

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 16, 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, Susan Eudaly, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Carrolyn Bolin, and Tony Bahr

Newly Elected Officials in Attendance: Ward II Councilman Steven Leonard and Ward III Councilman Kelly Long.

Council Members Absent: Stan Spadoni and Fran Mazanec

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, Communications Director Scott Grahl, and City Clerk Carol Daniels

Mayor William S. Jenks, III, called the meeting to order at approximately 6:30 p.m. and asked a member of the Rolla Ministerial Alliance to give the invocation.

Councilman Jim Williams then led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Eudaly to approve the minutes of the previous meetings, as submitted. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

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I. CONSENT AGENDA (continued)

The consent agenda consisted of the following:

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

- February 27, 2012, City Council Workshop
- March 5, 2012, City Council Meeting
- March 5, 2012, City Council Executive Session Meeting
- March 19, 2012, City Council Meeting
- March 19, 2012, City Council Executive Session Meeting
- March 26, 2012, City Council Workshop
- March 26, 2012, City Council Executive Session Meeting
- March 29, 2012, Special City Council Meeting
- March 29, 2012, Special City Council Executive Session Meeting

II. OLD BUSINESS

(A) Motion Accepting the April 3, 2012, Certified Election Results: A motion was made by Williams and seconded by Morris to accept the April 3, 2012, certified election results as submitted by Phelps County Clerk and Election Authority Carol Bennett. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Comments/Recognition: Mayor Jenks presented retiring Ward III Councilwoman Susan Eudaly with a certificate of appreciation for her dedicated service to the City of Rolla. Retiring Councilmember Stan Spadoni was unable to attend the meeting. Mayor Jenks commented he hated to see them leave because they both have done a wonderful job for the Rolla community.

III. ELECTED OFFICIALS SWEARING-IN CEREMONY

(A) City Clerk Carol Daniels administered the oath of office to the following newly elected officials: City Attorney Robert J. Stoltz, Ward I Councilman Monty Jordan, Ward II Councilman Steven Leonard, Ward III Councilman Kelly Long, Ward IV Councilman Don Morris, Ward V Councilman Jimmy Dale Williams, and Ward VI Councilman Anthony M. “Tony” Bahr.

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III. ELECTED OFFICIALS SWEARING-IN CEREMONY (continued)

Note: Municipal Judge James T. Crump was administered the oath of office in the City Clerk's Office on April 17, 2012.

Following the swearing-in ceremony, Mayor Jenks congratulated and welcomed the newly elected officials.

IV. PUBLIC HEARING

(A) Ordinance to Rezone 1000 N. Oak St. from M-1 & R-3 Zoning to All M-1 Zoning (Barrack): Community Development Director John Petersen explained the purpose behind this rezoning request is to allow for the expansion of Mr. Nick Barrack's business, which consists of the maintenance and parking of buses for his tour service. He reported the Planning and Zoning Commission unanimously recommends approval of the rezoning request. Mr. Petersen told the Council that Mr. Barrack has requested the Council consider the first and final readings of the subject ordinance at this meeting.

Mayor Jenks opened the public hearing to anyone wishing to address the Council. No one present responded. Mayor Jenks closed the public hearing.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4039: AN ORDINANCE APPROVING THE REZONING OF 1000 NORTH OAK STREET FROM M-1 (LIGHT MANUFACTURING DISTRICT) AND R-3 (MULTI-FAMILY DISTRICT) ZONING TO ALL M-1 (LIGHT MANUFACTURING DISTRICT) ZONING (BARRACK). A motion was made by Hicks and seconded by Morris 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. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Hicks and seconded by Bolin to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Bahr, Lindgren, Bolin, Leonard, Sawyer, Magdits, Long, Morris, and Hicks. Nays; None. Absent; Mazanec. Motion carried. The ordinance passed.

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V. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS

Mayor Jenks referred the Council to (A) the February 28 and March 27, 2012, Development Review Committee Meeting Minutes; (B) the March 13, 2012, Planning and Zoning Commission Meeting Minutes; (C) the February 29, 2012, City's Cash Position and Revenue/Expenditure Report; (D) the February 2012 Rolla Municipal Utilities Monthly Report; (E) the February 2012 Rolla Board of Public Works Meeting Minutes; (F) the April 5, 2012, Rolla Board of Adjustment Meeting Minutes, and; (G) the February 2012, Centre Financial Analysis.

VI. NEW BUSINESS

(A) Discussion on Pedestrian Crosswalks: Public Works Director Steve Hargis mentioned a few weeks ago the City received a request to install a marked crosswalk in front of Castleman Hall. People attending events in the building, such as plays and concerts, have a tendency to cross Tenth Street in mid block. As an engineer, Mr. Hargis said he has always resisted mid-block crosswalks because they are usually not a good idea. He told the Council he looked to the Federal Highway Administration for some background information on this subject and found a study pertaining to applications of crosswalks. Mr. Hargis noted one of the conclusions in the report was simply putting in a crosswalk with markings on the pavement and a sign does not really add more safety to the pedestrian crossing the street. In a study conducted Sweden, it was determined putting, a "zebra crosswalk" and a sign actually resulted in more danger to pedestrians than if the street had just been left alone.

In speaking with Missouri S&T officials to see if they would be interested in helping with improvements to the Castleman Hall crosswalk, Mr. Hargis said their idea was about the same as his. That particular crosswalk is only going to be used during events and mostly at night. Unless the crosswalk is well lit and well signalized, it would be a bad idea to put a crosswalk there. Mr. Hargis pointed out most of the students either walk up Main Street from the parking area or from State Street to the student housing. He noted Missouri S&T helped pay for the signal at State Street by paying for the materials and they have agreed to pay \$5,000 for a flashing pedestrian signal at Main Street. Mr. Hargis said the total cost of the flashing signal would be \$10,000 for materials and \$2,500 for the installation. The City's portion for this project would be \$7,500. After discussion, a motion was made by Bahr and seconded by Williams to reject the request for a pedestrian crosswalk in front of Castleman Hall. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

VI. NEW BUSINESS (continued)

(B) Request for Ordinance Amending Sections 27-108 & 27-109 of the City Code Pertaining to Parking: Public Works Director Steve Hargis explained the Police Department requested two changes to the City's traffic ordinance pertaining to parking. The parking in and around the Courthouse area is currently all day parking and the Police Department has requested the parking be limited to ten hours. Mr. Hargis noted the second issue pertains to the City Code relating to parking prohibited on certain streets in excess of 72 hours. He explained there was a reference to residential streets in the heading, but the body of the ordinance pertained to any street. Mr. Hargis said the 72-hour limit would apply to all streets, unless you own the property adjacent to where you park. In that case, you are permitted to park more than 72 hours.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING SECTIONS 27-108 AND 27-109 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO PARKING.

(C) Request to Close Certain Streets and Parking Lots During 2012 Route 66 Summerfest: Public Works Director Steve Hargis indicated the requested street and parking lot closings for this year's Route 66 Summerfest on June 1 and 2 are virtually the same as last year's. In addition, the Benton Square Criterium will be held on Saturday, June 2, and streets for the race will be closed at 8 a.m. until the race is over, usually sometime mid afternoon. A motion was made by Williams and seconded by Bolin to approve the request to close certain streets and parking lots on June 1 and 2 for the Route 66 Summerfest celebration. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

Councilman Morris asked Mr. Hargis when the shade structure is scheduled to be erected. Mr. Hargis stated the shade structure is scheduled to be erected within the next two weeks.

(D) Motion to Submit Bypass Elimination Plan to DNR and Proceed with Implementation: Public Works Director Steve Hargis recalled in May 2011, the City entered into a voluntary compliance agreement with the Department of Natural Resources to eliminate three of the City's peak flow clarifiers at the wastewater treatment plants. With the issuance of the new permits, these clarifiers will no longer be permitted. One of the requirements of the agreement was for the City to develop a bypass elimination plan,

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VI. NEW BUSINESS (continued)

(D) Motion to Submit Bypass Elimination Plan to DNR and Proceed with Implementation (continued): which was presented to the Council during a recent special workshop. Mr. Hargis said the plan outlines how the City intends to reduce stormwater in its system over the next five to ten years and how we ultimately plan to treat what water does find its way into our system. The plan must be submitted to DNR by May 3, 2012.

Following Council discussion, a motion was made by Bahr and seconded by Morris to authorize staff to submit the Bypass Elimination Plan to the Department of Natural Resources and to proceed with its implementation. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

(E) Request for Ordinance to Apply for Traffic Grants Through MoDOT: Police Chief Mark Kearse asked the Council to consider an ordinance authorizing staff to apply for traffic grants through the Missouri Department Transportation (MoDOT). MoDOT funds the grants at 100%. Some of the items funded through these grants funds are overtime for DWI (Driving While Intoxicated) enforcement, traffic enforcement, roadblocks, equipment, trailers, radars, vehicles and in-car cameras.

After a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4040: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE MISSOURI DEPARTMENT OF TRANSPORTATION PERTAINING TO GRANTS.** A motion was made by Hicks and seconded by Morris 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. Mr. Thurman 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, Leonard, Williams, Lindgren, Bahr, Magdits, Long, Morris, Sawyer, Hicks, and Jordan. Nays; None. Absent; Mazanec. Motion carried. The ordinance passed.

(F) Park Workshop Follow-up & Parks Open House: Parks and Recreation Director Scott Caron recalled during the February 27, 2012, workshop, the City Council discussed the operations of The Centre and the Parks and Recreation Department. As of January 2,

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VI. NEW BUSINESS (continued)

(F) Park Workshop Follow-up & Parks Open House (continued): staff has been reduced from 19 full-time employees to 15. As a result, Mr. Caron pointed out some modifications have been made to the operations of both The Centre and the Parks Department. Although the operations have been merged, the financial aspects of each remain separate. Mr. Caron noted one of the discussion items at the workshop was what to do with the sales tax and the future sustainability of both operations. He said the sales tax is scheduled to continue through December 2013, however, the bonds have been paid in full. Since the City has met its obligation in payment of the bonds, Mr. Caron said the Council could choose to retire the sales earlier. Mr. Caron referred the Council to three scenarios relating to the park sales, which showed alternatives if the sales tax was retired early along with the existing plan.

City Administrator John Butz added staff is not expecting any action on this issue during this meeting. Rather, staff is laying the groundwork for an open house on parks issues at the end of this month. Mr. Butz said staff wanted to have this as a dialogue with the community and encouraged the Council to attend the open house. Staff would ask the Council to follow up on this issue in May.

Mr. Caron added the Parks Open House is scheduled for April 26 at The Centre. During the open house, Staff will provide an overview of the park system, and receive input from the public.

(G) Presentation on Refinancing City Hall & Energy Efficiency Leases: City Administrator John Butz recalled the Council selected Oppenheimer to be an advisor and underwriter for the refinancing of City Hall and the Energy Efficiency project. Staff has been working with Mr. Bill Reisner and Mr. Ben Forrest with Oppenheimer for the past two months on this project. Mr. Butz said this was an opportunity to take advantage of a very attractive interest rate in the range of 2.7%. Currently the City is paying about 4.3%. In addition to the City Hall and the Energy Efficiency project, \$600,000 was included for the Airport improvements if grants do not become available for the airport project. If grants become available, the money would be applied toward other public improvements already planned and budgeted.

Mr. Bill Reisner with Oppenheimer then provided an overview of the process of issuing Certificates of Participation as well as the refinancing structure.

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VI. NEW BUSINESS (continued)

(G) Presentation on Refinancing City Hall & Energy Efficiency Leases (continued):

In the discussion that followed, some of the Council members indicated they felt the \$600,000 should be considered separately from the City Hall and Energy Efficiency projects, after it is determined grants are not available for the Airport project.

Mayor Jenks said the ordinance approving the refinancing of these projects could be amended to include how the \$600,000 would be handled.

VII. CLAIMS and/or FISCAL TRANSACTIONS

None.

VIII. MAYOR/CITY COUNCIL COMMENTS

(A) Mayor/Council Appointments:

(1) Council Appointment of Mayor Pro-Tempore: A motion was made by Williams and seconded by Sawyer to reappoint Councilman Lou Magdits as Mayor Pro-Tempore. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(2) Council Appointment of City Council Planning and Zoning Representative: A motion was made by Williams and seconded by Lindgren to reappoint Councilman Greg Sawyer as the City Council representative to Planning and Zoning Commission. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(3) Appointment of Joel Burken, Ph.D., to the Rolla Board of Public Works to Complete the Unexpired Term of Mark Rolufs: A motion was made by Williams and seconded by Lindgren to appoint Dr. Joel Burken to the Rolla Board of Public Works to Complete the Unexpired Term of Mr. Mark Rolufs (August 2012). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(4) Reappointment of Maria Kardon to the Personnel Board (April 2015): A motion was made by Jordan and seconded by Sawyer to reappoint Ms. Maria Kardon to the Personnel Board with her term expiring in April 2015. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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IX. CITIZEN COMMUNICATION

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

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Councilman Lindgren: Councilman Lindgren asked if the final payment for the Recreation Center has been made. Mayor Jenks confirmed the final payment has been made.

(B) Councilman Hicks: Councilman Hicks said he noticed some of the storm sewers did not appear to be running very well during the recent heavy rains. He asked Public Works Director Steve Hargis if there was any way some of the debris from the pipes could be removed.

Mr. Hargis responded the drains are cleaned on a regular basis. He asked Mr. Hicks to provide him with a list of some of the areas where there appeared to be problems.

(C) Councilman Williams: Councilman Williams pointed out the drain in front of City Hall appears to be full of debris. Additionally, he told Mr. Hargis he received a report of problems with the storm sewer on Fox Creek.

(D) Councilman Bahr: Councilman Bahr asked City Administrator John Butz if he would elaborate on the Brewer Science project at the Airport. Mr. Butz said Brewer Science has executed the Memorandum of Understanding and they are progressing on their site design. The City is working with the Federal Aviation Administration (FAA) and the Missouri Department of Transportation (MoDOT) on getting a waiver for the property. Mr. Butz indicated the Economic Development Administration (EDA) representative would be coming to Rolla next week.

XI. EXECUTIVE SESSION

A motion was made by Williams and seconded by Lindgren 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; Sawyer, Hicks, Bahr, Lindgren, Jordan, Leonard, Williams, Magdits, Long, Morris, and Bolin. Nays; None. Absent; Mazanec. Motion carried.

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XI. EXECUTIVE SESSION (continued)

The Council adjourned into Executive Session at approximately 8:06 p.m.

XII. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:11 p.m.

City Counselor Lance Thurman reported during closed session, the City Council voted to enter into an agreement to swap land with Ms. Sandra Anderson.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:12 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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