

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 18, 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, Don Barklage, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Don Morris, Lou Magdits, Ken Boeker, Jim Williams, and Donna Hawley

Council Members Absent: Don Brown and Mark Walburg

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Mark Kearse, Environmental Services Director Brady Wilson, 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 Pastor Danny Kemp of the Calvary Assembly of God Church, to give the invocation.

Following the invocation, Councilman Ken Boeker led in the Pledge of Allegiance.

I. CITIZEN COMMUNICATION

Mayor Jenks opened the floor to anyone wishing to address the Council on any issue that is not on the agenda. No one present responded.

II. SPECIAL PRESENTATION

(A) Rolla Area Chamber of Commerce Audit Presentation: Mr. Mark Kean of Kean & Company, LLC, Certified Public Accountant, provided an overview of the Rolla Area Chamber of Commerce's Motel Tax Fund Audit for December 31, 2008 and 2007.

In response to an inquiry from Councilwoman Hawley, Rolla Area Chamber of Commerce Executive Director Stevie Kearse explained that 1301 Kingshighway, which

MAY 18, 2009

**CITY COUNCIL MEETING MINUTES
MAY 18, 2009
PAGE 2**

II. SPECIAL PRESENTATION (continued)

(A) Rolla Area Chamber of Commerce Audit Presentation (continued): formerly housed the Chamber of Commerce offices, has been leased to Congresswoman Jo Ann Emerson's office. Ms. Kearse explained the rent from this facility is placed in the Chamber's building reserve account.

Councilwoman Hawley pointed out that the Chamber's contract with the City says the Chamber cannot sublease any part of the property.

City Administrator John Butz indicated that City staff would check into this issue. He added that he is certain the Council consented to the subleasing of the property and the rent proceeds will be used for ground improvements.

Ms. Kearse continued by addressing other questions and comments from the Council.

(B) 2009 First Quarter Tourism Report: Rolla Area Chamber of Commerce Executive Director Stevie Kearse then provided an overview of the First Quarter 2009, Tourism Report, a copy of which is included in the agenda materials.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Resolution to Enter Into an Agreement with Rolla Asphalt Company for the 2009 Asphalt Overlay: Public Works Director Steve Hargis recalled that during the Council's last meeting, the bid for the asphalt overlay program was awarded to Rolla Asphalt Company. The proposed resolution would authorize the Mayor to enter into an agreement with that company. Staff recommends approval of the resolution.

After some discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1683: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND ROLLA ASPHALT CO. FOR PROJECT 273,

MAY 18, 2009

**CITY COUNCIL MEETING MINUTES
MAY 18, 2009
PAGE 3**

IV. NEW BUSINESS (continued)

(A) Resolution to Enter Into an Agreement with Rolla Asphalt Company for the 2009 Asphalt Overlay (continued): 2009 ASPHALT OVERLAY. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed nine ayes, one nay, and two absent. Motion carried. The resolution passed.

(B) Resolution to Enter into an Agreement with Donelson Construction for the 2009 Micro Surfacing: Public Works Director Steve Hargis recalled that during the Council's last meeting, the 2009 micro surfacing bid was awarded to Donelson Construction Company. The attached resolution would authorize the Mayor to enter into a contract with that company. Staff recommends approval of the resolution.

Following some discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1684: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONELSON CONSTRUCTION FOR PROJECT 272, 2009 MICROPAVING CERTAIN CITY STREETS. A motion was made by Hicks and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

(C) Resolution Authorizing the Mayor to Execute the Sewer Use Agreement for 12033 Cedar Grove Road: Public Works Director Steve Hargis explained that the subject resolution would authorize the Mayor to enter into a sewer use agreement with Daniel and Janell Abbott who reside outside the Rolla city limits on Cedar Grove Road. The Abbott's are seeking permission to hook to the City's sanitary sewer system so they can operate a day care center at their home. Mr. Hargis told the Council that the Abbott's existing sewage disposal system does not meet Health Department requirements for a day care. The Abbott's have signed and submitted a petition to annex into the City. Since their land is not contiguous with the city limits, they cannot be annexed at this time. Mr. Hargis added the Abbott's property would not be a part of the Cedar Grove Sewer District, but would be a direct bill customer of the City. The Abbott's would also be responsible for all associated costs to connect to the system. Mr. Hargis told the Council that as part of the agreement, the Abbott's would be required to adhere to the City's zoning regulations. He noted that is why the agreement stipulates the day care would operate under an R-3 (Multi-Family District) zoning, rather than an R-1 (Single Family District) zoning. Mr. Hargis stated that staff recommends approval of this request.

MAY 18, 2009

**CITY COUNCIL MEETING MINUTES
MAY 18, 2009
PAGE 4**

IV. NEW BUSINESS (continued)

(C) Resolution Authorizing the Mayor to Execute the Sewer Use Agreement for 12033 Cedar Grove Road (continued): After a brief discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1685: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND DANIEL R. AND JANELL D. ABBOTT. A motion was made by Williams and seconded by Jordan to approve the proposed resolution. Following further discussion, a voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

(D) Request for Ordinance to Approve the Plat for Parker Place (Parker): Community Development Director John Petersen explained that the subject subdivision involves splitting one larger lot into two lots. He pointed out that the property is located on Salem Avenue. Mr. Petersen informed the Council that all requirements that exist for minor subdivisions have been met and no objections have been received. He added that the applicants have requested the first and final readings of the proposed ordinance. Mr. Petersen reported that the Planning and Zoning Commission's recommendation is to approve the plat as submitted.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3914: AN ORDINANCE APPROVING THE SUBDIVISION PLAT OF PARKER PLACE, A SUBDIVISION IN ROLLA, MISSOURI (PARKER). A motion was made by Williams and seconded by Hicks to suspend the rules and that the ordinance be read for its final reading, by title. After a brief discussion, a voice vote on the motion showed ten ayes, zero nays, and two 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 Hicks to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Magdits, Hicks, Hawley, Boeker, Spadoni, Barklage, Eudaly, Jordan, Morris, and Williams. Nays; None. Absent; Brown and Walburg. Motion carried. The ordinance passed.

(E) Request for Ordinance to Approve the Plat of Oak Knoll South Plat No. 5 (City of Rolla): Community Development Director John Petersen explained that the subject subdivision comprises of residual pieces of property that were required when the creek was relocated as a result of the Lions Club Drive construction process. The subject process would take these residual pieces of property and make them legal lots of record so they can be sold.

MAY 18, 2009

IV. NEW BUSINESS (continued)

(E) Request for Ordinance to Approve the Plat of Oak Knoll South Plat No. 5 (City of Rolla) (continued): Following a brief discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3915: AN ORDINANCE APPROVING OAK KNOLL SOUTH PLAT NO. 5, A SUBDIVISION IN ROLLA, MISSOURI (CITY OF ROLLA). A motion was made by Williams 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 ten ayes, zero nays, and two 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; Eudaly, Barklage, Spadoni, Hicks, Hawley, Boeker, Jordan, Morris, Williams, and Magdits. Nays; None. Absent; Brown and Walburg. Motion carried. The ordinance passed.

(F) Motion to Approve the Selection of Real Estate Services for the City of Rolla: City Administrator John Butz informed the Council that staff solicited proposals for realtor firms to sell three surplus parcels. Proposals were received from Investment Realty, A&M Realtors, Inc., and RE/MAX. Mr. Butz indicated that all three firms are qualified to list and market these lots and all firms quoted a 6% commission and would split the commission with a cooperating broker. Based on their experience in residential properties, Mr. Butz stated that staff is recommending the selection of RE/MAX Heart of America. If approved by Council, an agreement would be brought to the Council for consideration at its next meeting. Additionally, Council would be asked to set the listing price for these properties. After a brief discussion, a motion was made by Williams and seconded by Eudaly to select RE/MAX Heart of America as the listing agent for 583 Sycamore Drive, 584 Sycamore Drive, and 100 East Third Street. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Resolution to Consider a Revision to the FY 2009 Budget: Finance Director Steffanie Rogers provided an overview of the requested mid-year adjustments to the fiscal year 2009 budget. With these adjustments, revenues are projected to decrease by \$185,000 and expenditures will increase \$4.8 million. By removing the \$4.9 million payment for the 1999/2004 crossover bond refunding, Ms. Rogers told the Council that expenditures actually decrease by \$110,220.

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Resolution to Consider a Revision to the FY 2009 Budget (continued): Following some discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1686: A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2008, AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Dr. James Stoffer: Dr. James Stoffer, President of the Rolla Board of Public Works presented the attached prepared statement to the Council pertaining to how Rolla Municipal Utilities (RMU) operates and how he approaches any topic that comes before the Board.

Councilman Magdits suggested to Dr. Stoffer that the word “political” in paragraph 3 be changed to read “customer service.” He said the City is trying to remove politics as well as the perception of politics from RMU. Dr. Stoffer agreed to the change. Dr. Stoffer concluded his comments by thanking the Council for its support.

(B) Velazquez Property: Regarding a copy of a letter to Margarito and Hortencia Velazquez who own the property at 1810 North Bishop (hotel that burned), Councilman Hicks asked if any progress has been made to abate the nuisance.

City Administrator John Butz said that not much progress has been made and the letter from Building Codes Administrator Brian Epstein was written to put the owners on notice that the City plans to further pursue the matter.

Mayor Jenks added the City made some temporary repairs to the fencing around the pool so that it is not easily accessible.

City Administrator John Butz noted that the ordinance requiring 25% of the insurance proceeds be deposited with City was approved after the hotel fire.

**CITY COUNCIL MEETING MINUTES
MAY 18, 2009
PAGE 7**

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(C) Grass Mowing: Councilman Jim Williams thanked the businesses along Kingshighway and Highway 72 for cutting the grass along the right-of-way. He said it looks nice and it makes a big difference in the appearance when the grass is cut.

(D) State Audit Results: Councilwoman Hawley asked how the Council plans to work through the State Audit results.

City Administrator John Butz said he anticipates that when the Council approves his goals and objectives, which they have been deferring until after the State audit, they will identify the recommendations in his goals and objectives. He suggested the Council begin addressing the audit recommendations in June with a completion date of September.

VII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Pedestrian Crosswalks: Mayor Jenks expressed his appreciation to Public Works Director Steve Hargis and his staff for the work they have done in marking the pedestrian crosswalks. He said this makes people aware that they are supposed to stop and yield the right-of-way to pedestrians.

(B) Walgreens: Councilwoman Sue Eudaly announced that Walgreens would be opening next week.

VIII. EXECUTIVE SESSION

None.

IX. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:31 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

MAY 18, 2009