

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, AUGUST 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:** Don Brown, Monty Jordan, Don Barklage, Stan Spadoni, Susan Eudaly, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, 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, Finance Director Steffanie Rogers, Recreation Center Director Scott Caron, Parks and Recreation Director Ken Kwantes, 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 a member of the Rolla Ministerial Alliance to give the invocation. Following the invocation, Councilman Stan Spadoni led in the Pledge of Allegiance.

Due to the number of items on the Council Meeting agenda, Mayor Jenks announced that Item II. "Citizen Communications" would be received later in the meeting.

Mayor Jenks commended the Rolla Police Department, Phelps County Sheriff's Department, Central Missouri Drug Task Force, all law enforcement officers, and individuals who have been assisting with eradicating the very serious drug problem in the Rolla community, Phelps County, and our country. He reported that to date, about 130 arrest warrants have been issued in Phelps County for individuals selling drugs. Mayor Jenks said that as long as he is Mayor, the war on drugs would continue. He stressed that he is not only concerned about individuals selling drugs, but the lives that are being destroyed from the sale of drugs. Mayor Jenks emphasized that the cooperation among the different agencies has been phenomenal.

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**I. PUBLIC HEARINGS**

**(A) Request for Ordinance to Rezone Property at 504 N. Walnut Street from R-3 to C-1 Zoning (Klinski/Scholz):** Community Development Director John Petersen explained that the following three rezoning requests are all part of the Benton Square project and the applicants recently purchased these properties. Mr. Petersen informed the Council that the subject property, located at 504 N. Walnut Street, contains approximately 0.2 acres. Additionally, the rezoning of this property to C-1 (Neighborhood Business District) zoning would require the use of buffer yards around the commercial area. Mr. Petersen said this is a small project and it is not anticipated to generate any significant, adverse impact on the neighborhood or in the traffic flow. He added that no parking is allowed on the south side of Walnut Street and no parking is permitted on Sixth Street. Mr. Petersen reported that the Planning and Zoning Commission recommend approval of the requested zoning. He told the Council that the applicants have requested that the Council consider the first and final readings of the subject ordinance during this meeting.

Mayor Jenks opened the public hearing to anyone wishing to address the Council regarding the subject-rezoning request.

Ms. Edna Smith, owner of the property at 603 Olive Street, told the Council that her property is located near the school and Olive Street is particularly congested when school is dismissed. She also mentioned that semi trucks have problems turning the corner on Olive Street when traveling to Meeks. Ms. Smith expressed concern that traffic congestion would increase when the Benton Square businesses open. Additionally, she relayed her concerns with available parking for her tenants on Olive Street.

Mr. Alfred Chapman, 17401 County Road 8220, Rolla, Missouri, recalled that the Council would not let Mr. Floyd Huffman use his property with two thoroughfare roads going down both sides because of traffic in the neighborhoods. Mr. Chapman asked, "What rules are you going to play with tonight." He indicated he is in favor of the subject-rezoning request, but asked what rules the Council would change for the applicants that they would not change for Mr. Huffman.

No one else present addressed the Council concerning the subject-rezoning request. Mayor Jenks closed the public hearing.

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**I. PUBLIC HEARINGS (continued)**

**(A) Request for Ordinance to Rezone Property at 504 N. Walnut Street from R-3 to C-1 Zoning (Klinski/Scholz) (continued):** City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3925: 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 504 NORTH WALNUT STREET FROM R-3 (MULTI-FAMILY DISTRICT) ZONING TO C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING (SCHOLZ/KLINSKI). A motion was made by Eudaly and seconded by Spadoni to suspend the rules and that the ordinance should be read for its final reading, by title. A voice vote on the motion showed twelve ayes, zero nays, and zero 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.

Councilwoman Hawley said she is not saying it exists, but if there is the appearance of a conflict of interest, she suggested the Council discuss the fact that this is a development and there are people on the Council who are possible sub-contractors or they work for a building and lumberyard. Councilwoman Hawley expressed her concern that it would probably be best for certain people to withdraw from the vote due to the possible conflict of interest.

City Counselor John Beger responded that the Council generally relies on individuals to police their own actions or rely on people to point it out to them. Since the Council cannot vote to suspend someone's vote, it is up to the individual to examine his or her actions, decide whether such an appearance or conflict exists, and abstain from voting.

Councilwoman Hawley then asked those Council members to consider abstaining from voting.

Councilman Hicks, who is employed by Meeks, said he would consider withdrawing. Although Meeks probably sells the developer some materials, he said he does not allow that to influence his decisions on the Council and does not feel he needs to recuse himself from voting on rezonings or developments. He added that he is not worried about his appearance as far as a conflict of interest to the public. Councilman Hicks said he believes Rolla needs all kinds of development and he votes according to his conscience. In addition, his employment has nothing at all to do with it.

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**I. PUBLIC HEARINGS (continued)**

**(A) Request for Ordinance to Rezone Property at 504 N. Walnut Street from R-3 to C-1 Zoning (Klinski/Scholz) (continued):** Councilman Boeker echoed Councilman Hicks's comments in that his employment has nothing to do with the way he votes. He stated that he votes his conscience on every issue and does not feel he should withdraw his vote.

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

**(B) Request for Ordinance to Rezone Property at 600 N. Olive and 601 N. Cedar Street from C-1 Zoning to C-3 Zoning (Klinski/Scholz):** Community Development Director John Petersen informed the Council that the applicants are requesting that the subject property be rezoned to C-3 (Highway Commercial District) in order to brew and bottle beer.

Rezoning applicant, Mr. Dan Klinski, addressed the Council's concern regarding sufficient parking. He told the Council that he is in negotiations with a nearby property owner for land that would provide up to 80 off-street parking spaces.

Mayor Jenks opened the public hearing to anyone wishing to address the Council regarding the subject-rezoning request.

Mr. Tom Sager, 8 Laird Avenue, stated that he is in favor of this development and feels it will be a boom to the old downtown area. However, he expressed concern with having an establishment that sells alcohol close to the High School. Mr. Sager suggested possibly moving the brewery to the other side.

Community Development Director John Petersen responded that the subject property is located well over 100 feet from the High School and there is no State Law that would prohibit the brewery from being at this location.

Ms. Edna Smith, owner of the property at 603 Olive Street, expressed concern that a brewery will be located near her rental property. She said she did not agree with the Council's decision to allow a liquor store (Russ & Rena's Place) to be placed close to a church. Ms. Smith said she still has concerns with parking, particularly on Olive Street.

**I. PUBLIC HEARINGS (continued)**

**(B) Request for Ordinance to Rezone Property at 600 N. Olive and 601 N. Cedar Street from C-1 Zoning to C-3 Zoning (Klinski/Scholz) (continued):** She said she believes Olive Street should be changed to one-way traffic, because of the amount of the traffic congestion.

Mr. Steven Scholz, a partner in the Benton Square project, said they are aware there will be some pedestrian needs for parking in the proposed lots. Because of the caliber of the brewery and banquet center, valet parking will be provided.

No one else present addressed the Council concerning the subject-rezoning request. Mayor Jenks closed the public hearing.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3926: 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 600 NORTH OLIVE AND 601 NORTH CEDAR STREET FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING (SCHOLZ/KLINSKI). 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 eleven ayes, one nay, and zero absent. Motion carried. A motion was made by Barklage and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hicks, Magdits, Jordan, Williams, Brown, Hawley, Boeker, Eudaly, Walburg, Barklage, Morris, and Spadoni. Nays; None. Absent; None. Motion carried. The ordinance passed.

**(C) Request for Ordinance to Rezone Property at 602 N. Cedar Street from R-3 Zoning to C-2 Zoning (Klinski/Scholz):** Community Development Director John Petersen explained that the subject property contains almost one-half acre. The applicants have acquired the property with the intent to put in a veterinary-type business, which requires C-2 (General Retail District) zoning. Mr. Petersen pointed out that adequate parking for this property has been provided. He reported that the Planning and Zoning Commission recommend approval of this rezoning request.

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.

**I. PUBLIC HEARINGS (continued)**

**(C) Request for Ordinance to Rezone Property at 602 N. Cedar Street from R-3 Zoning to C-2 Zoning (Klinski/Scholz) (continued):** City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3927: 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 602 NORTH CEDAR STREET FROM R-3 (MULTI-FAMILY DISTRICT) ZONING TO C-2 (GENERAL RETAIL DISTRICT) ZONING (SCHOLZ/KLINSKI). A motion was made by Hicks 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 twelve ayes, zero nays, and zero 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; Hawley, Spadoni, Jordan, Brown, Boeker, Williams, Walburg, Barklage, Magdits, Eudaly, Hicks, and Morris. Nays; None. Absent; None. Motion carried. The ordinance passed.

**(D) Request for Ordinance to Rezone Property at 2204 Vichy Road from R-2 Zoning to R-3 Zoning (Chapman):** Community Development Director John Petersen explained that the subject property consists of just over an acre and is presently zoned R-2 (Multi-Family District). In 2005, the owner of the property requested that it be rezoned from R-1 (Single Family District) to R-2 (Two-Family District). His stated intent was to construct one duplex structure on the lot. Mr. Petersen reported that the current property owner has requested that he be allowed to construct two, three-plex units. He told the Council that City Code requires that a site plan be submitted when an R-3 (Multi-Family District) zone is proposed adjacent to an R-1 (Single Family District) zone. Should the Council approve the rezoning, the applicant would be required to provide a fifteen-foot buffer yard to the north and south. Mr. Petersen indicated that there has been extensive interest from the neighborhood regarding this rezoning request. Since a legal petition against the subject rezoning has been received, Mr. Petersen informed the Council that at least eight votes in favor of the rezoning is necessary for approval. If the rezoning is approved, Mr. Petersen pointed out that the developer will be required to pay storm water management fees and a parkland dedication fee. Mr. Petersen reported that the Planning and Zoning Commission recommend approval of the requested rezoning. He added that the applicant has requested consideration of the first and final readings of the subject ordinance during this meeting.

After Council discussion, Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

**I. PUBLIC HEARINGS (continued)**

**(D) Request for Ordinance to Rezone Property at 2204 Vichy Road from R-2 Zoning to R-3 Zoning (Chapman) (continued):** Mr. Nathan Chapman, developer, told the Council that he and his wife purchased the subject property as an investment. He showed the Council photos of how the property presently looks and explained that it has looked this way for five years. He said the property is infested with cats and other vermin. Mr. Chapman told the Council that he plans to begin demolition of the property this fall. He pointed out that eleven of the sixteen addresses within the 185 foot boundary of his property are either Planned Unit Developments (PUD's) or rentals, and five properties are zoned R-1 (Single-Family District). Mr. Chapman assured the Council that the proposed development would provide adequate parking so the renters would not need to park on the street. He said he hopes he will not be penalized for promises the previous owner broke. Mr. Chapman then entertained questions and comments from the Council.

Mr. Bob Whites and his sister Mrs. Gloria Roberts, who own the property at 2202 Vichy Road and adjoins 2204 Vichy Road to the south, told the Council that their father has lived at this location over 35 years and lived in the Vichy Road residential area for over 75 years. Mr. Whites informed the Council that the previous owner came to the adjoining neighbors asking permission to build a one single story duplex. He explained the neighbors agreed to this because they thought it would be better than the older home that is presently on the property. Mr. Whites described the property that is located at 2204 Vichy Road as a mess and said it has been that way for a number of years. However, he said this is not a good reason to rezone this lot from R-2 (Two Family District) to R-3 (Multi-Family District). Mr. Whites said if the neighbors had known then what they know now, they would have objected to the original rezoning request. If 2204 Vichy Road is rezoned R-3 (Multi Family District), he said additional traffic will occur in this area. Mr. Whites stated that he and his sister, as well as the neighbors, do not think the R-3 (Multi Family District) rezoning request is in the best interest of this well-established neighborhood and they would appreciate the Council not approving this request.

Ms. Jennie Bayless, owner of the property at 2109 Vichy Road, and resides at 2108 Vichy Road, told the Council that she purchased the property at 2109 Vichy Road in order to keep it residential. Ms. Bayless said all the properties in the immediate area are residential and she is opposed to the rezoning request.

Mr. Bob McLaughlin, 2201 Vichy Road, reiterated that the neighborhood is zoned R-1 (Single-Family), with ranch style houses setting on approximately an acre. He said the residents were promised a single story duplex on a one-acre lot. Although this did not

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**I. PUBLIC HEARINGS (continued)**

**(D) Request for Ordinance to Rezone Property at 2204 Vichy Road from R-2 Zoning to R-3 Zoning (Chapman) (continued):** come to fruition, completely changing it would really be “going off the deep end.” Mr. McLaughlin stated that not everything north of Interstate 44 is a major apartment complex. It is a series of neighborhoods, all with their own characteristics and personalities. Mr. McLaughlin pointed out that spot zoning does nothing but destroy neighborhoods and removes the characteristics and personality. He urged the Council not to take away their personalities.

Mike and Brenda True, 2206 Vichy Road, who live north of the subject property, said they agree with those who have already addressed the Council and voiced their opposition to the proposed rezoning. Mrs. True explained that when they moved to their home in the spring of 2006, she and her husband were unaware of what had occurred with the rezoning of the subject-property. She said they thought they had moved into a residential area, but recently found out differently. Mrs. True said if they had known then that the previous owner of 2204 Vichy Road had persuaded the neighborhood to allow him to rezone his property to an R-2 (Two Family District) zone in promise of building one duplex, they would not have purchased their home.

Mr. Jerry Bayless, 2108 Vichy Road, told the Council that he and his wife Shirley have lived at this location for almost 46 years. Because of rezonings that have been done over the years, they have seen the nature of the neighborhood change. Mr. Bayless stated that the past rezonings have been on the fringe of the immediate area. He emphasized that the proposed change would be drastic to this stretch of Vichy Road. Mr. Bayless urged the Council not to approve the change in zoning from R-2 (Two Family District) to R-3 (Multi Family District) zoning. He said he believes that the remainder of Vichy Road needs to be maintained the way it has been for many years.

No one else present addressed the Council concerning the subject-rezoning request. Mayor Jenks closed the public hearing.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE: 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 2204 VICHY ROAD FROM R-2 (TWO FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (CHAPMAN).** A motion was made by Hicks and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A hand count on the motion showed three ayes, nine nays, and zero absent. Motion failed.

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**I. PUBLIC HEARINGS (continued)**

**(D) Request for Ordinance to Rezone Property at 2204 Vichy Road from R-2 Zoning to R-3 Zoning (Chapman) (continued):** Mayor Jenks announced that the final reading of the subject ordinance would be considered during the Council's next meeting.

**(E) Ordinance to Set the 2009 Tax Rates:** Mayor Jenks pointed out that the subject ordinance, which would set the 2009 tax rate, must be certified to the County Clerk by September 1, 2009. Therefore, he asked the Council to consider the first and final readings of the subject ordinance at this meeting.

Finance Director Steffanie Rogers reported that the 2009 assessed valuation is \$195,969,430. When the discount for new construction totaling \$4,396,758 is taken into consideration, the adjusted assessed valuation is \$191,572,672. When the tax rate is calculated based on this information, the 2009 tax rate levy will decrease and the total increase in combined revenue for the General Fund, Library Fund, and Park Fund is \$126,064.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed 2009 tax rate. No one present responded. Mayor Jenks closed the public hearing.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3928: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2009. A motion was made by Jordan and seconded by Barklage to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed twelve ayes, zero nays, and zero 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 Barklage to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Walburg, Boeker, Williams, Brown, Hawley, Magdits, Jordan, Morris, Eudaly, Hicks, and Barklage. Nays; None. Absent; None. Motion carried. The ordinance passed.

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**II. CITIZEN COMMUNICATION**

**(A) Open Citizen Communication:** At the onset of the meeting, Mayor Jenks indicated that due to the number of items on the agenda, "Citizen Communication" would be considered later in the meeting. (Note: Open Citizen Communication was considered following Item V. D. below).

**III. SPECIAL PRESENTATION**

**(A) Rolla Municipal Utilities Fiscal Year 2010 Budget:** Rolla Municipal Utilities Interim General Manager Rodney Bourne reported that the Rolla Board of Public Works approved Rolla Municipal Utilities' (RMU) budget during its August 4, 2009, meeting.

Before outlining RMU's proposed budget, Mr. Bourne commented on the Energy Efficiency Assistance and the Climate Change Legislation, which was recently addressed in RMU's newsletter. More information on these programs may be obtained from the energystar.gov website or by contacting the RMU business office.

Mr. Bourne continued by providing an overview of RMU's FY 2010 annual budget. Following his presentation, he entertained questions and comments from the Council.

**IV. OLD BUSINESS**

**(A) Ordinance for Land Line Telephone Tax Settlement Agreement with AT&T/SBC:** City Administrator John Butz recalled that this issue was introduced to the Council during its last meeting. He told the Council that Rolla is part of a punitive class action lawsuit. Although the City did not file as a plaintiff, it became a party because the City has a business license type tax and was brought into the settlement with AT&T/SBC. Mr. Butz informed the Council that the City would net \$1,056.99 from this settlement. In order to receive the settlement, the subject contract must be executed by ordinance and filed with the court.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. **ORDINANCE NO. 3929: AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH AT&T/SBC LANDLINE. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion**

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**IV. OLD BUSINESS (continued)**

**(A) Ordinance for Land Line Telephone Tax Settlement Agreement with AT&T/SBC (continued):** showed the following: Ayes; Williams, Jordan, Hawley, Hicks, Boeker, Spadoni, Walburg, Barklage, Magdits, Eudaly, Morris, and Brown. Nays; None. Absent; None. Motion carried. The ordinance passed.

**V. NEW BUSINESS**

**(A) Request for Ordinance to Authorize the Mutual Aid Agreement with the Dent County Fire Protection District:** Fire Chief Robert Williams explained that the City of Rolla Fire and Rescue Department recently received a request from the Dent County Fire Protection District to enter into a mutual aid agreement. To obtain reimbursement after responding to a mutual aid request, Chief Williams told the Council that mutual aid agreements would need to be in effect and should outline the ability to bill for services when responding outside the entity's normal jurisdiction. He pointed out that Missouri Revised Statutes stipulates that when another agency is contacted for assistance, that agency can charge for its services. Chief Nash of the Dent County Fire Protection District told Chief Williams that the proposed agreement also includes the following wording: "Such charges are contingent upon the availability of federal or state government funds."

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3930: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A MUTUAL AID AGREEMENT BETWEEN THE CITY OF ROLLA FIRE AND RESCUE DEPARTMENT AND THE DENT COUNTY FIRE PROTECTION DISTRICT. A motion was 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 twelve ayes, zero nays, and zero absent. Motion carried. City Counselor Beger then read the proposed ordinance for its final reading, by title. A motion was made by Barklage and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Walburg, Boeker, Spadoni, Williams, Brown, Eudaly, Magdits, Jordan, Morris, Barklage, Hicks, and Hawley. Nays; None. Absent; None. Motion carried. The ordinance passed.

**(B) Request for Ordinance to Approve the Joint City/Phelps County Crime Prevention Contract:** Police Chief Mark Kearse asked the Council to consider the first reading of an ordinance that would authorize the continuance of a Joint City/Phelps

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**V. NEW BUSINESS (continued)**

**(B) Request for Ordinance to Approve the Joint City/Phelps County Crime Prevention Contract: (continued):** County Crime Prevention Contract. He explained that this is a joint operation among the Rolla Police Department, Phelps County Sheriff's Department and the South Central Drug Task Force. Chief Kearsse pointed out the new contract would commit the Rolla Police Department to its continued dedication of two officers for this effort, and employing a third officer whose salary and benefits would be paid to the City of Rolla by the Phelps County Sheriff's Department in the sum of \$45,000.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3931: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT WITH THE PHELPS COUNTY COMMISSION. 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 twelve ayes, zero nays, and zero 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; Magdits, Hicks, Hawley, Brown, Boeker, Spadoni, Walburg, Barklage, Eudaly, Jordan, Morris, and Williams. Nays; None. Absent; None. Motion carried. The ordinance passed.

**(C) Resolution Recognizing the Boundaries of the Rolla Arts and Entertainment District:** Community Development Director John Petersen explained that the Rolla Arts and Entertainment District came about as a joint effort with the Rolla Downtown Business Association who has been working with investors and some of the owners of the property in the area. He told the Council that the subject resolution would recognize the proposed boundary for the Rolla Arts and Entertainment District. Mr. Petersen pointed out that the boundary is not set in stone, but would give some structure and guidance as the process moves forward. Mr. Petersen indicated that the heart of the proposed resolution is to authorize the development of an urban conservation district plan and a possible regulatory structure to assist in the development of the city. He explained the goal is to create a district, which facilitates and allows for this progression of development to occur and minimizes roadblocks. If approved by the Council, Mr. Petersen said staff would begin the process of organizing a group to consider the development plan for this area.

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**V. NEW BUSINESS (continued)**

**(C) Resolution Recognizing the Boundaries of the Rolla Arts and Entertainment District (continued):** After some discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1695: A RESOLUTION RECOGNIZING THE BOUNDARIES OF THE ROLLA ARTS AND ENTERTAINMENT DISTRICT AND AUTHORIZING THE COMMUNITY DEVELOPMENT DEPARTMENT TO PREPARE AN URBAN CONSERVATION DISTRICT PLAN FOR THE DISTRICT DEFINED HEREIN. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

**(D) Request to Approve the Plat of Bridgeview Subdivision (Chapman):** Community Development Director John Petersen explained that the proposed Bridgeview Subdivision is a minor subdivision and is located at 2204 Vichy Road. He pointed out that one lot has been split into two lots. He reported that all requirements of the subdivision have been met. Mr. Petersen informed the Council that the Planning and Zoning Commission recommend that the plat be approved as presented. He mentioned that zoning and subdivision are not the same thing. Mr. Petersen explained that zonings could be subjective. However, a subdivision is more ministerial and it must be approved if it meets the requirements of the Code.

After discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3932: AN ORDINANCE APPROVING BRIDGEVIEW SUBDIVISION, A MINOR SUBDIVISION IN A FRACTIONAL PART OF LOT 3, RAILROAD ADDITION, A SUBDIVISION LOCATED IN ROLLA, MISSOURI (CHAPMAN). A motion was made by Hicks and seconded by Jordan to suspend the rules and that the ordinance be read for its final reading, by title. After additional discussion, a voice vote on the motion showed ten ayes, two nays, and zero absent. Motion carried. City Counselor Beger then read the proposed ordinance for its final reading, by title. A motion was made by Hicks and seconded by Barklage to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Barklage, Spadoni, Hicks, Brown, Boeker, Jordan, Morris, Williams, and Magdits. Nays; Hawley and Walburg. Motion carried. The ordinance passed.

After additional discussion, a motion was made by Hawley that her objection to Councilman Ken Boeker voting on his in-laws' subdivision was improper and a possible conflict of interest, be included in the Council minutes. The motion did not receive a second. Further discussion followed.

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**II. CITIZEN COMMUNICATION**

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

No one present responded.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) RMU/City:** Councilman Magdits asked City Administrator John Butz and Rolla Municipal Utilities (RMU) Interim General Manager Rodney Bourne where staff is with respect to the Rolla Municipal Utilities Review Committee's recommendation. He pointed out there were two components to the recommendation. One component involved the contents of the recommendation in the form of an ordinance and the second component pertained to RMU's intention intended to do certain things, i.e., improve public relations.

City Administrator John Butz responded that staff decided to wait until the Council received the report and recommendations from RMU, which was about a month ago. He said that he, Mr. Bourne and City Counselor John Beger have not been able to meet and discuss the content of an ordinance. Mr. Butz said he envisions the ordinance specifying a lot of what was included in the recommendations.

Councilman Magdits asked Mr. Bourne if he could describe how RMU plans to enhance their public relations outreach.

Mr. Bourne indicated that additional funding has been budgeted for public relations such as advertising. Additionally, staff's goal is to promote energy efficiency, conduct quarterly presentations to the Council, and provide more information in newsletters.

Councilman Barklage left the meeting at approximately 9:04 p.m.

**(B) University Extension Council Appointment:** Mayor Jenks announced that due to the recent resignation of Councilwoman Hawley from the University Extension Council, a replacement is needed. Councilman Mark Walburg indicated his willingness to serve on this board. A motion was made by Hicks and seconded by Jordan to approve the appointment of Councilman Mark Walburg to the University Extension Council. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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**VII. COMMENTS FOR THE GOOD OF THE ORDER**

None.

**VIII. CLOSED EXECUTIVE SESSION**

A motion was made by Spadoni and seconded by Morris 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; Jordan, Williams, Hawley, Brown, Boeker, Spadoni, Walburg, Magdits, Eudaly, Morris, and Hicks. Nays; None. Absent; Barklage. Motion carried.

The Council adjourned into Executive Session at approximately 9:08 p.m.

**IX. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 9:22 p.m.

City Counselor John Beger reported that during Executive Session the City Council discussed authorizing City Administration to bid on properties coming up on tax sales to protect City liens for nuisance abatements. By a vote of ten to two, the Council authorized City Administration to bid a limited amount on one piece of property. On a second piece of property, the Council unanimously voted to authorize City Administration to bid a limited amount to purchase the property. The amounts authorized will be disclosed after the tax sale.

**X. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 9:24 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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