE, PERTAINING TO LOT 2 OF CEDAR TRAIL PLANNED UNIT DEVELOPMENT (TIMBER RIDGE BUILDERS).

VI. CLAIMS AND/OR FISCAL TRANSACTIONS

None.

VII. MAYOR/CITY COUNCIL COMMENTS

(A) American Cancer Society Gala: Councilman Rick Morris commended those involved in the American Cancer Gala, which was held Saturday evening. He pointed out that the Gala raised \$37,000 for the American Cancer Society.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

IX. EXECUTIVE SESSION

A motion was made by Hicks and seconded by Eudaly to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss personnel. A roll call vote on the motion showed the following: Ayes; Walburg, R. Morris, Spadoni, Williams, Eudaly, Magdits, D. Morris, and Hicks. Nays; None. Absent; Ruck, Jordan, Barklage, and Hawley. Motion carried.

The Council adjourned into Executive Session at approximately 8:03 p.m.

X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:48 p.m.

City Counselor John Beger reported that during Executive Session the Council was advised of an administrative disciplinary action taken against a Rolla City employee. The Council took no formal action and no disclosure of the employee's name or the action taken will be made unless and until there is formal action by the Council.

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XI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:49 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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