

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, JANUARY 19, 2010
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, Stan Spadoni, Susan Eudaly, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, and Donna Hawley (entered the meeting at approximately 6:39 p.m.).

Council Members Absent: Don Barklage, Ken Boeker, and Mark Walburg

Department Directors in Attendance: Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Mark Kearse, Fire Chief Robert Williams, Parks and Recreation Director Ken Kwantes, Environmental Services Director Brady Wilson, Recreation Center Director Scott Caron, 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 Jim Williams led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Spadoni to approve the consent agenda, as submitted. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

The consent agenda consisted of the following:

(A) Approval of the City Council Minutes for the following:

- December 7, 2009, City Council Meeting
- December 21, 2009, City Council Meeting
- December 21, 2009, City Council Executive Session Meeting

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II. PUBLIC HEARINGS

(A) Request for Ordinance to Revise Exhibit 1 of Buehler Planned Unit Development: Community Development Director John Petersen explained that the applicant, Mr. Dale Wands, has requested a revision to a Planned Unit Development (PUD) that was approved by the City Council in June 2009. He told the Council that Exhibit 1 would be amended to read 114 persons, rather than 64. Mr. Petersen informed the Council that the plans for this amendment meet City Code. Regarding parking, he noted there are currently about ten to twelve on-site parking spaces. Mr. Petersen relayed to the Council that Mr. Wands approached the University and arranged to have twenty parking spaces reserved for the people who live in this building. He reported that the Planning and Zoning Commission unanimously recommend approval of the revision.

Councilwoman Hawley entered the meeting at approximately 6:39 p.m.

Following some Council discussion, Mayor Jenks opened the public hearing to anyone wishing to address the Council.

Petitioner, Mr. Dale Wands, explained that when he initially asked for the PUD, he was happy with the single occupancy. He told the Council the fraternity has asked that they be allowed to have double occupancy while the new fraternity is being constructed. Mr. Wands stated that in all probability, once the other fraternity has completed its renovation, this building would probably revert to single occupancy.

No one else present addressed the Council. Mayor Jenks closed the public hearing and pointed out that the applicant has requested the Council consider the first and final readings of the subject ordinance at this meeting.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3945: AN ORDINANCE AMENDING ORDINANCE NO. 3917, KNOWN AS 207 WEST 9TH STREET (BUEHLER PLANNED UNIT DEVELOPMENT (PUD)) AFFECTING THE REAL ESTATE KNOWN AS 207 WEST 9TH STREET (WANDS). 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 seven ayes, two 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, Hawley, Hicks, Spadoni, Magdits, Eudaly, Morris, and Brown. Nays; None. Absent; Boeker, Walburg, and Barklage. Motion carried. The ordinance passed.

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II. PUBLIC HEARINGS (continued)

(B) Request for Ordinance to Rezone the Southeast Corner of Lions Club Drive and Rolla Street from R-R to R-3 (Woessner/Eppelsheimer): Community Development Director John Petersen pointed out that the subject property is located at the intersection of Lions Club Drive and Rolla Street, which are two important arterial streets. He told the Council that the applicants are proposing the construction of 14 four-plexes or 56 dwelling units. Mr. Petersen reported that the Planning and Zoning Commission unanimously recommend approval of the rezoning request. He added that some petitions against the subject-rezoning request have been received, but they do not constitute a legal petition.

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

Mr. Kent Mace of Elgin Surveying, 310 E. 6th Street, Rolla, Missouri, and representing the petitioner, Mr. Mike Woessner, addressed the Council concerning the subject-rezoning request. Mr. Mace indicated that his involvement in the project is of a technical nature. He said he did not feel comfortable responding to the Council's inquiry involving the layout of the project. Regarding the two lots that front Lions Club Drive, Mr. Mace stated that only one access point is planned in an effort to limit the amount of traffic. Mr. Mace noted that the flood plain depicted on the site plan is the flood plain according to the Federal Emergency Management Association (FEMA).

Mr. Tom Laramore, 102 W. Lions Club Drive, told the Council he has lived at this location for the past 25 years. In speaking with the residents in the area, Mr. Laramore said they share the common concern that a clear picture of this development, its implications, and benefit for our community are not being accurately portrayed to them. He said they feel the Planning and Zoning Commission has been negatively influenced by developers who are citing short-term jobs and materials sold as a benefit to the community. Instead, this development, if approved, would have lasting consequences that would affect them in a negative way. Mr. Laramore pointed out that the short-term gains of this development will not offset the long-term gains for our community. He further stated that decreased home values would occur as population increases and the number of homeowners is offset by temporary tenants. Mr. Laramore also stated that tenants rarely invest in their rented properties; the density of the population will dramatically increase, and the traffic in the area will increase. Mr. Laramore explained that over the past few days he has had the opportunity to speak with homeowners within a quarter of a mile of the proposed development. The response has been overwhelming

II. PUBLIC HEARINGS (continued)

(B) Request for Ordinance to Rezone the Southeast Corner of Lions Club Drive and Rolla Street from R-R to R-3 (Woessner/Eppelsheimer): that the community, as a whole, objects to the rezoning of this area. Mr. Laramore informed the Council that out of 35 households that he spoke with he has obtained 29 signatures in opposition. Mr. Laramore concluded that it seems this proposed development would have a negative effect and the community does not desire it. He asked the Council to keep in mind the result when voting for this development and to uphold the duty of protecting the community's interest.

Mr. Klaus Woelk, 306 Becca Drive, noted that the Planned Unit Development (PUD) located behind his property currently has four units built out of 38 that were planned. He noted that it looks like a construction area. Mr. Woelk stated that the residents were promised that the construction would go quickly and that there was a waiting list of people wanting to move in. He pointed out that this has not occurred and he is concerned about the population density of the proposed development. Mr. Woelk stated that he doubts there will be 200 people willing to move into this area. Therefore, he sees this project as unnecessary.

Dr. Tom Sager, 8 Laird Avenue, stated that as pointed out by Councilwoman Hawley, fire protection is an important issue. When this land was annexed by the City, the residents were promised a south side fire station. Dr. Sager stressed that a fire station is needed and he asked the Council when it is going to be built. He said you do not need to put more people in this area until something is done about a south side fire station.

Mr. Doyle Harris, 1321 South Rolla Street, told the Council that he lives within 185 feet of the subject property. He suggested that Mr. Woessner consider constructing the proposed development on the 50 acres south of his property where there is plenty of room to construct the proposed development. Mr. Harris said he does not understand why single-family homes could not be constructed instead of four-plexes. He added he has witnessed water flowing through the field about three-feet deep.

Ms. Rene Bushan, 302 Becca Drive, noted that her property backs up to Pebblestone. She stated that Investment Realty has not kept their word on the Pebblestone development and she does not trust them with the proposed development. Ms. Bushan pointed out that Investment Realty stated there was a great demand for those condominiums, but Investment Realty cannot even give them away now. She added that Investment Realty promised they would never be leased, however, there is a sign indicating the condominiums are for lease. She explained that construction

II. PUBLIC HEARINGS (continued)

(B) Request for Ordinance to Rezone the Southeast Corner of Lions Club Drive and Rolla Street from R-R to R-3 (Woessner/Eppelsheimer): debris from the development on Pebblestone has been behind her home for three years. Because of the dirt and debris, Ms. Bushan told the Council that her house must be frequently power-washed and the windows cannot be opened, even on a nice day. Additionally, the Pebblestone property is only mowed once a year after the growing season. Ms. Bushan said she is in favor of single-family homes. Had they known that apartments were going to be constructed, she said she and her husband would not have purchased their property. Ms. Bushan said Investment Realty is not keeping their promises. They are putting too many buildings, too close together.

Mayor Jenks referred the Council to a list of individuals who signed a petition in opposition to the proposed rezoning request. Additionally, he referred the Council to a letter from Mr. and Mrs. Kenneth Hawley, which expressed their opposition to the proposed rezoning request and the high density in addition to many of the same issues addressed by others.

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 1301-1311 SOUTH ROLLA STREET (SOUTHWEST CORNER OF LIONS CLUB DRIVE AND ROLLA STREET FROM R-R (RURAL RESIDENTIAL) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (WOESSNER/EPELSHEIMER).

(C) Request for Ordinance to Rezone Lots 9-12 of the Townsend Addition and the South Half of the Vacated Alley from R-2 and C-2 to C-3 Zoning (Mousadakos): Community Development Director John Petersen pointed out that the subject property is located on the former Russell Clinic property. The applicant has requested a C-3 (Highway Commercial District) zoning to construct a restaurant. Mr. Petersen reported that the Planning and Zoning Commission recommend approval of the requested rezoning.

II. PUBLIC HEARINGS (continued)

(C) Request for Ordinance to Rezone Lots 9-12 of the Townsend Addition and the South Half of the Vacated Alley from R-2 and C-2 to C-3 Zoning (Mousadakos) (continued): Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Mr. Vasilios Mousadakos, applicant, addressed the Council and indicated that he is present to answer any questions.

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

City Counselor John Beger read the following proposed ordinance for its first reading, by title. 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 LOTS 9-12 OF TOWNSEND ADDITION AND THE SOUTH HALF OF THE VACATED ALLEY (1101 NORTH BISHOP AVENUE) FROM R-2 (TWO FAMILY DISTRICT) AND C-2 (GENERAL RETAIL DISTRICT) ZONING TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING (MOUSADAKOS).

(D) Request for Ordinance Establishing a Zoning Overlay District to Include the Rolla Arts and Entertainment District (RA&ED): Community Development Director John Petersen recalled that during the Council's December 21, 2009, meeting, the Council considered the first reading of the ordinance adopting the Rolla Arts and Entertainment District (RA&ED) plan. At that time there was some discussion about the the overlay district. Mr. Petersen explained that an overlay district retains the existing zoning, it provides a list of what can take place, and is designed to promote an agenda to improve arts and entertainment. Mr. Petersen reported that the Planning and Zoning Commission recommends approval of the proposed plan.

After a brief Council discussion, Mayor Jenks opened the public hearing to anyone wishing to address the Council regarding the proposed Rolla Arts and Entertainment District (RA&ED) plan.

Mr. Kent Mace of Elgin Surveying, 310 E. 6th Street, Rolla, Missouri, noted that Elgin Surveying is located in the middle of the proposed district. He said he is very pleased with the plans for the proposed RA&ED and believes this overlay would be a benefit to the City as well as the district.

II. PUBLIC HEARINGS (continued)

(D) Request for Ordinance Establishing a Zoning Overlay District to Include the Rolla Arts and Entertainment District (RA&ED) (continued): No one else present addressed the Council concerning the proposed Rolla Arts and Entertainment District overlay district. Mayor Jenks closed the public hearing.

City Counselor Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3946: AN ORDINANCE AMENDING CHAPTER 42, ARTICLE III, DIVISION 15, SUPPLEMENTAL REGULATIONS OF THE ROLLA PLANNING AND ZONING CODE BY ADDING SECTION 42-231 THROUGH 42-231.9 PERTAINING TO THE ESTABLISHMENT OF AN OVERLAY DISTRICT FOR THE ROLLA ARTS & ENTERTAINMENT DISTRICT. 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 seven ayes, two 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 Eudaly and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Williams, Brown, Eudaly, Magdits, Jordan, Morris, Hicks, and Hawley. Nays; None. Absent; Walburg, Boeker, and Barklage. Motion carried. The ordinance passed.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Natural Gas Rate Increase for Ameren UE Customers in the Rolla Service Area: Ms. Lonna Trammel, Customer Service Representative with Ameren UE, Jefferson City, Missouri, and two other representatives addressed the Council pertaining to Ameren UE's recent natural gas price increase implemented for the Rolla area. In a recent press release, Ameren announced that the cost of natural gas for Rolla would increase from \$1.09 to \$1.30 per one hundred cubic foot of natural gas. The reason for Ameren's increase is that the interstate pipeline recently increased its rates by about 60%, which went into effect January 1, 2010. Ameren has been intervening in the rate case trying to get them to reduce their rates. Additionally, the Public Service Commission and other municipalities are fighting this increase. Individuals wishing to express their concern over this increase are encouraged to contact the Federal Energy Regulatory Commission (FERC).

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)

(B) Smokefree Air for Everyone (SAFE) Presentation: Mr. Jason Sharp, representing Smokefree Air for Everyone Rolla (SAFERolla), explained that they are a coalition that has been developed because they believe the right to breathe clean air should be protected. He noted that an ordinance has been submitted for the Council's consideration to protect Rolla employees and the public for the good of Rolla. Mr. Sharp emphasized that SAFERolla is not asking for an ordinance that mandates or stops people from smoking, but SAFERolla is asking that employees and the public be protected in workplaces and not be subjected to the ill effects of others' decision to smoke. Mr. Sharp stated that they recognize the right to smoke. Conversely, they also ask to recognize the right for other people not to breathe second-hand smoke. Mr. Sharp continued by providing a PowerPoint presentation that outlined the risks and dangers associated with secondhand smoke. He added that the Americans for Nonsmokers Rights developed the suggested ordinance. The reason this ordinance was chosen is that it has withstood 1,600 legal challenges. Following his presentation, Mr. Sharp entertained questions and comments from the Council.

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

Mayor Jenks referred the Council to (A) the November 2009, Rolla Municipal Utilities Monthly Report; (B) the Preliminary Minutes of the December 8, 2009, Planning and Zoning Commission Meeting; (C) the November 2009, City's Cash Position and Expenditures Report; (D) the November 2009, Rolla Municipal Court Report; (E) the November 23, 2009 Rolla Board of Public Works Meeting minutes; (F) the November 18, December 2, and December 16, 2009, Parks and Recreation Sales Tax Ad Hoc Committee Meeting minutes, and; (G) The Centre & SplashZone FY 2010 Financial Analysis.

V. OLD BUSINESS

(A) Ordinance to Amend the 2020 Comprehensive Plan Update by Incorporating the Rolla Arts and Entertainment District Urban Conservation and Redevelopment District Plan: Community Development Director John Petersen recalled that during its December 21, 2009, meeting, the Council had an exhaustive discussion about the Rolla

V. OLD BUSINESS (continued)

(A) Ordinance to Amend the 2020 Comprehensive Plan Update by Incorporating the Rolla Arts and Entertainment District Urban Conservation and Redevelopment District Plan (continued): Arts and Entertainment District (RA&ED) Urban Conservation and Redevelopment District Plan. He mentioned that earlier in this meeting, the Council adopted the RA&ED overlay district.

A motion was made by Williams and seconded by Hawley to postpone the final reading of the subject ordinance until the Council has an opportunity to discuss it further during the Council Workshop scheduled for February 8, 2010. A voice vote on the motion showed three ayes, and six nays, and three absent. Motion failed.

City Counselor Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3947 : 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. A motion was made by Hicks and seconded by Eudaly to approve the proposed ordinance.

Following some discussion, a motion was made by Hawley to strike the seed money portion of the plan. The motion did not receive a second.

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

VI. NEW BUSINESS

(A) Resolution Authorizing a Scope of Services Agreement with Missouri Department of Economic Development: Community Development Director John Petersen recalled that in October 2009, the City of Rolla was selected to participate in the DREAM (Downtown Revitalization Economic Assistance for Missouri) program. He informed the Council that the DREAM program does not specifically provide money for projects. However, it does provide funds to help the small and medium-sized communities acquire the necessary expertise to advance revitalization efforts based on

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VI. NEW BUSINESS (continued)

(A) Resolution Authorizing a Scope of Services Agreement with Missouri Department of Economic Development: planning reports that are described in the scope of services. Mr. Petersen reported that the consultant selected by the State to lead the DREAM project in Rolla is Peckham, Guyton Albers & Viets, Inc. (PGAV). On January 6, 2010, PGAV presented a summary of the scope of the project, which amounted to \$211,000 with a local match of \$42,000. After extensive discussions with PGAV, the Scope of Services was reduced to \$157,390 with the City's share of \$31,000. Mr. Petersen pointed out that the City's share is payable over three years. He added that Ms. Lonna Sowers is available to discuss some of the monies that have already been committed to help the City cover the 20% requirement.

Following some Council discussion, Ms. Lonna Sowers, President of the Rolla Downtown Business Association, explained that during the Rolla Regional Economic Commission (RREC) meeting on Friday it was discussed that if the City could come up with \$6,000, who would cover the balance. She stated that it was felt there needed to be a buy-in from the downtown businesses. Ms. Sowers reported that during the past few days, she called and met with six property owners, who represent 13 buildings, and they agreed to commit a total of \$4,000. In addition, she told the Council that she has commitments from RREC, the Rolla Community Development Corporation (RCDC), realtors, and some individual property owners.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1706: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI ("CITY") TO SIGN A CONTRACT FOR SERVICES BETWEEN THE City and the Missouri department of economic development ("MoDED") UNDER THE DOWNTOWN REVITALIZATION ECONOMIC ASSISTANCE FOR MISSOURI ("DREAM") PROGRAM. A motion was made by Hicks and seconded by Eudaly to amend the fourth paragraph of the proposed resolution to read ...with a budget not to exceed \$157,390 in total expenditures with a twenty (20) percent local cost share match not to exceed a total of \$31,478.... A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. A motion was then made by Hicks and seconded by Morris to approve the proposed resolution, as amended. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(B) Resolution Authorizing a New Land Lease at the Rolla National Airport with William Hoertel: City Counselor John Beger read the proposed resolution for one reading, by title. RESOLUTION NO. 1707: A RESOLUTION AUTHORIZING THE

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VI. NEW BUSINESS (continued)

(B) Resolution Authorizing a New Land Lease at the Rolla National Airport with William Hoertel (continued): MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CONTRACT BETWEEN THE CITY OF ROLLA AND THE WILLIAM W. HOERTEL DECLARATION OF TRUST FOR MISSOURI PROPERTIES. A motion was made by Williams and seconded by Morris to approve the proposed resolution.

City Administrator John Butz noted that an amended copy of the proposed contract was provided to the Council earlier in the meeting. He briefed the Council on the proposed changes.

A voice vote on the motion to approve the resolution showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

(C) Resolution Approving the EEZ Strategic Plan and Zone Application: City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1708: A RESOLUTION APPROVING THE ROLLA ENHANCED ENTERPRISE ZONE REDEVELOPMENT STRATEGIC PLAN AND AUTHORIZING THE MAYOR TO EXECUTE THE ENHANCED ENTERPRISE ZONE DESIGNATION APPLICATION IN ACCORDANCE WITH CHAPTER 135, RSMo. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution.

City Administrator John Butz explained that the proposed Enhanced Enterprise Zone (EEZ) application is the culmination of a couple of years worth of work. He added this is the last step in the EEZ Plan process and that the proposed resolution adopts the final document and completes the application of which the plan becomes an attachment to the application.

After some discussion, a voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried. The resolution passed.

(D) Motion Authorizing the Lease of a 40-Acre Parcel Located Adjacent to the Phelps County Landfill: Environmental Services Director Brady Wilson asked the Council to consider the renewal of an existing property lease the City has inside the industrial park. He explained the City has had a lease for a number of years with a neighboring farmer. The parcel consists of 40 acres and it is landlocked. Mr. Wilson

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VI. NEW BUSINESS (continued)

(D) Motion Authorizing the Lease of a 40-Acre Parcel Located Adjacent to the Phelps County Landfill (continued): recommended extending the lease for another two years. He added that this would be the City's third amendment to extend the lease with this particular farmer. A motion was made by Williams and seconded by Eudaly to authorize the Third Amendment of Commercial Lease with Mr. Steven L. Smith. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(E) Motion to Authorize the Public Works Department to Proceed with Proposed Parking Lots for the Rolla Arts and Entertainment District: With the activity and the interest in the Rolla Arts and Entertainment District, Public Works Director Steve Hargis explained that his department has had some increasing concerns about the availability of off-street parking, in particular, off-street parking for employees working in this area. Mr. Hargis indicated that his department began to look at areas where public off-street parking might be possible. He pointed out that areas were identified where 426 off-street parking spaces could be obtained. Mr. Hargis told the Council that he broke down the potential parking spaces into three phases. He explained that he is recommending the City consider Phase I. Phase I would include the lot that is located next to the First Baptist Church. The other lot is located next to the Church of God located off Olive Street. Those two parking lots would generate almost 200 parking spots. Mr. Hargis reported that he has spoken with the property owners and they are interested in participating in this project. He added that he plans to use reserve funds to cover the cost of materials at \$68,482. Mr. Hargis asked the Council for their permission to draft the lease agreements and bring them back to the Council for approval. He mentioned that staff anticipates doing this work during the summer months.

After discussion, a motion was made by Eudaly and seconded by Brown to pursue Phase I of the proposed parking lots for the Rolla Arts and Entertainment District as outlined by Public Works Director Steve Hargis. A voice vote on the motion showed six ayes, three nays, and three absent. Motion carried.

(F) Motion to Authorize the National Championship Tournament Agreement with Amateur Softball Association of America, Inc.: Parks and Recreation Director Ken Kwantes announced that Rolla has been awarded a national softball tournament by the Amateur Softball Association. Rolla would be hosting the 2010 Men's under 23 fast pitch softball national tournament along with the boys junior Olympic fast pitch division which consists of ages 18 and under, 16 and under, 14 and under, 12 and under and 10 and under. He reported that the tournaments would be held the first week of August.

VI. NEW BUSINESS (continued)

(F) Motion to Authorize the National Championship Tournament Agreement with Amateur Softball Association of America, Inc. (continued): Mr. Kwantes asked the Council to consider a motion authorizing the Mayor to sign the proposed agreement with the Amateur Softball Association of America, Inc.

Following some discussion, a motion was made by Williams and seconded by Morris to authorize the Mayor to enter into the proposed National Championship Tournament Agreement with the Amateur Softball Association of America, Inc. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award Bid for a One-Ton 4x4 Pickup for the City of Rolla Public Works Department: Public Works Director Steve Hargis explained that this bid is for a one-ton pickup. Staff had originally anticipated purchasing two pickups. Given the fact that there has been a short fall in the City's sales tax, the Department plans to retain the vehicle that was going to be used as a replacement and forego replacing it at this time. Mr. Hargis noted that staff would revisit this decision in 60 days and see how the sales tax is doing. Staff recommends awarding the bid for a one-ton, 4x4 pickup to Putnam Chevrolet of California, Missouri for \$29,498.

A motion was made by Morris and seconded by Jordan to purchase a one-ton pickup from the low bidder, Putnam Chevrolet (Missouri State bid), California, Missouri, for \$29,498. Since the local bid from Denny Ford Lincoln Mercury is only about 6% higher than Putnam Chevrolet, Councilman Hicks suggested awarding the bid to Denny Ford Lincoln Mercury, Rolla, Missouri.

A voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried.

(B) Motion to Award Bid for One Half-Ton 4x4 Pickup for the City of Rolla Public Works Department: Public Works Director Steve Hargis reported that staff is recommending that the bid for one, three quarter ton 4x4 pickup be awarded to the low bidder, Putnam Chevrolet (Missouri State bid) for \$21,054. A motion was made by Hicks and seconded by Morris to award the bid for a three-quarter ton 4x4 pickup to Putnam Chevrolet (Missouri State Bid), California, Missouri for \$21,054. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion to Award Bid for One-Half Ton 4x4 Pickup for the City of Rolla Public Works Department: Public Works Director Steve Hargis stated that staff is recommending that the bid for a one half ton 4x4 pickup for the Wastewater Department be awarded to Putnam Chevrolet (Missouri State Bid) for \$18,494. A motion was made by Williams and seconded by Morris to award the bid for a one-half ton 4x4 pickup to Putnam Chevrolet (Missouri State Bid), California, Missouri, for \$18,494. Councilman Hicks asked the Council to consider awarding this bid to the local vendor Denny Ford Lincoln Mercury, Rolla, Missouri. A voice vote on the motion showed seven ayes, two nays, three absent. Motion carried.

(D) Motion to Delay the Purchase of Two (2) 35 HP All-Wheel Drive Diesel Tractor and a 2010 Zero Turning Radius Diesel Mower: Parks and Recreation Director Ken Kwantes stated that due to the current budget conditions and the fact that the bids are good for 60 days, he recommended that the Council set aside consideration of the mower bids until the March Council meeting. No Council objections were noted.

(E) Motion to Award Bid for a Three-Quarter Ton 4-Wheel Drive Crew Cab Pickup: Parks and Recreation Director Ken Kwantes recommended that the bid for a three-quarter ton crew cab pickup be awarded to the low bidder, Putnam Chevrolet for \$23,999. A motion was made by Williams and seconded by Morris to award the bid for a three-quarter ton crew cab pickup for \$23,999 to Putnam Chevrolet (Missouri State bid), California, Missouri. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Jenks opened the floor to anyone wishing to address the Council. No one present responded.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Lions Club Drive Cleanup: Councilman Williams asked about the status of the cleanup of the trailers and trash on Lions Club Drive. He noted that the property was posted and the property owner was given 30 days to abate the nuisance.

City Administrator John Butz explained that the trash has been removed.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Lions Club Drive Cleanup (continued): Community Development Director John Petersen indicated that Codes Administrator Brian Epstein spoke with the property owners and they requested additional time to remove trailers. About two weeks ago, Mr. Epstein gave them an additional 30 days to abate the nuisance. Mr. Petersen added that staff tries to work with the property owners to avoid the City having to spend its money to abate the nuisance.

(B) Southside Area Road Work: Councilman Williams asked Public Works Director Steve Hargis when the Southside/Basswood Drive roadwork is scheduled to be done.

Mr. Hargis reported that staff plans to complete three roads in the Lines/Barnitz area this construction season and Basswood Drive is scheduled for the following construction season.

Councilman Williams emphasized that the work on Basswood Drive has been postponed for the last four years and the residents are tired of it.

Mr. Hargis indicated the City has spent about \$1 million a year in roadwork in the Southside area since its annexation. He added that the rising cost of doing construction and a flat sales tax has caused the delay.

(C) Published Financial Statement: Based on the recently published financial statement, Councilman Magdits expressed appreciation to staff for accurately budgeting revenues/expenditures.

(D) Building/Roof Debris: Councilman Hicks reported that he received a complaint from a business owner located near the former A & P Store/ Toyota Dealership that some of the building has blown onto some vehicles in his business establishment and caused damage. Councilman Hicks indicated that the condition of those buildings, both on the Hillcrest Shopping Center side and on the south side, is deplorable.

Councilman Hicks stated that he wonders if the City is seriously taking into consideration the condition of those buildings. He told the Council that one of the best employees in a business located on the Hillcrest Shopping Center side had to quit because the mold in the building made her sick. Councilman Hicks also noted that a young man turned the lights off and on with a six-foot wood stick wrapped with rubber electrical tape so he did not have to get close to the switches that operated the lights. Councilman Hicks

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) Building/Roof Debris (continued): said he cannot imagine that the City does not have some grounds to do something with these deplorable buildings, i.e., condemnation. He pointed out that the only tenant remaining is Auto Zone and the City closed them down a couple of times last year because water was running off the roof into the electrical entry service boxes. Councilman Hicks said these conditions border on pure negligence from someone. He stated he believes it is time this is taken seriously and that something is done.

(E) First Responders/Policemen Memorial: Mayor Jenks relayed that he was approached by someone about erecting a memorial for first responders, i.e., firefighters, police officers, in the Schuman Park. Mayor Jenks said he agrees with the idea, in principle, although the City does not have the funds to support it. This individual is willing to work with fundraising activities and he understands the City does not have the funds to participate.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 9:54 p.m.

XII. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 10:05 p.m.

City Counselor John Beger reported that during Executive Session the Council was advised of an offer to sell a parcel of land to the City. By a vote of two ayes, six nays, and one abstention, the motion to counter offer failed and no action was taken.

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XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 10:06 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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