

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 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: Don Brown, Monty Jordan, Stan Spadoni, Susan Eudaly, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Ken Boeker, ~~Donna Hawley, and Mark Walburg~~ (amendment approved by Council during its August 3, 2009, City Council meeting).

Council Members Absent: Don Barklage, Donna Hawley, and Mark Walburg. (amendment approved by Council during its August 3, 2009, City Council meeting).

Department Directors in Attendance: Police Chief Mark Kearse, Environmental Services Director Brady Wilson, Fire Chief Robert Williams, Parks and Recreation Director Ken Kwantes, Finance Director Steffanie Rogers, and Community Development Director John Petersen

Other City Officials in Attendance: City Counselor John Beger (arrived at 6:42 p.m.) and City Clerk Carol Daniels

Mayor Jenks called the meeting to order at approximately 6:30 p.m. and announced that City Counselor John Beger would be arriving late due to another engagement. Additionally, he noted that City Administrator John Butz would be unavailable for a few days due to a family emergency.

Mayor Jenks then asked Pastor Gary Teague of the Apostolic Pentecostal Church to give the invocation.

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

I. PUBLIC HEARINGS

(A) Request for Ordinance to Revise Elements of the Schoolhouse PUD Located at 400 East 6th Street: Community Development Director John Petersen recalled that in August 2008, the Council approved the Schoolhouse Planned Unit Development (PUD). He explained that the purpose for the PUD was that the applicants wanted to construct a residential unit on the Third Floor of the commercially zoned building. Mr. Petersen said the reason the subject PUD is again being submitted to the Council is the fact there are

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I. PUBLIC HEARINGS (continued)

(A) Request for Ordinance to Revise Elements of the Schoolhouse PUD Located at 400 East 6th Street (continued): several items beyond his ability to allow without review by the Planning and Zoning Commission and the City Council. Mr. Petersen continued by commenting on the proposed project revisions as outlined in Exhibit A of the proposed ordinance. He reported that the Planning and Zoning Commission unanimously recommend approval of the requested revisions. Mr. Petersen added that the applicants have requested the first and final readings of the proposed ordinance.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject PUD.

Councilman Brown requested that Exhibit 1 of the proposed ordinance be amended so that this business would have the same hours for the on-site consumption of alcoholic beverages as other Rolla businesses. He added that he has spoken with the applicants and they concur with the amendment.

A motion was made by Brown and seconded by Eudaly to amend the paragraph titled "Use Limitations" listed on page one of Exhibit 1 of the proposed ordinance to read as follows: "The provisions of City Ordinance No. 3683 relating to alcoholic beverages shall be followed. The on-site consumption of alcoholic beverages in the commercial areas of this building shall be permitted." A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

No one present addressed the Council during the public hearing.

Mayor Jenks then read the following proposed ordinance, as amended, for its first reading, by title. ORDINANCE NO. 3921: AN ORDINANCE AMENDING ORDINANCE NO. 3873, KNOWN AS THE SCHOOLHOUSE PLANNED UNIT DEVELOPMENT (PUD), AFFECTING THE REAL ESTATE KNOWN AS 400 EAST 6TH STREET (BLOCK 70, COUNTY ADDITION) (KLINSKI/SCHOLZ). A motion was made by 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 nine ayes, zero nays, and three absent. Motion carried. Mayor Jenks 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. Following a brief discussion, a roll call vote on the motion showed the following: Ayes; Magdits, Hicks, Brown, Boeker, Spadoni, Eudaly, Jordan, Morris, and Williams. Nays; None. Absent; Hawley, Walburg, and Barklage. Motion carried. The ordinance passed.

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I. PUBLIC HEARINGS (continued)

City Counselor John Beger entered the meeting at approximately 6:42 p.m.

(B) Request for Ordinance to Rezone Property at 1000 Strobach from C-O Zoning to C-1 Zoning: Community Development Director John Petersen recalled that some years ago the subject property was rezoned from R-1 (Single Family District) to C-O (Office District) to accommodate a tax office. However, the tax office is no longer in business at this location. Mr. Petersen told the Council that the applicants, who are in the process of purchasing the property, are requesting C-1 (Neighborhood Business District) zoning to permit more flexibility in the type of retail commercial activity they can have in the building. He noted the applicants initially indicated that they wish to use the building for a quilt shop.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Jenks closed the public hearing and reminded the Council the applicants have requested that the Council consider the first and final readings of the proposed ordinance.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3922: AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NO. 3414, CHAPTER 42 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AFFECTING THE REAL ESTATE KNOWN AS 1000 STROBACH FROM C-O (OFFICE DISTRICT) TO C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING (COLLINS). 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 nine ayes, zero nays, and three 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 Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Spadoni, Hicks, Brown, Boeker, Jordan, Morris, Williams, and Magdits. Nays; None. Absent; Barklage, Hawley, and Walburg. Motion carried. The ordinance passed.

II. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Jenks opened the floor to anyone wishing to address the Council. No one present responded.

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III. SPECIAL PRESENTATION

(A) Rolla Channel 6 Semi Annual Report: Mr. Gabe Mankin, Video Production Manager with Fidelity Communications, provided an overview of the Rolla Channel 6 (RC6) Semi-Annual Report, including the proposed RC6 Operating Budget for 2009-2010.

Councilman Jordan, a member of the RC6 Advisory Committee, added that although the Memorandum of Understanding among the partnership called for a \$2,400 a year increase in partnership contributions, the Committee did not request an increase this year because of the current economy. He noted the Committee was still able to balance the budget without this increase.

Following his presentation, Mr. Mankin showed a brief video of what RC6 has been involved with during the first year of operation. He also introduced Mr. Kyle Crews who is participating in RC6's summer youth employment program through COPIC (Central Ozarks Private Industry Council). Mr. Crews then summarized his duties at RC6.

A motion was made by Morris and seconded by Eudaly to approve the RC6 Operating Budget for 2009-2010, as presented. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

IV. OLD BUSINESS

(A) Ordinance to Clarify the Policy on Inter-Fund Transfers/General Fund Revenues: Mayor Jenks asked the Council if they had any questions regarding the proposed ordinance pertaining to the policy on inter-fund transfers. Hearing no comments, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3923: AN ORDINANCE AMENDING SECTIONS 13-21 AND 13-27 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO INTER-FUND TRANSFERS/GENERAL FUND RESERVES. A motion was made by Williams and seconded by Spadoni to approve the proposed ordinance.

Since he was unable to attend the last Council meeting, Councilman Magdits asked if someone could explain what was decided at the last meeting.

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IV. OLD BUSINESS (continued)

(A) Ordinance to Clarify the Policy on Inter-Fund Transfers/General Fund Revenues (continued): Finance Director Steffanie Rogers stated that the recommended method is to calculate the administrative overhead costs to various City operations based on departmental expenditures as a percent of the total budget, as prescribed in the ordinance. When the budget is approved, the Council would also be approving the methodology.

A roll call vote on the motion to approve the proposed ordinance showed the following: Ayes; Jordan, Williams, Brown, Boeker, Spadoni, Magdits, Eudaly, Morris, and Hicks. Nays; None. Absent; Hawley, Walburg, and Barklage. Motion carried. The ordinance passed.

V. NEW BUSINESS

(A) Request for Ordinance to Approve the Final Plat of Manion Plat No. 1: Community Development Director John Petersen explained that the applicant has requested a simple lot split. Bloomsdale Excavating plans to construct another building equal to, if not somewhat larger, the current building as a stand-alone business. Mr. Petersen told the Council that all easements have been provided and all fees have been paid. He reported the Planning and Zoning Commission's recommendation is to approve the minor subdivision as submitted. Mr. Petersen added that the applicant has requested the first and final readings of the proposed ordinance at this meeting so that construction might begin.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3924: AN ORDINANCE APPROVING MANION PLAT NO. 1, A SUBDIVISION IN ROLLA, MISSOURI (MANION). A motion as made by Williams 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 nine ayes, zero nays, and three 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; Boeker, Spadoni, Williams, Brown, Magdits, Eudaly, Morris, Hicks, and Jordan. Nays; None. Absent; Walburg, Hawley, and Barklage. Motion carried. The ordinance passed.

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V. NEW BUSINESS (continued)

(B) Resolution Authorizing Execution of the Stewart B. McKinney Homeless Grant with the Missouri Department of Social Services: Mayor Jenks noted that the following two items (Items B. and C.) are related, but would be considered separately.

City Counselor John Beger read the proposed ordinance for one reading, by title. RESOLUTION NO. 1693: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI THE CONTRACT BETWEEN THE CITY OF ROLLA AND THE MISSOURI DEPARTMENT OF SOCIAL SERVICES, EMERGENCY SHELTER GRANT PROGRAM. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

(C) Resolution Authorizing the Contract for the Emergency Shelter Grant Administration for Russell House: Mayor Jenks indicated that the proposed resolution would authorize the City to subcontract with the Russell House to execute the Emergency Shelter Grant.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1694: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CONTRACT FOR SERVICES BETWEEN THE CITY OF ROLLA AND THE RUSSELL HOUSE. A motion was made by Williams and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(D) Motion for the Formation of an Ad Hoc Committee to Review Current Parks and Recreation Sales Tax: Mayor Jenks explained that that the proposed ad hoc committee is a result of the recent Council workshop. A motion was made by Hicks and seconded by Spadoni to authorize the formation of the Ad Hoc Committee to review the current Parks and Recreation Sales Tax, subject to appointments. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. Mayor Jenks said he would submit the Ad Hoc Committee's nominations to the Council for consideration during a future meeting.

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VI. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award the City of Rolla Audit Services: Finance Director Steffanie Rogers explained that on July 8, 2009, proposals for auditing services were opened and the Audit Committee met on July 13, 2009, to review them. During the review, the Audit Committee took into account both qualifications and pricing. Ms. Rogers pointed out that although the firm of Hochschild, Bloom & Co., LLP, submitted the lowest proposal, their references indicated they did not have municipal utility auditing experience, which was confirmed during the audit proposal process in 2006. Although Hochschild, Bloom & Co., LLP, had since received some municipal utility experience, they failed to indicate it in their proposal and it was not discovered until after the Audit Committee had met and decided to recommend the firm of Davis, Lynn & Moots, CPA's. Ms. Rogers stated that it is the Audit Committee's recommendation to award the auditing services bid to Davis, Lynn & Moots, CPA's.

A motion was made by Williams and seconded by Hicks to award the City of Rolla's and Rolla Municipal Utilities' (RMU) auditing services to Davis, Lynn & Moots, CPA's, Springfield, Missouri, for a three-year term. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(B) Motion to Accept the Grant Award for the FY 2009 Recovery Act (BJA-Byrne JAG) Grant: Police Chief Mark Kearshe referred the Council to a copy of the FY 2009 Recovery Act (Byrne JAG) Grant through the Department of Justice. He explained that the Police Department applied for the grant and requested funding of \$41,913 to offset or to create a position for the Volunteers in Police Service (VIPS) program. Chief Kearshe explained that there is no financial obligation to the City for this grant.

Following comment, a motion was made by Spadoni and seconded by Morris to accept the grant award and authorize Police Chief Kearshe to execute the grant as the "Authorized Grantee Official" on the City's behalf. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VII. NEW BUSINESS

(A) Rolla Municipal Utilities: City Council Review Committee Recommendation: Before turning the floor over to Councilman Lou Magdits, Chair of the Rolla Municipal Utilities Review Committee, Mayor Jenks indicated that Dr. Jim Stoffer was unable to

VII. NEW BUSINESS (continued)

(A) Rolla Municipal Utilities: City Council Review Committee Recommendation (continued): attend this meeting. However, Dr. Stoffer requested that the Council and the Board of Public Works meet before the Council takes action on the recommendation. Councilman Magdits explained that the Committee set out to define the expectations between the City and Rolla Municipal Utilities (RMU). He touched on the issues discussed by the Committee and as outlined in the agenda materials. Councilman Magdits said it was not the Committee's intent to write any ordinance, but to determine what the specific responsibilities were and what the desired outcomes were which would subsequently lead to drafting an ordinance.

Rolla Municipal Utilities Board member Mark Rolufs addressed the Council and indicated that he agreed with Councilman Magdits on most of the issues. He said there is still some work to do, but felt it was coming along very well.

Following discussion, Mayor Jenks suggested that staff draft an ordinance with the Committee's recommendations and intents, have the first reading of the ordinance, and then allow Council discussion. Council discussion followed.

(B) Discussion Regarding the Possible Formation of a Cemetery Review Committee: Councilwoman Eudaly recalled that the Cemetery Review Committee met several months ago to review the Rolla Cemetery policies. She said it was suggested to her that the City should possibly consider having a standing committee to consider cemetery issues.

The Council consensus was not to form a standing committee at this time unless major problems arise.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Releasing of Information: Councilman Magdits asked staff if they would explain what information can and cannot be released when a request is received for personnel information.

Finance Director Steffanie Rogers responded that the City's policy is that if it is personal information that someone could take and use inappropriately, that information is protected, i.e., social security number, bank information. She stated that payroll reports, for example, which contain personal information, are not released.

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

(A) Releasing of Information: Councilman Magdits said he is concerned with someone having access to his bank information. He asked if the City needs a written policy to make it clear what information is public.

Ms. Rogers said that until recently, this information had never been requested. The information has always been requested generically and not specifically. She added that she would not release personal information, because she would not want her personal information released. Ms. Rogers said she did not feel a policy was necessary at this point. However, if personal information continues to be requested, then it may become necessary.

Councilman Magdits asked the Council if they thought this type of request should first go through either City Administrator John Butz or Finance Director Steffanie Rogers.

Mayor Jenks responded that he felt it should first go through City Administrator John Butz before being passed on to the appropriate department.

City Counselor John Beger stated that any ordinance the Council might approve would have to be guided by the Sunshine Law. Anything contrary to the Sunshine Law would be void.

Some Council discussion followed with no action taken.

IX. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 7:43 p.m.

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X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 7:52 p.m.

City Counselor John Beger reported that during Executive Session, Rolla Municipal Utilities advised the Council on a purchase of real property which is under discussion, but for which a contract is not yet finalized. The Council took no formal action.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:53 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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