

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 2, 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, Donna Hawley, and Mark Walburg

Council Members Absent: Ken Boeker

Department Directors in Attendance: Environmental Services Director Brady Wilson, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Mark Kears, Parks and Recreation Director Ken Kwantes, and Recreation Center Director Scott Caron

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 eleven ayes, zero nays, and one absent. Motion carried.

The consent agenda consisted of the following:

(A) Approval of the City Council Minutes of:

August 24, 2009, City Council Budget Workshop
October 5, 2009, City Council Meeting
October 19, 2009, City Council Meeting
October 19, 2009, Executive Session City Council Meeting

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II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Presentation by RPD Animal Control – Feral Cat Issue: Police Chief Mark Kearse addressed the Council and explained that Animal Control Supervisor Ms. Inge Wilson would address the issue of feral cats, which was briefly discussed during the Council's last meeting.

Ms. Wilson began her presentation by stating that the definition of a feral cat is "a fierce, untamed, wild cat not routinely considered a pet, but easily identified as a wild animal." She noted that there are approximately 60 million feral cats in the United States and it is estimated there are approximately 2,000 to 3,000 feral cats in Rolla, depending on their food sources. Ms. Wilson told the Council that the Animal Control Division provides traps for the public to capture feral cats and will pick up the trapped cats. She pointed out that since adult feral cats can be as wild as raccoons, opossums or foxes, it is unlikely that they can be rehabilitated. Ms. Wilson said removing feral cats from the city is just a short-term solution. She explained that the process of trap/neuter/return, which began several years ago, stops feral cats from reproducing. However, it can be an expensive process. Ms. Wilson pointed out that grants are available to help in the trap/neuter/return process, but only if a program already exists. Following her presentation, Ms. Wilson and Chief Kearse entertained questions and comments from the Council.

(B) Phelps County Animal Welfare League – Feral Cat Presentation: Ms. Brandy Washburn, President of the Phelps County Animal Welfare League, asked Dr. Brian Janke to first address the Council on behalf of the League regarding the trap/neuter/release process.

Dr. Brian Janke, a local veterinarian, explained that he has been working with various groups for several years who participate in the trap/neuter/release program. Regarding the feral cat problem in Rolla, he pointed out that there are two problems. One problem is that people need to take responsibility for their own pets by preventing them from having kittens and the other is taking care of the feral cat problem. Dr. Janke said he feels the best solution to the feral cat problem is the trap/neuter/release program. By releasing spayed and neutered cats, the colony would not get larger because they would not be able to reproduce.

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III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)

(B) Phelps County Animal Welfare League – Feral Cat Presentation (continued):

Dr. Janke told the Council that one problem with the trap/neuter/release program is there are only a handful of individuals in Rolla trying to do it all and they have limited resources. In areas where trap/neuter/release has been done, it has worked and the number of cats in a given area has decreased. Following his comments, Dr. Janke then addressed questions from the Council.

Ms. Brandy Washburn, President of the Phelps County Animal Welfare League, said the League is currently working on a low cost spay/neuter clinic. The Rolla Kennel Club generously gave the League \$1,000 to get started with their fundraising efforts. Ms. Washburn informed the Council that the League and the City's Animal Control Division are already working together with the pet food pantry and they hope to work together with a spay/neuter clinic. She stressed that the League believes the trap/neuter/release program is very important.

After some discussion, a motion was made by Hawley and seconded by Eudaly to form an ad hoc committee to address the feral cat problem. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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

Mayor Jenks referred the Council to (A) the September, 2009, Rolla Municipal Utilities Monthly Report; (B) the September 2009 City's Cash Position and Expenditure Report; (C) the September 2009, Rolla Municipal Court Report; (D) the September 29, 2009, Development Review Committee Meeting Minutes; (E) the September 16, 2009, Rolla Health & Recreation Center Advisory Committee Meeting Minutes; (F) The Centre & SplashZone FY 2008/2009 Financial Analysis; (G) the September 3 & 28, 2009, Rolla Board of Public Works Meeting Minutes, and; (H) the October 2009 Rolla Regional Economic Commission Report.

V. OLD BUSINESS

(A) Ordinance to Consider New Codes Pertaining to RMU: City Administrator John Butz referred the Council to the ordinance, contained in the agenda materials, which delineates the changes suggested by the Council during its last meeting.

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V. OLD BUSINESS (continued)

(A) Ordinance to Consider New Codes Pertaining to RMU (continued): Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3941: AN ORDINANCE REPEALING ARTICLE XI, SECTIONS 35-148 THROUGH 35-166 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO THE BOARD OF PUBLIC WORKS. A motion was made by Williams and seconded by Spadoni to approve the proposed ordinance. After discussion, a roll call vote on the motion showed the following: Ayes; Spadoni, Walburg, Williams, Brown, Magdits, Jordan, Morris, Eudaly, Hicks, and Barklage. Nays; Hawley. Absent; Boeker. Motion carried. The ordinance passed.

(B) Ordinance to Revise the City's Sunshine Law Policy: City Administrator John Butz stated that according to the Sunshine Law the City is required to adopt a Sunshine Law policy. The proposed policy would shorten what is currently contained within the City Code and does not allow any variation from the Sunshine Law. He noted that the Council considered the first reading of the proposed ordinance during its last meeting.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE: AN ORDINANCE REPEALING ARTICLE VIII, SECTIONS 2-251 THROUGH 2-307 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO THE SUNSHINE LAW. A motion was made by Williams and seconded by Spadoni to approve the proposed ordinance. The discussion, which followed, pertained to clarifying the last sentence in Sec. 2-258 of the proposed ordinance, and the removal of the word "confidential" in Section 2-263 of the proposed ordinance. Following discussion on these issues, Councilmen Williams and Spadoni withdrew their motion and second to approve the proposed ordinance.

A motion was made by Eudaly and seconded by Morris that the discussed amendments be made to the proposed ordinance and that the ordinance be brought back to the Council at its next meeting for further consideration. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Ordinance to Amend Certain Sections of the Rolla City Code Pertaining to Parking: Public Works Director Steve Hargis recalled that the Council conducted the first reading of the proposed ordinance at its last meeting. He explained that the proposed

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V. OLD BUSINESS (continued)

(C) Ordinance to Amend Certain Sections of the Rolla City Code Pertaining to Parking (continued): ordinance takes the existing ordinances and renumbers them in such a way that it is consistent with the City's Geographic Information System (GIS).

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3942: AN ORDINANCE REPEALING SECTIONS 27-93 THROUGH 27-118, AND SECTION 27-129 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO PARKING. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. After some discussion, a roll call vote on the motion showed the following: Ayes; Williams, Jordan, Hawley, Hicks, Spadoni, Walburg, Barklage, Eudaly, Morris, Brown, and Magdits. Nays; None. Absent; Boeker. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Motion to Award the Contract Amendment for HNTB for the Rolla West Project: Public Works Director Steve Hargis explained that the proposed contract amendment with HNTB for the Rolla West Project consists of the following three tasks: 1) evaluate a roundabout to be used at the intersection of Bryant Road and the extension of Ridgeview Drive; 2) coordinate with the Burlington-Northern Santa Fe Railroad in developing a bridge crossing for the Ridgeview Drive extension, and; 3) and coordinate the precast concrete bridge design for that particular location. Mr. Hargis then provided an overview of the proposed project.

A motion was made by Morris and seconded by Barklage to approve the proposed amendments to the HNTB Contract. Following discussion a voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

VII. CLAIMS AND/OR FISCAL TRANSACTIONS

(A) Resolution to Award the Financing Bids for the Public Works Department Dump Truck: Finance Director Steffanie Rogers recalled the Council authorized the purchase of a dump truck for the Public Works Department during its last meeting. She

VII. CLAIMS AND/OR FISCAL TRANSACTIONS (continued)

(A) Resolution to Award the Financing Bids for the Public Works Department Dump Truck (continued): informed the Council that bids were received to finance the purchase of the truck and staff is recommending that the financing be awarded to Commerce Bank/Clayton Holdings for an interest rate of 3.43% with an annual payment of \$28,260.93. Because the first payment is made without interest, Ms. Rogers noted that the payments are lower with Commerce Bank/Clayton Holdings, than with the lower interest rate of 3.31% from Central Federal Savings and Loan.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1698: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, PHELPS COUNTY AND CLAYTON HOLDINGS, LLC/COMMERCE BANK, MISSOURI. A motion was made by Eudaly and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VIII. CITIZEN COMMUNICATION

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

(1) Mr. Johnny Jones, 206 Brookridge Drive, addressed the Council and indicated that he continues to have a problem with his yard flooding during rains. He told the Council that the latest development is that the recent rain caused two sections of his fence and a four-by-four that was in concrete to become uprooted. As suggested by the Council, Mr. Jones told the Council that he cut off a portion of the bottom of the fencing to allow the water to drain. In discussions with City Administrator John Butz, Mr. Jones indicated that it is possible that the work could be accomplished through a Neighborhood Improvement District. If the Council agrees to this, Mr. Jones said he would be willing to present it to the other property owners on Brookridge Drive.

City Administrator John Butz added that prior to the passage of the 1996 sales tax, many improvements were done through Neighborhood Improvement Districts. He said the cost of any public infrastructure in the neighborhood could be calculated and then charged either by the lineal foot or by the square foot. Mr. Butz said area residents would be

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): responsible for a portion of the costs. Typically, the property owners are given ten years to pay for the improvements. While the City cannot do this for a single individual for a single issue, Mr. Butz said it could be done as part of a larger project.

(2) Dr. Tom Sager, 8 Laird Avenue, recalled that he addressed the Council during its last meeting pertaining to the generation of electricity from sewage or wastewater. He noted that it is also possible to generate electricity from kitchen waste. Dr. Sager said you would be killing two birds with one stone because when kitchen waste becomes valuable and you can generate electricity from it, no one will leave it out for feral cats and rats. He recommended the Council ask Environmental Services Director Brady Wilson to move forward with the project he is already working on of taking kitchen waste and composting it.

(3) Mr. Richard Campos, City Council representative for Missouri S & T's Student Council, told the Council that his new job is to act as a communication bridge between the student body and the City Council.

Mr. Campos reported to the Council that the crosswalk button, located on the southeast side heading west between Highway 63 and Tenth Street, is inoperable.

Mayor Jenks responded that the City would notify the Missouri Department of Transportation regarding this issue.

Mr. Campos then asked the Council if the City had any issues or concerns with Missouri S & T students.

City Administrator John Butz explained the City recently constructed new pedestrian crossing advanced warnings signs. He asked Mr. Campos if he would alert the students to these crossings and ask them to be more attentive at stopping at them. If the students first demonstrate stopping at these crossings, there would likely be more support from the community.

Councilman Hicks indicated that he has received complaints from residents who live along Poole Avenue that students are parking along that street. With all the empty parking spaces in the nearby University lots, he said the residents wonder why the students do not purchase a parking pass and park on these lots.

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VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): Mr. Campos promised he would look into the matter.

Mr. Butz added that it could take up to two months to obtain a parking permit from the University. The University is working with the City in this area. In addition, the City plans to paint some corners just before Thanksgiving that will help and the University has agreed to help move things along. He noted there has been improvement in the past couple of weeks.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Appointment of Mr. Albert Crump to Rolla Board of Public Works: A motion was made by Williams and seconded by Brown to appoint Mr. Albert Crump to the Rolla Board of Public Works. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Hillcrest Shopping Center Update: Councilman Gary Hicks asked if the Council could be updated on the progress of the Hillcrest Shopping Center, which was discussed during a recent Council meeting.

City Administrator John Butz indicated that the City has conducted inspections on the property, but he has not received an official report.

(B) Night Deliveries: Councilwoman Hawley reported that she continues to receive complaints from residents who live near businesses that receive night deliveries. She pointed out that the City has ordinances that prohibit construction between the hours of 9 p.m. and 7 a.m. Councilwoman Hawley asked what it would take to adopt a similar ordinance so that the peace disturbance laws also have the 9 p.m. to 7 a.m. timeframe. She said she receives complaints from residents living in the Adrian Avenue area behind Wal-Mart and behind Triad Office City. Councilwoman Hawley asked if an ordinance revision should be made that would place some requirements similar to the construction noise.

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

(B) Night Deliveries (continued): City Administrator John Butz said the Council could consider an ordinance amending the Code relating to deliveries. He suggested the Council might want to receive input from businesses before approving an ordinance.

City Counselor John Beger added that if construction can be restricted to certain times of the day, deliveries to commercial properties could probably be restricted as well.

City Administrator Butz recommended seeing what other cities do in similar situations.

Council discussion followed.

(C) Veterans Park Dedication: Mayor Jenks reminded everyone that the Veterans Memorial Park dedication ceremony is scheduled for Wednesday, November 11, 2009, at 11 a.m. He invited everyone to attend.

XI. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 8:30 p.m.

XII. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:58 p.m.

City Counselor John Beger reported that during Executive Session the City Council was advised on the status of negotiations on the possible sale of surplus City real estate. The Council took no action on this matter.

The Council was also advised on an issue of potential litigation, but no formal action was taken at this time.

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XIII. ADJOURNMENT

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

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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