

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 21, 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, and Jim Williams

Council Members Absent: Ken Boeker, Donna Hawley, and Mark Walburg

Department Directors in Attendance: Environmental Services Director Brady Wilson, Fire Chief Robert Williams, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Recreation Center Director Scott Caron, Police Chief Mark Kearse, and Community Development Director John Petersen

Other City Officials in Attendance: City Administrator John Butz, Assistant 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 Rev. M. Danny Kemp of the Calvary Assembly of God Church to give the invocation. Following the invocation, Councilman Gary Hicks led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Request for Ordinance to Rezone Property at 1900 Old St. James Road from M-2 Zoning to C-3 Zoning (Smith): Community Development Director John Petersen told the Council that the subject property is currently zoned M-2 (Heavy Manufacturing District) and the applicants are requesting that it be rezoned to C-3 (Highway Commercial District). The primary reason for this request is the intent to establish an automotive repair/servicing establishment, which requires C-3 (Highway Commercial District) zoning and would not be permitted in an M-2 (Heavy Manufacturing) area. Mr. Petersen noted that staff has received no opposition to this rezoning request. The Planning and Zoning Commission recommend approval of the requested zoning. Mr. Petersen added that the applicants have requested consideration of the first and final readings of the subject ordinance.

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I. PUBLIC HEARINGS (continued)

(A) Request for Ordinance to Rezone Property at 1900 Old St. James Road from M-2 Zoning to C-3 Zoning (Smith): Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Ms. Patty C. Smith told the Council that she represents her niece and nephew, who own the subject property, and that she manages the building for them. She explained that she has been very fortunate to lease the building to Barry Dunigan who has great plans for the building. Ms. Smith said he has done a wonderful job with redoing the building.

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. 3934: 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 1900 OLD ST. JAMES ROAD FROM M-2 (HEAVY MANUFACTURING DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING (SMITH). 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 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 Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Hicks, Spadoni, Barklage, Magdits, Eudaly, Morris, and Brown. Nays; None. Absent; Hawley, Boeker, and Walburg. Motion carried. The ordinance passed.

II. SPECIAL PRESENTATION

(A) Missouri Ozarks Community Action Agency (MOCA) Awareness Presentation:

Rev. Mary Ann Pulley and Ms. Robin Baldwin provided an overview of the services provided by the Missouri Ozarks Community Action Agency (MOCA). She added that she and Ms. Baldwin are County Project Managers in the MOCA office in Rolla. Rev. Pulley told the Council that MOCA's mission statement is "to prepare and enable all people to become self-sustaining, thereby enhancing the families and communities of tomorrow."

II. SPECIAL PRESENTATION (continued)

(B) Rolla Regional Economic Commission Quarterly Report: Ms. Elizabeth Bax, Rolla Regional Economic Commission Executive Director, provided the Council with an overview of the Rolla Regional Economic Commission's (RREC) quarterly report. In terms of deliverables for RREC in 2009, she reviewed that the four key result areas are new investment in terms of retention and expansion of business, new investment in terms of recruitment, the Rolla West development, and building capacity in the community. She emphasized that her personal focus is finding and winning a new employer for the Briggs and Stratton building and working with the City to advance the plan for development of Rolla West and the Highway 63 relief route. Ms. Bax reported that RREC is working on an Enhanced Enterprise Zone (EEZ) for the City of Rolla. She announced that the EEZ public hearing is scheduled for 6:30 p.m., October 13, 2009, in the Council Chambers. She said she would be happy to respond to questions anyone may have regarding the EEZ. Ms. Bax continued by providing an overview of the handout she provided to the Council at the onset of the meeting.

III. OLD BUSINESS

(A) Ordinance to Adopt the 2009/2010 City of Rolla Fiscal Year Budget: City Administrator John Butz pointed out that the proposed budget contains about \$22.9 million in expenditures with revenues of about \$23 million and a reserve balance of \$8.9 million. He noted that most of the reserve is in restricted funds earmarked for the Recreation Center, Sewer, and Environmental Services. The General Fund has about a \$2.2 million reserve fund balance, which meets the City's requirement of a 25% reserve balance. Mr. Butz explained that no funds for additional full-time employees have been budgeted and a 1% across the board salary increase is anticipated. Merit increases for the year have been frozen. Mr. Butz added that no increase in the health insurance premium is needed at this time. He told the Council that the budget contains two revenue enhancers. One is an increase in the sewer fees, which will be addressed later in the meeting, and a restructuring of the rate base for Recreation Center fees.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3933: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2009, AND APPROPRIATING FUNDS PURSUANT THERETO. After a brief dialogue, a motion was made by Williams and seconded by Morris to approve the proposed ordinance.

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III. OLD BUSINESS (continued)

(A) Ordinance to Adopt the 2009/2010 City of Rolla Fiscal Year Budget (continued): A roll call vote on the motion showed the following: Ayes; Spadoni, Williams, Brown, Eudaly, Magdits, Jordan, Morris, Barklage, and Hicks. Nays; None. Absent; Walburg, Boeker, and Hawley. Motion carried. The ordinance passed.

(B) Ordinance to Approve the Proposed Sewer Rates for FY 2009/2010: Public Works Director Steve Hargis stated that the proposed ordinance would increase the sewer user fees from \$3/1000 gallons of water to \$3.50/1000 gallons of water, which would result for an average user of 6000 gallons/month about a \$3.00/month increase.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3935: AN ORDINANCE AMENDING CHAPTER 35 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO SEWERS AND WATER. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Magdits, Hicks, Brown, Spadoni, Barklage, Eudaly, Jordan, Morris, and Williams. Nays; None. Absent; Hawley, Boeker, and Walburg. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Discussion on Future County-Wide Dispatch Services: City Administrator John Butz explained that this issue surfaced about a year ago when the Phelps County Commission began their forecasting for the 911 and communications services and charges for the operation. He noted that in 1993 the County passed an E-911 program and posed a 15% surcharge on all landline costs. With that, the City provided E-911 services for the entire County, including Rolla. Mr. Butz told the Council that this revenue source was to pay the City for providing emergency dispatch services, non E-911 related, for all the emergency responders in Phelps County. He said that when the County looked at the projected costs for capital replacement, the City's growth and costs, the reduction in revenues because of less landlines with people converting more to cell phones, and the fact there is no revenue source coming from cell phones, the County predicts this fund will be broke by 2011. Mr. Butz indicated that the task force he served on with other public entities spent three or four months reviewing the expenses, revenue forecasts, and additional resources. The recommendation of the task force is for the County Commission to consider a countywide dispatch sales tax of a ¼% tax sometime

IV. NEW BUSINESS (continued)

(A) Discussion on Future County-Wide Dispatch Services (continued): in 2010. This tax would generate about \$1 million, which would cover the entire cost of dispatch operations, of which the City currently pays somewhere \$300,000 and \$330,000 a year. Rather than doing a countywide sales tax, another option was to assess a fee to all of the 17 service providers. Council discussion followed with no action taken.

(B) Motion to Award the Energy Performance Contract Services Firm – Siemens Building Technologies: Public Works Director Steve Hargis recalled that in July staff was authorized to obtain proposals for an energy performance contract for the City. He reported that six firms responded to the City's Requests for Proposals. Mr. Hargis told the Council that a committee comprised of City Administrator John Butz, Ward VI Councilman Mark Walburg, Recreation Center Director Scott Caron and himself, reviewed the proposals and elected to interview the top three firms. Mr. Hargis reported that staff is recommending that Siemens Building Technologies prepare a scope and agreement to perform an investment grade audit to identify energy and operational savings at City-owned facilities. The agreement would be submitted to the Council before proceeding. A motion was made by Hicks and seconded by Barklage to authorize staff to negotiate a scope and agreement with Siemens Building Technologies, Inc., to perform an investment grade audit to identify energy and operational savings at City-owned buildings and facilities. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Transfer Funds for The Centre Operating Deficit: Finance Director Steffanie Rogers explained that the agenda materials outline the projected deficit for the Recreation Center for FY 2009 and staff is estimating a recapture rate of 85%. Of the requested transfer, \$95,000 is the operating transfer from The Centre to the General Fund. Ms. Rogers stated that staff is requesting authorization to transfer \$350,000 from the sales tax fund to the Recreation Center operating account.

After a brief discussion, a motion was made by Williams and seconded by Morris to approve the operating transfer of \$350,000 from the sales tax fund to clear the estimated operating deficit for Fiscal Year 2008-2009. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(B) Motion to Authorize the Transfer of Recreation Center Funds from the Sales Tax Account to the Depreciation Reserve Account: Finance Director Steffanie Rogers explained that each year after the transfer to the operating account is completed, the goal is to move \$300,000 into a depreciation/reserve account which is set aside for capital items and future operations of the Recreation Center. After the calculation and the projected bond payment in February 2010, staff is estimating approximately \$100,000 would be available to move to the depreciation/reserve account.

A motion was made by Williams and seconded by Eudaly to authorize the transfer of \$100,000 from the sales tax account to the depreciation/reserve account. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VI. NEW BUSINESS

(A) LAGERS Employer Representative (10/19 – 10/20): Mayor Jenks stated that he is seeking a volunteer from the Council to serve as the employer representative during the upcoming Local Government Employees Retirement System (LAGERS) annual conference. If no one from the Council can attend, he indicated that a Department Director would be appointed. No one from the Council indicated they could attend.

(B) Resolution Honoring MML Executive Director Gary Markenson: City Administrator John Butz said that Mr. Gary Markenson has been an anchor for the Missouri Municipal League (MML) with a long career and has been the executive director since 1981. As part of a celebration and a retirement gathering, all communities in Missouri have been asked to approve a resolution recognizing his professional achievements.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1696: A RESOLUTION RECOGNIZING THE SIGNIFICANT PROFESSIONAL ACHIEVEMENTS OF GARY S. MARKENSON. A motion was made by Barklage and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

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VI. NEW BUSINESS (continued)

(C) Mayor/Council Appointments: Since he has not yet obtained the biographical information for either Mr. Albert Crump (Board of Public Works nominee) or Mr. Mark Williams (Board of Building Appeals nominee), these appointments will be postponed until the Council at its next meeting.

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mr. Lance Wyman, 613 W. 9th Street and Ms. Faith Ann Barnes, 12065 Oak Hill Drive, addressed the Council on behalf of the Pi Kappa Alpha Fraternity regarding the “Friday Back Pack Program.” Mr. Wyman told the Council that Pi Kappa Alpha was seeking a new fundraiser that they could establish and build on each year and the Fraternity chose the “Friday Back Pack Program.” The Fraternity will be doing a three-day program which is called “sack lunch-a-thon” where they will be asking members of churches throughout the Rolla community, Missouri S & T faculty, Rolla Public Schools faculty, and business owners to purchase a sack lunch from the Fraternity, rather than eating out. Mr. Wyman informed the Council that this fundraiser is planned for October 25, 26, and 27, 2009. This year’s goal is to sell 500 lunches, which would net about \$2,000 to \$2,500 for the “Friday Back Pack Program.”

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Cleanup of Frisco Addition-October 2, 2009: Mayor Jenks announced that the City cleanup of the Frisco Addition would be held on October 2, 2009, beginning at 6:30 a.m. He encouraged the Council to join him in this effort.

IX. EXECUTIVE SESSION

None.

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X. 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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