

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, JANUARY 17, 2012; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: William Lindgren, Jr., Monty Jordan, Greg Sawyer, Stan Spadoni, Gary Hicks, Don Morris, Jim Williams, Lou Magdits, Carrolyn Bolin, Tony Bahr, and Fran Mazanec

Council Members Absent: Susan Eudaly

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Carolyn Buschjost, and City Clerk Carol Daniels

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

I. PUBLIC HEARINGS

(A) Ordinance to Rezone Property at 600-602 & 604 N. Elm Street from CC and C-3 to the Sally Building PUD (Wands): Community Development Director John Petersen told the Council the applicant, Mr. Dale Wands, plans to rezone the properties as a Planned Unit Development (PUD) to allow the development of apartments on the first floor or street level of the building. Mr. Petersen noted the entire building would have seven apartment units. Mr. Petersen reported the Planning and Zoning Commission unanimously recommends approval of this PUD to the City Council. Additionally, he noted the applicant is requesting the first and final readings of the proposed ordinance.

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

Mr. Dale Wands, petitioner, addressed questions and concerns from the Council. No one else present addressed the Council. Mayor Jenks closed the public hearing.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance to Rezone Property at 600-602 & 604 N. Elm Street from CC and C-3 to the Sally Building PUD (Wands): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4031: 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 600-602 NORTH ELM STREET AND 604 NORTH ELM STREET, FROM CC (CENTER CITY DISTRICT) ZONING AND C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING (WANDS). A motion was made by Hicks and seconded by Spadoni to suspend the rules and 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. Ms. Buschjost 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; Sawyer, Hicks, Bahr, Lindgren, Jordan, Spadoni, Mazanec, Williams, Magdits, Morris, and Bolin. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

(B) Ordinance to Rezone Property at the Southwest Intersection of Truman Ave. & Pershing Place from C-O to the Pershing Hill PUD (Woessner): Community Development Director John Petersen explained the subject Planned Unit Development (PUD) would be located on Lot 4 of the Heritage Heights Subdivision. The applicant plans to construct three, one story, four-plex units. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the rezoning request.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Jenks closed the public hearing

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4032: 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 4 OF THE HERITAGE HEIGHT SUBDIVISION, A 1.3 ACRE TRACT LOCATED AT THE INTERSECTION OF PERSHING PLACE AND TRUMAN AVENUE, FROM C-O (COMMERCIAL OFFICE DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING (WOESSNER). A motion was made Bahr and seconded by Morris to suspend the rules and the ordinance be read for its final reading,

I. PUBLIC HEARINGS (continued)

(B) Ordinance to Rezone Property at the Southwest Intersection of Truman Ave. & Pershing Place from C-O to the Pershing Hill PUD (Woessner) (continued): by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bolin, Mazanec, Spadoni, Williams, Lindgren, Bahr, Magdits, Morris, Sawyer, Hicks, and Jordan. Nays; None. Absent; Eudaly. Motion carried. The ordinance passed.

II. SPECIAL PRESENTATIONS

(A) RREC 2011 Annual Report: Rolla Regional Economic Commission (RREC) Executive Director Cyndra Lorey provided an overview of RREC's 2011 Annual Report.

(B) Frisco Line Neighborhood Association Semi-Annual Report: Ms. Rhonda Myers, representing the Frisco Line Neighborhood Association, explained in the fall of 2009 the old Shoe Factory Addition was chosen by the Rolla Police Department as an experimental neighborhood. The Police Department wanted to find out if increased communication and interaction between citizens and the Police Department would reduce crime. Ms. Myers said the Frisco Line Neighborhood Association was formed which includes LeRoy Street, Martin Street, Heller Street, Gulf Avenue, Spencer Street, Arkansas Avenue, and Missouri Avenue, consisting of just over 100 homes. She told the Council the Association's first step was to make the neighborhood less attractive to criminals. Ms. Myers said the Association's next step was to meet every resident of the area. The next step was to clean up their own yards and porches and to take a personal responsibility for the physical condition of the entire neighborhood. Ms. Myers indicated some of the homeowners could not afford the necessary repairs. After doing some research, a neighborhood revitalization grant through the Meramec Regional Planning Commission (MRPC) was discovered and the homeowners were encouraged to apply. Ms. Myers noted several of the homeowners have applied and one has been approved and now has a new roof, kitchen floor, heating system, and siding. She reported the Association is currently working with the Master Gardeners Club to develop landscaping along Fourteenth Street, because it is the entrance to the neighborhood. Additionally, the Association is working with the University Extension to offer some mini courses in life skills such as budgeting and literacy.

III. OLD BUSINESS

(A) Agreement for Wholesale Fuel Purchases-Baron Aviation: City Administrator John Butz recalled the question surfaced, during the Council's last meeting, whether Baron Aviation might be interested in providing the fuel service at the Rolla National Airport. He reported he spoke with Mr. Ed Schmidt with Baron Aviation and he said there is just not enough profit margin in 45,000 – 90,000 gallons of fuel a year and it is not a core part of Baron's mission. Mr. Schmidt said the City does not excellent job in providing customer service at the airport. Mr. Butz said staff is proposing a renewal of the long-term agreement with Baron Aviation that provides them a wholesale fuel agreement for \$0.30/gallon over cost.

A motion was made by Williams and seconded by Bahr to approve the proposed Wholesale Fuel Agreement with Baron Aviation. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Ordinance to Prohibit Throwing of Items from Moving Vehicles (Parades): City Administrator John Butz noted this issue was discussed during the Council's last meeting. He pointed out Mayor Jenks initially requested the proposed ordinance. Mr. Butz noted that during last year's St. Pat's Parade, larger items (cans of soda) were being thrown from the parade participants and a couple of people were hit. Mr. Butz said this raised the issue about the safety of the parades.

Mayor Jenks indicated he has been in almost every parade in Rolla since he has been mayor. He expressed concern for the safety of the children who attend the parade and who might run in front of a vehicle to retrieve candy. Mayor Jenks said this is a safety issue and all the proposed ordinance would do is change the way the candy, beads, etc., are distributed. Instead of throwing items from the float, people would walk alongside the floats and distribute the candy, beads, etc.

Following discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4033: AN ORDINANCE AMENDING SECTION 27-174 (4) OF THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO PARADE RULES. A motion was made by Hicks and seconded by Spadoni to suspend the rules and 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. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Spadoni and seconded by Lindgren to approve the proposed

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III. OLD BUSINESS (continued)

(B) Ordinance to Prohibit Throwing of Items from Moving Vehicles (Parades) (continued): ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Bahr, Lindgren, Bolin, Spadoni, Mazanec, and Sawyer. Nays; Williams, Magdits, Morris, and Hicks. Absent; Eudaly. Motion carried. The ordinance passed.

(C) Ordinance to Amend Chapter 31 of the Rolla City Code Pertaining to the Consolidation of Parks and Recreation: City Administrator John Butz noted the issue of merging operationally the Parks Department and the Recreation Center was first discussed during the December 2011 Council meeting. He pointed out the City's parks director, Ken Kwantes, has retired and there are no plans to fill that position. Mr. Butz noted that much of the current ordinance outlines the duties of the parks department. However, the City is now developing it into a Parks and Recreation Department. Mr. Butz then outlined the significant proposed amendments to the proposed ordinance.

In the discussion that followed, the Council asked Mr. Butz to work something into the ordinance relative to the long-term sustainability of the Recreation Center and the park system and to further enhance the Parks and Recreation Commission's duties.

Councilman Magdits suggested having a special Council workshop so the Council can have a good discussion about this issue and the financial structure.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING CHAPTER 32, PARKS AND RECREATION, OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW CHAPTER 31, PARKS AND RECREATION, IN LIEU THEREOF.

IV. NEW BUSINESS

(A) Discussion on Missouri Statewide Wireless Interoperable Network (MOSWIN): Police Chief Mark Kearse explained the State of Missouri, along with the Department of Public Safety (DPS), is constructing a statewide public safety network known as the Missouri Statewide Interoperability Network (MOSWIN). He told the Council the United States wants to be able to have all first responders use a common frequency. Chief Kearse said the system would be composed of 71 towers throughout Missouri with one of the towers located at Troop I in Rolla. He reported the DPS recently contacted the Rolla

IV. NEW BUSINESS (continued)

(A) Discussion on Missouri Statewide Wireless Interoperable Network (MOSWIN) (continued): Police Department requesting six of the City of Rolla's 55 radio frequencies. The estimated cost for the Rolla Police Department to be a part of this new system is \$295,000. Chief Kearse reported the proposal the Rolla Police Department submitted to the DPS included giving up four radio frequencies plus \$480,000 in equipment through a grant to change to the new system.

Chief Kearse entertained some questions and comments from the Council and noted this item was for informational purposes only.

(B) Sewer Reconstruction Cooperative Contract: Public Works Director Steve Hargis indicated staff is requesting permission to participate in a cooperative procurement agreement with the City of Independence, Missouri, who has done a bid for relining sewers. He told the Council several municipalities throughout the state have adopted the Independence, Missouri contract. Mr. Hargis informed the Council cooperative procurements are authorized under Missouri State Statute and the City of Rolla has participated in them with the State of Missouri and the Missouri Department of Transportation (MoDOT). He said the sewer reconstructions would be done around the Burgher Creek basin north (Forum area). The prices under this contract are very competitive with the removal and replacement of a sewer line. In this particular process, Mr. Hargis noted a sewer line is inserted inside the existing line and it is rehabbed from the inside, which eliminates the need to dig up the sewer. He added most of the sewers that are involved in this process are located in residents' back yards, which is why these make very good candidates for this process.

Following a brief discussion, a motion was made by Williams and seconded by Morris to authorize the Public Works Department to participate in a cooperative procurement agreement with the City of Independence, Missouri, for sanitary sewer line reconstruction. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Ordinance to Approve the Final Plat of Rolla Industrial Park West Subdivision (Rolla Public Works Dept.): Community Development Director John Petersen explained the subject property, which consists of about 133 acres, is owned by the City of Rolla and the subdivision was requested by the Public Works Department. The City plans to use the property for the consolidated public services yard. The remaining lots

IV. NEW BUSINESS (continued)

(C) Ordinance to Approve the Final Plat of Rolla Industrial Park West Subdivision (Rolla Public Works Dept.) (continued): would be made available for economic development. Mr. Petersen reported the Planning and Zoning Commission unanimously recommends approval of the subject subdivision plat.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. **ORDINANCE: AN ORDINANCE APPROVING THE FINAL PLAT OF THE ROLLA INDUSTRIAL PARK WEST SUBDIVISION, A SUBDIVISION IN ROLLA, MISSOURI (ROLLA PUBLIC WORKS DEPARTMENT).**

(D) Review of Rental Housing Inspection Services: City Administrator John Butz noted the Council, during its last meeting, asked for a reminder of what had occurred in 2007 when a citizens' committee, working with staff, was formed to evaluate alternatives for the feasibility of a rental housing inspection program. At that time, he pointed out the committee looked at four possible approaches from full mandatory rental inspection every three years, full mandatory rental inspection upon every change of occupancy, voluntary rental inspection with a "Good Housekeeping Seal of Approval," or a voluntary rental inspection based on complaints (status quo). Mr. Butz reported the eight-member committee recommended staying with the status quo and the Council agreed.

After much discussion, a motion was made by Hicks and seconded by Jordan to have a special workshop to specifically discuss this issue. After additional discussion, a voice vote on the motion showed eleven ayes, zero nays, and one nay. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

None.

VII. CITIZEN COMMUNICATION

Mayor Jenks opened the floor to anyone wishing to address the Council.

VII. CITIZEN COMMUNICATION (continued)

(A) Ms. Rhonda Myers, 1405 Martin Street, thanked the Council for the decision to conduct a special workshop to discuss the rental housing inspection issue. Additionally, she said she has failed to mention Officer Vince Giacolone and Mr. Buzz Harvey have advised and worked with the Frisco Line Subdivision since day one.

Regarding the landlord issue, Ms. Myers said the laws are not written for the 95% who are following the law. Rather, they are written for the 5% who do not follow the law.

(B) Mr. Dale Wands, Penny Lane, said if it is right for landlords to abide by the law in dealing with renters then renters should also abide by the law. Mr. Wands said if there is a violation, there is a way for the renter to go through the courts, just as landlords go through the courts. He said there are a lot of problems and difficulties involved in trying to regulate rental housing.

(C) Mr. Len Miles, 603 E. 13th Street, asked the Council why the rental housing inspection services have to be complaint driven. If you had one of these houses next to you where they are dealing drugs, you would complain about it. Mr. Miles said he does not want to see all the landlords punished, but there is supposed to be a standard for human living. He noted there are laws already on board to take these houses down and take care of them, but no one wants to go through the courts to do it. Mr. Miles asked the Council to remember they are representing the people.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilman Lindgren: Councilman Lindgren said the potential of doing occupancy permits still does not deal with the unoccupied, derelict houses. He pointed out the occupancy permits will only kick in if someone is going to rent it.

(B) Councilwoman Bolin: Councilwoman Bolin reported she has received comments that the lighting on the roundabouts is not sufficient, particularly at night. She said they would like to see white or reflective paint on the raised median. Ms. Bolin commented they are hitting the raised median because they cannot see it at night.

City Administrator John Butz said one of the problems of putting white or reflective paint on the exterior of the raised median is it would send the message you are not supposed to

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

(B) Councilwoman Bolin (continued): drive on it. However, he noted it is particularly intended for the larger vehicles, such as 18-wheel tractor trailers, etc. Mr. Butz said it would probably take some time for the folks to get used to the roundabouts.

IX. EXECUTIVE SESSION

A motion was made by Williams and seconded by Hicks to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss personnel matters and changes of personnel within the City structure. A roll call vote on the motion showed the following: Ayes; Sawyer, Spadoni, Hicks, Lindgren, Bahr, Bolin, Jordan, Morris, Mazanec, Williams, and Magdits. Nays; None. Absent; Eudaly. Motion carried.

Following a brief recess, the Council adjourned into Executive Session at approximately 9:43 p.m.

X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 10:04 p.m.

City Counselor Carolyn Buschjost reported that during Executive Session, the City Council discussed matters of personnel. No action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 10:05 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR