

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 16, 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, Jim Williams, Ken Boeker, Donna Hawley, and Mark Walburg

Council Members Absent: Lou Magdits

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

Other City Officials in Attendance: City Administrator John Butz, Assistant City Counselor Brendon Fox, 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 Ken Boeker led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Rolla Municipal Utilities Purchase of 101 and 103 West 10th Street: As discussed with the City Council during its July 20, 2009, Executive Session meeting, Rolla Municipal Utilities General Manager Rodney Bourne indicated that Rolla Municipal Utilities (RMU) has been in discussions regarding the purchase of the properties located at 101 and 103 West Tenth Street (Beger & Bushie Law Office building). Mr. Bourne noted that according to RSMo. 105.454, a public notice is required when property is sold from a public official to another public entity. The agreed purchase price for the property is \$410,000 for the real property and some contents. Mr. Bourne explained that a commercial appraisal of the property was completed and the

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I. PUBLIC HEARINGS (continued)

(A) Rolla Municipal Utilities Purchase of 101 and 103 West 10th Street (continued):

purchase price is less than the appraised value. He pointed out that a building inspection was conducted and no significant defects were discovered. Mr. Bourne said he expects the Board of Public Works will take action regarding the purchase during their November meeting.

Mayor Jenks opened the public hearing to anyone wishing to address the Council regarding RMU's proposed purchase of 101 and 103 West 10th Street. No one present responded. Mayor Jenks then closed the public hearing.

II. SPECIAL PRESENTATIONS

(A) Update on Fort Leonard Wood Activities: Mr. Mike Alley, Chief of External Communications/Public Affairs, at Fort Leonard Wood, encouraged Council members who have not been on the post during the past two years to contact him to take a tour. Mr. Alley reported that Fort Leonard Wood has about 400 cars, not including construction workers that travel from Rolla to Fort Leonard Wood every day. He told the Council that Fort Leonard Wood would spend about \$1 billion in construction over the next five years. Mr. Alley said it is important to know that Rolla is a home to many of the people who work in Fort Leonard Wood.

Mr. Alley informed the Council that Fort Leonard Wood puts about \$2.1 billion into the State's economy. He said Fort Leonard Wood has about 1,600 housing units and a daytime population of 32,000. Last year, Fort Leonard Wood trained 96,000 service members.

(B) Rolla Municipal Utilities Fourth Quarter Report: Rolla Municipal Utilities General Manager Rodney Bourne indicated that in his report he would try to include the items as required by the ordinance recently approved by the Council, pertaining to Rolla Municipal Utilities (RMU). Mr. Bourne told the Council that RMU is a support organization of the City. He continued by providing an overview of the Fourth Quarter Report, as provided to the Council at the beginning of the meeting. Following his presentation, Mr. Bourne addressed questions and comments from the Council.

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III. OLD BUSINESS

(A) Ordinance to Revise the City's Sunshine Law Policy: Assistant City Counselor Brendon Fox read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3943: 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.

City Administrator John Butz reviewed the amendments that were made to the proposed ordinance, since the Council's last meeting.

A roll call vote on the motion to approve the proposed ordinance showed the following: Ayes; Eudaly, Barklage, Spadoni, Hicks, Brown, Boeker, Jordan, Morris, Walburg, and Williams. Nays; Hawley. Absent; Magdits. Motion carried. The ordinance passed.

IV. NEW BUSINESS

None.

V. MAYOR/CITY COUNCIL COMMENTS

(A) Formation of the Ad Hoc Committee on Feral Cats: Mayor Jenks referred the Council to the proposed Ad Hoc Committee on Feral Cats, which is included in the agenda materials.

City Administrator John Butz told the Council that he asked the Police Department if they could find a citizen who had a concern with cats who would be willing to serve on the Committee. The Police Department contacted Mr. Pete Walker who lives on Fairgrounds Road and who has always been bothered by cats in the neighborhood getting into his yard. He noted that Mr. Walker has indicated his willingness to serve on the Committee as well. Mr. Butz asked the Council to consider adding Mr. Walker to the committee as a citizen at-large. A motion was made by Eudaly and seconded by Morris to appoint Councilwoman Donna Hawley; Brandi Washburn and Monica Cooper of the Phelps County Animal Welfare League; Georgia Hall, who operates the

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V. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Formation of the Ad Hoc Committee on Feral Cats (continued): trap/neuter/return program for Missouri S & T; Dr. Brian Janke (veterinarian); Dr. Dan Brown (veterinarian); Ms. Charlotte Wiggins (citizen at-large); Mr. Pete Walker (citizen at-large), and; Animal Control Supervisor Inge Wilson (Ex Officio Member) to the Ad Hoc Committee on Feral Cats. After some discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VI. CITIZEN COMMUNICATION

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

Mr. Bill Hoertel, 12499 Country Club Drive, Rolla, Missouri, stated that he would like to address the Council about a land lease he has for property at the Rolla National Airport. He told the Council that about 25 years ago, a man by the name of Jim Scott entered into a land lease with the City and Mr. Scott erected a building/hangar on that land. He informed the Council that this lease will terminate at the end of November 2009, and he has asked the City to reconsider the lease. In that context, Mr. Hoertel indicated he sent a proposed lease to City Administrator John Butz, which is essentially a reiteration of the first lease. Mr. Hoertel added the reason he now owns the building, is because Mr. Scott was killed in a plane crash about ten to twelve years ago and his family sold him the improvement and the City allowed Mr. Hoertel to take over the lease.

Mr. Hoertel said the proposed lease is for 25 years with a \$200 per year rent. In the event of his death, Mr. Hoertel pointed out the City would have the opportunity to purchase the improvement for \$13,000. Mr. Hoertel indicated that he realizes the Council will need to discuss this matter in Executive Session.

No one else present addressed the Council.

VII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Veterans Park Dedication: Now that the Veterans Park has been officially dedicated, a motion was made by Spadoni and seconded by Williams that Southview Drive, from Highway 72, south to Winchester Drive, be designated as "Veterans

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

(A) Veterans Park Dedication (continued): Memorial Park Drive.” Mr. Spadoni said he understands that Southview Drive would not change in name, but would be designated as “Veterans Memorial Park Drive,” similar to that of “Donald Castleman Parkway.”

Mayor Jenks indicated that a resolution approving this designation would be submitted for Council consideration at its next meeting.

A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Leaves in Streets: Councilman Williams reported that he has received some comments about the leaves in the Oak Knoll Subdivision being raked in the street. Mr. Williams reminded residents that the leaves should be raked to the edge of the street or curb.

(C) Bow Hunting of Deer in City Limits: Councilman Williams asked the Council to consider the bow hunting of deer in certain areas of the city.

City Administrator John Butz recalled the City worked with the Department of Conservation on this issue when it was discussed a few years ago. He said there are ways the City could authorize the Department of Conservation to manage a limited bow season and harvest in the city limits in certain areas. Mr. Butz indicated that he would contact the Department of Conservation regarding this matter.

(D) Enhanced Enterprise Zone (EEZ): Councilwoman Hawley reported that she has been doing some research on the EEZ and has come up with some numbers that she believes the entire Council should see, as well as the citizens. She said she is prepared to present it tonight or can wait until the Council’s next meeting.

Mayor Jenks asked Ms. Hawley to provide the information to the City Administrator’s Office for inclusion in the December 7, 2009, Council meeting agenda.

City Administrator John Butz added that the EEZ Board would be presenting their recommendations to the Council during the December 7, 2009, Council meeting.

Because her information may change some of the EEZ Board’s recommendations, Ms. Hawley asked that she be permitted to present her information before the EEZ Board addresses the Council.

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

(D) Enhanced Enterprise Zone (EEZ) (continued): Mr. Butz told Ms. Hawley that she could make her presentation during the December 7 meeting. Although the EEZ Board is scheduled to appear before the Council on December 7, their presentation could be postponed. Additionally, the Council may not be prepared to make a decision at that meeting.

(E) Briggs and Stratton Building: Councilwoman Hawley recalled that the Council received an e-mail from Mr. Bob Nash regarding the issue of the Briggs and Stratton building. She said she feels the Council needs to discuss the e-mail and whether the City wants to proceed with determining whether the City has any claim to the approximately \$2 million it gave the Rolla Community Development Corporation (RCDC) to purchase the building. Ms. Hawley stated that RCDC maintains they are non-profit and yet they took all the lease money and are charging for the land in the Industrial Park. She said she wonders if the Council should discuss this matter.

City Administrator John Butz recalled that either City Counselor John Beger or City Counselor Lee Bushie provided a legal opinion on this issue about three years ago when it first surfaced. He said he would provide the Council with a copy of the legal opinion and the Council could discuss the issue in either open or closed session.

VIII. 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; Jordan, Williams, Hawley, Brown, Boeker, Spadoni, Walburg, Barklage, Eudaly, Morris, and Hicks. Nays; None. Absent; Magdits. Motion carried.

The Council adjourned into Executive Session at approximately 7:29 p.m.

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IX. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:01 p.m.

Assistant City Counselor Brendon Fox reported that during Executive Session the City Council discussed a real estate matter pertaining to the Rolla National Airport. No action was taken by the Council.

X. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:02 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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