

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, DECEMBER 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, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Ken Boeker, Donna Hawley, and Mark Walburg

**Council Members Absent:** Susan Eudaly

**Department Directors in Attendance:** Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Mark Kearse, Parks and Recreation Director Ken Kwantes, and Community Development Director John Petersen

**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, Councilwoman Donna Hawley led in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

**(A) Request for Ordinance Establishing an Overlay District for the Rolla Arts and Entertainment District (RA&ED):** Community Development Director John Petersen recalled that in August 2009, the Council approved Resolution No. 1695, which authorized the Community Development Department to begin preparations of an urban conservation and redevelopment plan, which recognized the initial boundaries of an arts and entertainment district. He noted the proposed district boundary was developed through a planning process the City had for the downtown area. Mr. Petersen provided an overview of the proposed district, and stated that it contains just over 19 acres.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed Rolla Arts and Entertainment District.

**DECEMBER 21, 2009**

**I. PUBLIC HEARINGS (continued)**

**(A) Request for Ordinance Establishing an Overlay District for the Rolla Arts and Entertainment District (RA&ED) (continued):** Mr. Steven Scholz, co-owner of the Benton Square project and surrounding properties, stated that he is excited the Rolla Arts and Entertainment District has made it this far and that the City is actually considering something like this. He said he does not see any reason why Rolla could not be another Herrman or Washington, Missouri. Mr. Scholz noted that when he purchased the few properties around the Benton Square schoolhouse, it was purchased with the intention of putting in art galleries and other small businesses to create a small community of its own. Mr. Scholz said Benton Square would be pulling in people from other towns for the restaurants, salons, spa, and different things that will be offered. He said Benton Square would like to be the anchor to jumpstart the proposed arts and entertainment district.

Dr. Tom Sager, 8 Laird Avenue, mentioned that he is glad to see that a fountain is proposed in the arts and entertainment district because he is partial to fountains. He noted there is a fountain in front of Blockbuster Video with no water. Dr. Sager asked if the City is going to make sure there would be water in the arts and entertainment district fountain.

City Administrator John Butz stated that he does not know at this point whether there would be water in the subject fountain.

No one else present addressed the Council. Mayor Jenks closed the public hearing.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE ADOPTING THE ROLLA ARTS & ENTERTAINMENT DISTRICT URBAN CONSERVATION AND REDEVELOPMENT DISTRICT PLAN IN ITS ENTIRETY AS AN AMENDMENT TO THE ROLLA 2020 COMPREHENSIVE PLAN UPDATE, 2005 PURSUANT TO CHAPTER 42, SECTION 42-5 THROUGH 42-7 OF THE ROLLA CITY CODE.

**(B) Request for Ordinance to Rezone Lot 3 of Cowboy Resubdivision (1601 Highway 72 East) from R-1 Zoning and C-2 Zoning to R-1 Zoning (Peterman):** Community Development Director John Petersen described the subject property as a 2.4-acre site. He explained that the applicant is requesting that the entire property be rezoned to R-1 (Single Family District).

**CITY COUNCIL MEETING MINUTES  
DECEMBER 21, 2009  
PAGE 3**

**I. PUBLIC HEARINGS (continued)**

**(B) Request for Ordinance to Rezone Lot 3 of Cowboy Resubdivision (1601 Highway 72 East) from R-1 Zoning and C-2 Zoning to R-1 Zoning (Peterman) (continued):** Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject rezoning request. No one present addressed the Council. Mayor Jenks closed the public hearing.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3944: 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 LOT 3 OF COWBOY RESUBDIVISION (1601 HIGHWAY 72 EAST) FROM R-1 (SINGLE FAMILY DISTRICT) AND C-2 (GENERAL RETAIL DISTRICT) ZONING TO R-1 (SINGLE FAMILY DISTRICT) ZONING (PETERMAN). A motion was made by Morris 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 eleven ayes, zero nays, and one absent. Motion carried. Assistant City Counselor Fox 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; Morris, Boeker, Spadoni, Williams, Brown, Hawley, Magdits, Jordan, Walburg, Barklage, and Hicks. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

**II. SPECIAL PRESENTATION**

**(A) Recognition of George Humphrey's Contributions:** Mayor Jenks read and presented Mr. George E. Humphrey with a proclamation declaring Monday, December 21, 2009, as "George E. Humphrey Day" in the city of Rolla. In the proclamation Mayor Jenks recognized Mr. Humphrey for his positive contributions to the Rolla community as an entertainer, devoted husband, father, and friend, who willingly lends a hand to those most in need without expecting anything in return.

**III. OLD BUSINESS**

**(A) Resolution Authorizing the First Amendment to the Chapter 100 Bond Performance Agreement:** City Administrator John Butz recalled that the Council discussed this item during its last meeting. He said staff is recommending an addendum

**DECEMBER 21, 2009**

**CITY COUNCIL MEETING MINUTES  
DECEMBER 21, 2009  
PAGE 4**

**III. OLD BUSINESS (continued)**

**(A) Resolution Authorizing the First Amendment to the Chapter 100 Bond Performance Agreement (continued):** to the Performance Agreement that restructures the grant payments by eliminating CORE (Champions of Rolla Education) and OAT (Ozark Actors Theater) from the grant payment schedule. Mr. Butz noted that it would also reduce the Rolla Public Schools and City of Rolla's allocations in the current five-year increment from \$40,000 to \$30,000.

Mr. Alan Gerson, Corporate Attorney for Brewer Science, and Ms. Barbara Picarelli, Executive Director of Finance for Brewer Science addressed the Council and asked that the intent of the original agreement be honored by reducing the grant payments as set forth in the proposed first amendment of the performance agreement.

Mr. Butz asked Mr. Gerson to address the employment requirement of 240 full-time employees.

Mr. Gerson responded that Brewer Science, as many other companies, was negatively affected by the recession. If their projections are correct, Mr. Gerson said Brewer Science has plans to add 10 to 15 more employees next year, which would surpass the 240-employee requirement.

After a lengthy dialogue, Assistant City Counselor Brendon Fox read the following proposed resolution for one reading, by title. RESOLUTION NO. 1699: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE FIRST AMENDMENT TO PERFORMANCE AGREEMENT AMONG THE CITY OF ROLLA, MISSOURI, TERLA, INC., AND BREWER SCIENCE, INC. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried. The resolution passed.

**(B) Resolution for Public Service Agreement between the City of Rolla and Rolla Regional Economic Commission (RREC):** City Administrator John Butz indicated that the City is winding up its first five-year agreement with the Rolla Regional Economic Commission (RREC). He noted that the proposed Public Service Agreement would lay out the next five years of a relationship among the City of Rolla, Phelps County, City of St. James, and the corporate business partners who are part of the RREC, to move forward with the RREC and economic activity. Because RREC's finances are solvent, the City was able to reduce the amount of its contribution from \$115,000 to \$105,000.

**DECEMBER 21, 2009**

**III. OLD BUSINESS (continued)**

**(B) Resolution for Public Service Agreement between the City of Rolla and Rolla Regional Economic Commission (RREC) (continued):** Councilman Brown suggested that this agreement and the following technical assistance agreement both contain the same termination period. He pointed out that the subject agreement stipulates six months written notice of termination and the technical assistance agreement contains a 90 days written notice of termination.

After further discussion, a motion was made by Hawley to renew the subject contract with the RREC for one year. At the end of the year the City would go out for bids for an economic development service agreement. Ms. Hawley added that the Council needs to be consistent with its purchasing policy, ordinances, and management of citizens' money. The motion did not receive a second.

After further discussion, Assistant City Counselor Brendon Fox read the following proposed resolution for one reading, by title. RESOLUTION NO. 1700: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A PUBLIC SERVICE AGREEMENT BY AND BETWEEN THE ROLLA REGIONAL ECONOMIC COMMISSION AND THE CITY OF ROLLA. A motion was made by Williams and seconded by Hicks to approve the proposed resolution. Councilwoman Hawley expressed her objection to the consideration of the resolution because the City is violating its purchasing policy by not going out for bids.

City Administrator John Butz stated the City Council determines the sole source provision. He added that the State Auditor specifically referenced this when the City awarded the micropaving bid. The State Auditor said if the City is going to do sole source, it should be sure the Council has specifically established it.

A voice vote on the motion to approve the proposed resolution showed ten ayes, one nay, and one absent. Motion carried.

**(C) Resolution Authorizing a Technical Assistance Contract with RREC:** In response to Councilman Brown's comment regarding the length of the written notice of termination, City Administrator John Butz explained that the 90 days written notice was intended in the subject contract because he thought, at some point, the Rolla Regional Economic Commission (RREC) might wish to do its own payroll. This is the reason the shorter notice of termination period was included in the technical assistance contract. Mr. Butz added the City is only providing RREC support while they need it.

**III. OLD BUSINESS (continued)**

**(C) Resolution Authorizing a Technical Assistance Contract with RREC (continued):** Assistant City Counselor Brendon Fox read the following proposed resolution for one reading, by title. RESOLUTION NO. 1701: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A TECHNICAL ASSISTANCE CONTRACT BY AND BETWEEN THE ROLLA REGIONAL ECONOMIC COMMISSION AND THE CITY OF ROLLA. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried. The resolution passed.

**(D) Resolution for Tourism Contract for Services with the Rolla Area Chamber of Commerce:** City Administrator John Butz explained that the subject contract is for tourism services with the Rolla Area Chamber of Commerce. He noted that in 2005 the contract had been open-ended. In 2006, the contract was revised and the Council decided to consider it more frequently in order to assess whether or not it was being honored appropriately and to make any changes.

Assistant City Counselor Brendon Fox read the following proposed resolution for one reading, by title. RESOLUTION NO. 1702: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT FOR SERVICE BETWEEN THE ROLLA AREA CHAMBER OF COMMERCE AND THE CITY OF ROLLA, MISSOURI FOR TOURISM/PROMOTION. A motion was made by Hicks and seconded by Williams to approve the proposed resolution. Councilwoman Hawley stated that she feels very strongly that the City needs to go out for bids on this and establish that this is a sole source. She said there might be other entities across the state that would be interested in conducting Rolla's tourism and could do it for less. A voice vote on the motion to approve the proposed resolution showed ten ayes, one nay, and one absent. Motion carried.

**(E) Resolution Authorizing the Forest Service Property Lease to the Chamber of Commerce:** City Administrator John Butz told the Council that the subject lease states that the Chamber of Commerce, using the hotel/motel tax proceeds, would assist the City in acquiring the Forest Service property and would be responsible for maintenance of the buildings and the grounds. He added that any rental income derived from any of the facilities on the property goes back into the maintenance of the Forest Service property, which is an eligible tourism expense.

**III. OLD BUSINESS (continued)**

**(E) Resolution Authorizing the Forest Service Property Lease to the Chamber of Commerce (continued):** After some dialogue, Assistant City Counselor Brendon Fox read the following proposed resolution for one reading, by title. RESOLUTION NO. 1703: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CHAMBER LEASE-FOREST SERVICE PROPERTY BETWEEN THE CITY OF ROLLA AND THE ROLLA AREA CHAMBER OF COMMERCE. A motion was made by Williams and seconded by Hicks to approve the proposed resolution. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

**(F) Resolution Authorizing the City to Serve as Fiscal Agent for the Hotel Tax:** City Administrator John Butz noted the subject resolution establishes that the City's role is collecting the hotel/motel tax and remitting it to the Chamber of Commerce. The City is also responsible for making the payment of \$25,500 to the Forest Service for acquisition of the property. Mr. Butz added the agreement clarifies the issue the State Auditor raised on the use of the tourism funds where the City had been previously collecting 10% and not showing an accounting for tourism services. He pointed out that the subject agreement spells it out as a 2% collection fee and the City would invoice the Chamber of Commerce through an accounting procedure for up to 8% for other support of tourism related activities. If the City were unable to spend or justify the 8%, the additional dollars would be paid to the Chamber of Commerce.

Assistant City Counselor Brendon Fox read the following proposed resolution for one reading, by title. RESOLUTION NO. 1704: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE FISCAL AGENT AGREEMENT BETWEEN THE CITY OF ROLLA AND THE ROLLA AREA CHAMBER OF COMMERCE. A motion was made by Williams and seconded by Boeker to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(G) Resolution Authorizing the Establishment of the EEZ and Benefits:** City Administrator John Butz explained that the subject resolution would establish the boundaries of the Enhanced Enterprise Zone (EEZ) and includes an identification of the types of businesses that would be eligible for the tax incentive, as well as the actual incentives over the minimum.

**CITY COUNCIL MEETING MINUTES  
DECEMBER 21, 2009  
PAGE 8**

**III. OLD BUSINESS (continued)**

**(G) Resolution Authorizing the Establishment of the EEZ and Benefits (continued):**

After a lengthy discussion, a motion was made by Morris and seconded by Hicks that the Council individually consider by motion, the proposed EEZ major categories, as outlined in the proposed ordinance. After a brief discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Barklage to accept industry No. 22, Utilities. A voice vote on the motion showed nine ayes, two nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Walburg to accept industry No. 23, Construction. After a brief discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry Nos. 31-33, Manufacturing. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry No. 42, Wholesale. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry Nos. 48-49, Transportation and Warehousing. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry No. 51, Information. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry No. 52, Finance and Insurance. After a brief discussion, a voice vote on the motion showed two ayes, nine nays, and one absent. Motion failed.

A motion was made by Morris and seconded by Boeker to accept industry No. 53, Real Estate and Rental and Leasing. A voice vote on the motion showed one aye, ten nays, and one absent. Motion failed.

**DECEMBER 21, 2009**

**CITY COUNCIL MEETING MINUTES  
DECEMBER 21, 2009  
PAGE 9**

**III. OLD BUSINESS (continued)**

**(G) Resolution Authorizing the Establishment of the EEZ and Benefits (continued):**

A motion was made by Morris and seconded by Boeker to accept industry No. 54, Professional, Scientific and Technical Services. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry No. 55, Management of Companies and Enterprises. A voice vote on the motion showed nine ayes, two nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry No. 56, Administrative and Support and Waste Management and Remediation Services. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry No. 62, Health Care and Social Assistance. Following discussion, a voice vote on the motion showed five ayes, six nays, and one absent. Motion failed.

A motion was made by Morris and seconded by Boeker to accept industry No. 71, Arts, Entertainment and Recreation, excluding gaming operations. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry No. 72, Accommodation except Food and Drinking places. A voice vote on the motion showed six ayes, five nays, and one absent. Motion carried.

A motion was made by Morris and seconded by Boeker to accept industry No. 81, Other services except Religious organizations. A voice vote on the motion showed eight ayes, three nays, and one absent. Motion carried.

Assistant City Counselor Brendon Fox read the following proposed resolution, as amended, for one reading, by title. RESOLUTION NO. 1705: A RESOLUTION ESTABLISHING THE ELIGIBLE ENHANCED ENTERPRISE BUSINESSES FOR THE ROLLA ENHANCED ENTERPRISE ZONE AND REDUCING THE AD VALOREM TAX ON ELIGIBLE PROJECTS WITHIN THE DESIGNATED ENHANCED ENTERPRISE ZONE, IN ACCORDANCE WITH CHAPTER 135, RSMo. AND SUBSEQUENT AMENDMENTS. A motion was made by Morris and seconded by Boeker to approve the proposed resolution, as amended. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried. The resolution passed.

**DECEMBER 21, 2009**

**CITY COUNCIL MEETING MINUTES  
DECEMBER 21, 2009  
PAGE 10**

**III. OLD BUSINESS (continued)**

**(H) Follow-up on 942 Great Oaks Nuisance Abatement:** Mayor Jenks noted that thanks to the Rolla Daily News, the people in the community volunteered and helped the property owner of 942 Great Oaks abate the nuisance. He emphasized that this speaks very highly of the Rolla community.

Community Development Director John Petersen commented that the nuisance has been completed and no further action by the Council is needed. Mr. Petersen added that the penalty has been waived.

**IV. NEW BUSINESS**

None.

**V. MAYOR/CITY COUNCIL COMMENTS**

**(A) Drug Enforcement:** Councilman Williams indicated that he has received comments from other law enforcement agencies about the efficient job Rolla's drug task force has been doing. He expressed his appreciation to them for an outstanding job.

Council comments continued following Executive Session action below.

**VI. CITIZEN COMMUNICATION**

Mayor Jenks opened the floor to anyone wishing to address the Council. No one present responded.

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

None.

**DECEMBER 21, 2009**

**CITY COUNCIL MEETING MINUTES  
DECEMBER 21, 2009  
PAGE 11**

**VIII. EXECUTIVE SESSION**

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

The Council adjourned into Executive Session at approximately 9:01 p.m.

**IX. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 9:20 p.m.

Assistant City Counselor Brendon Fox reported that during Executive Session, the Council discussed and approved one item of real estate pertaining to a lease agreement at the Rolla National Airport.

The Council was also briefed by Rolla Municipal Utilities officials regarding upcoming contracts. No Council action was taken on this matter.

**V. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(B) Flood Plain:** Councilman Williams noted that recently some residents received a letter from the Public Works Department pertaining to their property and whether or not it is in the flood plain. He encouraged residents to contact their insurance company to determine whether their property is in the flood plain.

**X. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 9:22 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

---

CITY CLERK

---

MAYOR

**DECEMBER 21, 2009**