

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, FEBRUARY 1, 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, Susan Eudaly, Don Morris, Lou Magdits, Jim Williams, Ken Boeker, and Mark Walburg

Council Members Absent: Don Barklage, Stan Spadoni, Gary Hicks, and Donna Hawley

Department Directors in Attendance: Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Mark Kearse, Fire Chief Robert Williams, 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, Assistant City Counselor Brendon J. Fox, and City Clerk Carol Daniels

Mayor Jenks called the meeting to order at approximately 6:30 p.m., and asked Councilman Don Brown to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Morris 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:

- January 19, 2010, City Council Meeting
- January 19, 2010, City Council Executive Session Meeting

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II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

None.

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

Mayor Jenks referred the Council to (A) the December 2009, Rolla Municipal Utilities Monthly Report; (B) the Preliminary Minutes of the January 12, 2010, Planning and Zoning Commission Meeting; (C) the December 2009, Rolla Municipal Court Report; (D) the December 29, 2009, Development Review Committee Meeting Minutes; (E) the December 17, 2009, Rolla Board of Public Works Meeting Minutes; (F) the December 16, 2009, Rolla Health & Recreation Center Advisory Committee Meeting Minutes, and; (G) The Centre & SplashZone FY 2010 Financial Analysis.

V. OLD BUSINESS

(A) 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 explained that the subject property contains 6.87 acres, which includes right-of-way and the proposed parkland dedication. He said that according to Rolla City Code that whenever property over one acre is zoned R-3 (Multi Family District), a site plan is required. The site plan shows 14 structures with 56 units. Mr. Petersen reported that the Planning and Zoning Commission recommend approval of the rezoning request.

Following discussion, Assistant City Counselor Brendon Fox read the following proposed ordinance for its final 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)

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V. OLD BUSINESS (continued)

(A) Ordinance to Rezone the Southeast Corner of Lions Club Drive and Rolla Street from R-R to R-3 (Woessner/Eppelsheimer): ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (WOESSNER/-EPPELSHEIMER). A motion was made by Eudaly and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Brown, Jordan, Walburg, Eudaly, Morris, and Boeker. Nays; Williams, and Magdits. Absent; Barklage, Hicks, Hawley, and Spadoni. Motion failed. The ordinance failed.

City Administrator John Butz explained it would have required seven votes or a majority of the full body to approve the subject ordinance.

Community Development Director Petersen explained that there are two options available in order for the rezoning to be reconsidered. One option is for the applicant to wait one full year before resubmitting. The second option is the Council could grant a waiver of that rule and the rezoning application could be considered sooner.

Mr. Butz added that someone on the prevailing side (one of the nays) could make a motion for a reconsideration, which could be done by the next Council meeting. He pointed out there might be more Council members at that meeting.

Councilman Magdits indicated his desire to reconsider the rezoning request at the Council's next meeting.

(B) 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 informed the Council that the subject tract contains .77 acres and is located on Bishop Avenue. The request is to rezone the property to C-3 (Highway Commercial District). Mr. Petersen reported that the Planning and Zoning Commission recommend approval of the requested rezoning.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3948: 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

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V. OLD BUSINESS (continued)

(B) 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): (HIGHWAY COMMERCIAL DISTRICT) ZONING (MOUSADAKOS). A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Boeker, Williams, Brown, Magdits, Jordan, Walburg, and Eudaly. Nays; None. Absent; Spadoni, Hawley, Barklage, and Hicks. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Council Consideration of Smoking Ban Proposal: City Administrator John Butz recalled that the SAFERolla Committee, which is a grassroots committee and not a committee that was authorized by the City Council, made a detailed presentation regarding a smoking ban proposal during the last Council meeting. Mr. Butz clarified that the Council formed a committee, which made some recommendations, but the Council set aside consideration of the issue for about a year. He pointed out there are several options for the Council to consider. One option is a draft ordinance that has been tested in court and is a very comprehensive ordinance. Mr. Butz stated that the Council has the legal authority to place consideration of the ordinance on the agenda. The Council could call for a public hearing, place a non-binding referendum on the ballot, or form a committee of its members to review the proposed ordinance and bring it back for the body as a whole to review with legal counsel review, etc. Mr. Butz said he is not necessarily looking for any final direction tonight, but continued dialogue.

A motion was made by Brown and seconded by Morris to place the draft ordinance, presented by SAFERolla, on the next Council meeting agenda for its first reading.

Mr. Jason Sharp of the SAFERolla Coalition addressed the Council and indicated that after his presentation to the Council during its last meeting, volunteers who were trained by the University of Missouri Department of Health surveyed eight businesses. He informed the Council that of the seven smoking venues surveyed, three had air quality classified as unhealthy, one as very unhealthy, two as hazardous, and one as significant harm. Mr. Sharp explained that employees in the public places that allow smoking are exposed to 400% times the EPA standards.

Following discussion, a voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

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VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) FY 2010 First Quarter Budget Report: Finance Director Steffanie Rogers provided an overview of the City's Fiscal Year 2010, first quarter financial report, which covered the period from October 2009 through December 2009.

City Administrator John Butz recalled that last year the Council asked staff to develop a contingency plan if the City experienced a 10% drop in sales tax revenue. He noted that the proposed plan, included in the agenda materials, stipulates how the City would approach various cuts if revenues were not meeting expectations. Mr. Butz added that a memorandum was recently sent to employees outlining some of the cuts the City was taking.

VIII. CITIZEN COMMUNICATION

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

Dr. Tom Sager, 8 Laird Avenue, stated that his presentation at this meeting is a continuation of what he presented to the Council three months ago. He pointed out that several months ago Rolla increased its sewer rates claiming revenue was down because people in Rolla were becoming environmentally conscious by conserving water, buying energy-efficient washing machines, and taking shorter showers. Dr. Sager indicated that he suggested to the Council that it was unfair to penalize people for becoming good environmental citizens and that the City should follow the lead of its citizens and work to become more environmentally conscious. He further suggested that Rolla could roll back the recent increase in sewage rates by generating electricity from wastewater or sewage. Dr. Sager pointed out that the city of Albert Lea, Minnesota, with demographics similar to Rolla, was successful in generating electricity from wastewater. Savings from a project like the one in Albert Lea, Minnesota could be used to roll back Rolla's recent increase in sewage rates. He stated that Rolla invests heavily in coal-generating technology while Albert Lea, Minnesota expects every person to be an energy saver. Dr. Sager said if Rolla wants to attract green businesses and organizations, it will have to take steps to become an environmentally friendly city.

(B) Request for City to Purchase .1 Acres Adjacent to Green Acres Park: Edwin and Sharron McDonald, 36 Green Acres, told the Council that they also own the property at 37 and 38 Green Acres. They explained that a portion of their property at 38 Green Acres is located within Green Acres Park. Mrs. McDonald told the Council that she and

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication:

(B) Request for City to Purchase .1 Acres Adjacent to Green Acres Park (continued): her husband purchased and remodeled the home at 38 Green Acres to sell. However, no one is willing to purchase it because they do not want the responsibility of it being located within the park and the creek. Mrs. McDonald indicated and she and her husband are asking \$3,000 for the portion of Lot 38 that is located within the park. She asked the Council to reconsider purchasing the property.

After some dialogue, it was decided that the Council would reconsider the issue during Executive Session.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Reconsider Interest to Develop Public Parking Lots for the Arts & Entertainment and Downtown Districts) (legal considerations): Mayor Jenks indicated that Councilwoman Hawley requested discussion of this item. Since she was unable to attend tonight's meeting, Mayor Jenks asked if any of the council members present would like to discuss this issue. Mayor Jenks added that City Counselor John Beger indicated in a recent memorandum to the Council that it is legal for the City to enter into parking lots agreements. No Council discussion followed.

(B) Special Council Workshop: City Administrator John Butz reminded the Council of the Special Workshop scheduled for Monday, February 8, 2010, at 5:30 p.m., in the City Council Chambers. The Council will be updated on the Rolla West project and will be apprised on some of the Department of Natural Resources and Environmental Protection Agency regulations that will affect some of the City's peak flow issues.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

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XI. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 7:15 p.m.

XII. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 7:40 p.m.

Assistant City Counselor Brendon Fox reported that two issues were discussed during Executive Session. The first item pertained to contracts for possible asset acquisition by Rolla Municipal Utilities and action was taken. The Council also discussed the purchase of Lot 38 Green Acres and action was taken.

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

(A) Loss of Electric Power Supplier: Councilman Magdits asked Rolla Municipal Utilities General Manager Rodney Bourne if he would mind commenting on an article that appeared in the Rolla Daily News a few days ago about Fort Leonard Wood losing its power supplier.

Mr. Bourne explained that Show-Me Power serves 17 municipalities in the Rolla area, including Fort Leonard Wood. Ava, Missouri joined the Missouri Public Energy Pool (MoPEP) last January and Lebanon, Missouri will be joining the pool April 1 of this year, leaving 15 municipals. Mr. Bourne told the Council that Show-Me Power issued termination notices to the 15 remaining municipals on January 30, 2010, and have given them a three-year termination notice that they will need to find a new power supplier.

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XIII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:46 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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