

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 4, 2009
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET
6:30 P.M.**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Don Brown, Monty Jordan, Don Barklage, Stan Spadoni, Susan Eudaly, Don Morris, and Jim Williams

Council Members Absent: Gary W. Hicks, Lou Magdits, Ken Boeker, Donna Hawley, and Mark Walburg

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Mark Kearse, Environmental Services Director Brady Wilson, Fire Chief Robert Williams, Parks and Recreation Director Ken Kwantes, Finance Director Steffanie Rogers, 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 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 eight ayes, zero nays, and four absent. Motion carried.

The consent agenda consisted of the following:

(A) Approval of the City Council Minutes of:

- April 6, 2009, City Council Meeting
- April 20, 2009, City Council Meeting
- April 20, 2009, Executive Session Meeting

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II. PUBLIC HEARINGS

(A) Motion to Approve/Disapprove the Liquor License Waiver for Russ & Rena's

Place: City Administrator John Butz recalled that this issue surfaced during the last Council meeting under "Citizen Communication." On behalf of Mark and Tammy Williams, owners of Russ & Rena's Place, Mr. Jack Dietzmann, developer, addressed the Council stating that State Statute authorizes the City Council to consider extenuating circumstances in the 100-foot separation between liquor license permits and churches/schools. Mr. Butz told the Council that there is about a 71-foot separation between the New Dimensional Christian Ministry Church and 200 E. 6th Street, where the Williams' desire to relocate their business. Mr. Butz said the State Liquor Control Agent seemed to think the Council could have taken action at its last meeting, send a notice to the adjacent property owners, give ten days' notice, and then take formal action. However, the Council did not feel this was appropriate and wanted to give the neighbors an opportunity to speak before the Council makes a determination. Mr. Butz pointed out that a public hearing is not required, but staff thought it made sense.

Mayor Jenks emphasized that this does not constitute a rezoning. He then opened the public hearing to anyone wishing to address the Council regarding this matter.

Mr. Vincent Hodge, who resides at the New Dimension Christian Ministry Church, and represents the church, told the Council that the church has not yet decided whether they will be relocating. He stated that the church is still in disagreement with the request.

Mr. Jack Dietzmann, owner of the subject property at 200 E. 6th Street, along with Mark and Tammy Williams, owners of Russ and Rena's Place, addressed the Council. Mr. Dietzmann said the zoning of the property at 200 E. 6th Street is exactly what it should be for their type of business. Mr. Dietzmann asked the Council to consider approving the variance at this meeting.

Ms. Tammy Williams stated that the subject location (200 E. 6th Street) is a terrific opportunity for the relocation of Russ and Rena's Place. She stressed that Russ and Rena's Place does not belong anywhere else in Rolla, other than the neighborhood where it is located and this is the best location. Mr. Williams said they realize the church is there and that at some point it will be relocating. However, they do not want any conflict with the church and are happy they are there. Ms. Williams asked the Council to keep in mind when they vote that, at some point, the church will be moving and Russ and Rena's

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II. PUBLIC HEARINGS (continued)

(A) Motion to Approve/Disapprove the Liquor License Waiver for Russ & Rena's Place (continued): Place will miss this terrific opportunity. Ms. Williams pointed out that the church is presently housed in a rental facility and not a permanent church structure. In addition, she pointed out that to some degree, Russ and Rena's Place business hours are different from the church's hours.

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

A motion was made by Brown and seconded by Morris to approve the request for the sale of liquor at 200 E. 6th Street. A voice vote on the motion showed six ayes, one nay, and five absent. Motion carried.

III. CITIZEN COMMUNICATION

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

(1) Mr. Johnny Jones, 206 Brookridge, said he had a couple of questions that he failed to ask during the last meeting. He indicated that when he and his wife moved into their home about three years ago, he called the Public Works Department to ask when the storm water problem in their area would be fixed and he was told it was scheduled to be repaired in 2011. However, when he called the Department this year, he was told that it had been removed from the 2011 schedule. Mr. Jones asked the Council why the work was rescheduled.

Additionally, if city streets are reconstructed about every ten years, Mr. Jones said the City knew ten years ago that this problem existed. He asked why the problem was not repaired at that time.

City Administrator John Butz said that there might be a disagreement on where the problem existed. In the City's mind, this is not a problem and the subdivision was built and constructed with the water to run down the swale in the back yards. Mr. Butz said it is not a matter of repairing it, but it is a matter of when the community feels that storm water projects like this all over the community are a priority and they approve a funding mechanism to repair them. The City will then be able to start solving those problems.

III. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication:

(1) (continued): Mr. Butz added that there are about 30 to 33 areas throughout Rolla that are similar to the problems on Brookridge Drive and the cost for the Brookridge project is estimated at \$500,000. Mr. Butz agreed that the City tries to improve streets on an eight to ten year cycle. However, with the increase in the cost of materials, all of the City's construction plans for street improvements have been delayed until the economy rebounds and costs decrease. Mr. Butz told Mr. Jones the reason the streets in the Brookridge area were not improved years ago when the City became aware of the problems was because there was no funding available. He said there is no funding mechanism in place to fix the 30 areas throughout Rolla. Mr. Butz said it would take the timing of the economy, something from the voters or a type of storm water utility fee to provide a funding mechanism to improve these areas.

Mr. Jones said he would do whatever he needs to do to get this problem fixed as fast as possible such as attending the City budget meetings.

Mr. Butz told Mr. Jones that the budget meetings with the City Council are usually held the last Monday, Tuesday, and Wednesday in August. He suggested the best approach for this process is to talk with and work through his two Council representatives, in addition to attending the budget meetings.

(2) Mr. Jim Steiner, 1204 Casey Lane, and representing Melrose Asphalt, explained that he wants to comment on the Chamber of Commerce's initiative about shopping local and he asked the Council to "shop local." Mr. Steiner said later in the meeting, Public Works Director Steve Hargis is scheduled to address the asphalt bids. He added that Melrose Quarry & Asphalt, owned by Mr. Dave Weinbaum, Rolla, Missouri, is not the low bidder. He pointed out that Melrose Asphalt's bid is only about 3% higher than Rolla Asphalt's bid of \$301,195.66. Mr. Steiner showed the Council copies of documentation filed with the Missouri Secretary of State's Office, which shows the address for Rolla Asphalt as Jefferson City, Missouri. He also informed the Council that the City of Rolla sends its payments to a Jefferson City, Missouri address. Mr. Steiner stated that although "Rolla" is part of the name of the Rolla Asphalt business, it is not locally owned. With the exception of petroleum products, Mr. Steiner informed the Council that 100% of Melrose Asphalt's materials are purchased locally. Conversely, Rolla Asphalt's materials are transported from Lebanon, St. Robert, and the Jefferson City area. Although there is a 3% difference between the two top bids, Mr. Steiner pointed out that

III. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(2) (continued): Melrose Asphalt keeps its money local by purchasing its business vehicles locally. He said he believes that more than 3% comes back to the city of Rolla. Mr. Steiner asked the Council to give Melrose Asphalt consideration. He added the reason Melrose Asphalt's bid was higher is because Rolla Asphalt uses a process of using recycled shingles in their asphalt mix, which tremendously drives down the cost. This process is currently a Missouri Department of Transportation (MoDOT) approved process. However, MoDOT is reconsidering its use because some of the work has to be redone because of the asphalt shingles in the product. Mr. Steiner also pointed out that Rolla Asphalt is not a member of the Chamber of Commerce, as is Melrose Asphalt. He concluded by asking the Council to give Melrose Asphalt some special consideration when deciding which asphalt company to employ.

No one else present addressed the Council.

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

None.

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

Mayor Jenks referred the Council to **(A)** the March 2009 Rolla Municipal Utilities (RMU) Monthly Report; **(B)** the April 14, 2009, Preliminary Minutes of the Planning and Zoning Commission Meeting; **(C)** the March 2009 City's Cash Position and Revenue/Expenditure Report; **(D)** the March 2009, Rolla Municipal Court Report; **(E)** the April 2, 2009, Rolla Board of Adjustment Meeting Minutes; **(F)** the April 2009 Rolla Regional Economic Commission Report, and; **(G)** the Centre FY-09 Financial Analysis.

VI. OLD BUSINESS

(A) Ordinance to Rezone a Fractional Part of 1349 Highway 72 from R-3 Zoning to C-2 and C-1 Zoning (Huffman): Councilman Jim Williams reported that a member of the Huffman family spoke with him earlier this evening and requested that the Council

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VI. OLD BUSINESS (continued)

(A) Ordinance to Rezone a Fractional Part of 1349 Highway 72 from R-3 Zoning to C-2 and C-1 Zoning (Huffman) (continued): postpone consideration of the final reading of the proposed ordinance until the June 1, 2009, meeting. A motion was made by Williams and seconded by Spadoni to set aside consideration of the Huffman rezoning request until the June 1, 2009, Council meeting. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

VII. NEW BUSINESS

(A) Resolution to Approve the Agreement for the 2009 Tour of Missouri: Recreation Center Director Scott Caron referred the Council to the proposed contract between the City of Rolla and Tour of Missouri, which will be conducted from September 7 through September 13, 2009. The contract stipulates that Rolla will host the Stage 3 Finish of the Tour of Missouri on Wednesday, September 9. He explained the subject resolution would authorize the Mayor to sign the proposed contract. Mr. Caron reported that last year's Tour of Missouri had a tremendous impact for Rolla. Over 12,000 people came to see the race and the City realized an increase in its sales tax during that period. Additionally, Mr. Caron reported that the hotel occupancy the night the Tour of Missouri came to Rolla, was 121% higher than any other night.

Mr. Caron pointed out that last year was the first year the Tour of Missouri travelled through Rolla. He told the Council that the 2009 Tour of Missouri would include fifteen elite international cycling teams and this year's teams are much higher rated than last year's teams.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1682: A RESOLUTION 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 TOUR OF MISSOURI, INC., PERTAINING TO THE HOSTING OF THE STAGE FINISH ON SEPTEMBER 9, 2009. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

(B) Request for Ordinance to Amend Sections of the Rolla City Code Pertaining to the Police Personnel Board: City Administrator John Butz noted that later in the meeting the Council would be asked to consider appointments to the Police Personnel

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VII. NEW BUSINESS (continued)

(B) Request for Ordinance to Amend Sections of the Rolla City Code Pertaining to the Police Personnel Board (continued): Board. He explained the current ordinance requires the Board to have an equal number of the top primary political parties (Republican and Democrat). Mr. Butz told the Council that it is difficult to find people who are professing either all Republican or all Democrat. He advised the Council that upon reviewing RSMo. 85.541, no such requirement could be found. Mr. Butz said staff has drafted an ordinance that would establish a six-member board, instead of the current four-member board with two additional members. He also pointed out that State Statute includes a provision for the Board to hear grievances and appeals.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3911: AN ORDINANCE AMENDING SECTIONS 33-21, 33-22, 33-23, AND 33-24 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, RELATING TO THE COMPOSITION OF THE POLICE PERSONNEL BOARD. A motion was made by Eudaly and seconded by Morris 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, zero nays, and five absent. Motion carried. City Counselor Beger then read the proposed ordinance for its final reading, by title. 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; Spadoni, Williams, Brown, Jordan, Morris, Eudaly, and Barklage. Nays; None. Absent; Walburg, Boeker, Hawley, Magdits, and Hicks. Motion carried. The ordinance passed.

(C) Request for Ordinance to Apply for Traffic Grants through MoDOT: Police Chief Mark Kears asked the Council to consider authorizing the Mayor to sign a Missouri Department of Transportation (MoDOT) Grant Authorization Form. He explained that the subject grant would permit the Rolla Police Department to apply for free traffic safety grants, which would provide the Police Department with overtime monies, in-car cameras, radars, etc. Chief Kears emphasized that there is no expense or recurring costs to the City. He added that this is the first year the governing body has been required to authorize execution of this document.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3912: 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 MISSOURI DEPARTMENT OF TRANSPORTATION PERTAINING TO GRANTS. A motion was made by Eudaly and seconded by Morris to

VII. NEW BUSINESS (continued)

(C) Request for Ordinance to Apply for Traffic Grants through MoDOT (continued): suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed seven ayes, zero nays, and five 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 Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Spadoni, Barklage, Eudaly, Morris, and Brown. Nays; None. Absent; Hawley, Hicks, Boeker, Walburg, and Magdits. Motion carried. The ordinance passed.

(D) Request to Amend an Ordinance with Missouri S & T for Reserve Officer Commissions: Police Chief Mark Kears recalled that in February 2009, the Council approved an agreement between Missouri S & T and the City for reserve police officer commissions. He explained that following Council's approval, the Missouri S & T's attorneys further reviewed the agreement and recommended some amendments. Chief Kears explained that most of the changes are insignificant. However, one major change was that Missouri S & T would be strictly responsible for their officers' actions with no liability on the part of the City.

After a brief discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3913: AN ORDINANCE AMENDING ORDINANCE NO. 3899, 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 UNIVERSITY OF MISSOURI SCIENCE & TECHNOLOGY (MISSOURI S & T) POLICE DEPARTMENT PERTAINING TO RESERVE OFFICER COMMISSIONS. A motion was made by Jordan and seconded by Spadoni 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, zero nays, and five absent. Motion carried. City Counselor Beger then read the proposed ordinance for its final reading, by title. A motion was made by Spadoni and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Williams, Brown, Eudaly, Jordan, Morris, and Barklage. Nays; None. Absent; Walburg, Boeker, Magdits, Hicks, and Hawley. Motion carried. The ordinance passed.

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS

(A) Motion to Award the 2009 Asphalt Overlay Bid: Public Works Director Steve Hargis informed the Council that staff received bids for the asphalt portion of the 2009 Street Improvement Project. The three bids received ranged from \$301,195.66 to \$392,128.60. Staff is recommending that the bid be awarded to the low bidder, Rolla Asphalt for \$301,195.66.

In response to an inquiry from Council, City Administrator John Butz said the City Procurement Policy specifically says the City Council may consider location in determining the lowest, best bid, or highest, best bid, depending on whether the City is buying or selling.

City Administrator John Butz added that in very limited cases, the Council has awarded bids to other than low bid. The major reason the City would hear from the contracting industry as to why the City should never do this is that they would not want to submit a bid in the future. Alternatively, they will ask the City to specify what is going to be the local preference to make it fair.

Following some discussion, a motion was made by Morris and seconded by Jordan to award the 2009 Asphalt Overlay Bid to Melrose Quarry & Asphalt, Rolla, Missouri, for \$310,798.00. A hand count on the motion showed three ayes, four nays, and five absent. Motion failed. A motion was then made by Brown and seconded by Jordan to award the 2009 Asphalt Overlay Bid to Rolla Asphalt, Rolla, Missouri, for \$301,195.66. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

(B) Motion to Award the 2009 Micro Surfacing Bid: Public Works Director Steve Hargis reported that staff recently requested bids for the City's 2009 Micro Surfacing project, which entails about nine miles of city streets. He reported that only one bid was received from Donelson Construction Company, LLC, for \$550,250. Mr. Hargis informed the Council that Donelson Construction Company has done the City's micro surfacing work for the past two years. He pointed out that this year's bid is about 20% higher than last year's bid, but is within the estimated budgeted amount.

After a brief discussion, a motion was made by Williams and seconded by Eudaly to award the 2009 Micro Surfacing Bid to Donelson Construction, LLC, Clever, Missouri, for \$550,250. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS (continued)

(C) Motion to Award the Bid for the Communication Equipment for the Rolla Homeland Security Command Post: Fire Chief Robert Williams informed the Council that bids were opened last Monday at the Meramec Regional Planning Commission (MRPC) for communications equipment for the Homeland Security Command Post to help with dispatching. He explained the equipment is funded through Homeland Security and is passed through MRPC for the Regional Homeland Security Oversight Committee. Chief Williams noted that last year it was agreed upon that Rolla would receive \$38,000 for communications equipment. He reported that MRPC, along with the Rolla Fire Department, recommends the bid be awarded to Command One for \$37,972.

Following a brief discussion, a motion was made by Jordan and seconded by Eudaly that the bid for the purchase of communication equipment, to be installed in the Rolla Homeland Security Command Post, be awarded to Command One for \$37,972. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

(D) Second Quarter FY 2009 Financial Report: Finance Director Steffanie Rogers provided an overview of the City's Fiscal Year 2009, second quarter financial report, which covers the period from October 2008 through March 2009. She told the Council that as of March 31, 2009, the City has a \$7.5 million cash balance, which does not include the Recreation Bond of \$4.9 million.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointment of Members of the Police Personnel Board: Mayor Jenks announced that Mr. Terry Ruck has resigned his position on the Police Personnel Board. Mayor Jenks indicated that he would submit the name of a candidate at the Council's next meeting.

A motion was made by Eudaly and seconded by Spadoni to reappoint the following individuals to the Police Personnel Board: Mr. Joe Rigler to a two-year term with his term expiring June 2011; Ms. Judy Jepsen and Ms. Bette Shields each to three-year terms with their terms expiring June 2013, and; Mr. Lance Thurman and Mr. Ken Kaunley each to four year-year terms with their terms expiring June 2013. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Reappointment of William Hickle and Gary Patterson to Rolla Public Library

Board: A motion was made by Jordan and seconded by Eudaly to reappoint Judge William Hickle and Mr. Gary Patterson to the Library Board with each of their terms expiring May 2012. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

A motion was made by Williams and seconded by Eudaly to appoint the following to the Library Board: Ms. Helen Hoertel with her term expiring May 2010; Ms. Melody Lloyd with her term expiring May 2011 and; Mr. Bob Medrow with his term expiring May 2012. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Newly Elected Officials Conference: Councilman Don Brown provided the Council with information regarding the upcoming Missouri Municipal League Elected Officials Training Conference scheduled for June 11 and 12, 2009, in Jefferson City. He indicated that he plans to attend both days and invited other council members to attend with him. Councilman Brown said it is a very good conference and feels that everyone would benefit from attending.

(B) Open Citizen Comments Procedures: Councilman Don Brown referred the Council to the first page of the Council agenda, which outlines the citizen comment procedures. He commended the Council for this part of the agenda and encouraged everyone to follow these procedures. Councilman Brown noted that the guide indicates that citizen comments should be limited from three to five minutes. Councilman Brown said he had the great opportunity to observe the Council's work, recently having been a part of the audience, and it is a little different on a wide perspective. He pointed out the Council spent an hour and ten minutes on Mr. Jones' water problem. Councilman Brown stated that he did not feel this was a wise and effective use of the Council's time. He applauded Mr. Jones' tenacity, however, after five minutes, this issue should have been referred to a committee or to a department director and then it should have been resolved. Councilman Brown encouraged the Council to follow these procedures and written guidelines.

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

(C) Ozark Memorial Gardens Cemetery Status: Councilman Williams asked City Administrator John Butz if he would update the Council on the status of the potential sale of the Ozark Memorial Gardens Cemetery.

Mr. Butz reported that a meeting was held last Thursday in Jefferson City with the prospective buyers and one of the last issues discussed was a lien, which was imposed by the Department of Revenue for back taxes. He said a partial release of the lien was granted on Thursday and understands a full release has since been granted. In speaking with the prospective buyers on Friday, Mr. Butz reported that they feel the closing on the property is imminent. Mr. Butz indicated that staff feels confident the sale will take place.

Regarding the condition of the cemetery, Mr. Butz told the Council the City planned to begin mowing the cemetery in mid April. However, since an employee of the new buyers began to cut the front property, the City decided to let the prospective buyers maintain it.

(D) Mowing Season: Councilman Jim Williams reminded citizens to keep their lawns cut. He said he has noted several areas where the grass is high. Councilman Williams encouraged residents to keep their lawns mowed to avoid being reported to the City.

(E) Senior Citizens Committee: Councilman Spadoni asked about the status of the Senior Citizens Committee.

City Administrator John Butz reported the Committee met three or four times since its inception. Mr. Butz added that he is not sure whether the Committee reached a definitive plan. He said a Council Retreat is tentatively scheduled for July 13 and plans are to spend part of that evening discussing parks and senior services. He indicated that staff would provide a full update at that meeting.

XI. EXECUTIVE SESSION

None.

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XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:38 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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