

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 20, 2012; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Gary Hicks, Don Morris, Jim Williams, Carrolyn Bolin, Tony Bahr, and Fran Mazanec

Council Members Absent: William Lindgren, Jr. and Lou Magdits

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Carolyn Buschjost, 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 Steve Leonard then led in the Pledge of Allegiance.

Mayor Jenks indicated he would like to change the order of tonight's agenda by considering Item III. A., Ordinance Authorizing the Sale of G.O. Refunding Bonds (2012), at this point in the meeting.

III. OLD BUSINESS

(A) Ordinance Authorizing the Sale of G.O. Refunding Bonds (2012): City Administrator John Butz asked the Council to consider the final reading of the ordinance, which would formalize the issuance, sale, and delivery of the G.O. refunding bonds. He noted representatives from Gilmore Bell, the City's bond counsel, and Piper Jaffrey, who served as financial advisor on this transaction, are here to address any questions. Mr. Butz explained this is the 2004 G.O. bond that was approved by voters for \$7 million that was used for the City's storm detention projects and street work. Mr. Butz then turned the floor over to Mr. Todd Goffoy with Piper Jaffrey.

AUGUST 20, 2012

**CITY COUNCIL MEETING MINUTES
AUGUST 20, 2012
PAGE 2**

III. OLD BUSINESS (continued)

(A) Ordinance Authorizing the Sale of G.O. Refunding Bonds (2012) (continued):

Mr. Goffoy referred the Council to the bid results, which were received earlier today. He reported nine bids were received ranging from 1% to 1.37%. Mr. Goffoy noted Country Club Bank of Prairie Village, Kansas provided the lowest interest rate of 1.00%, which is lower than what was projected over the past few months while preparing the City to sell the bonds. He told the Council the good news is the savings the City will realize from refunding these bonds is \$364,264 at a present value basis of \$348,302 or an average annual savings of \$52,037 over the next seven years. Mr. Goffoy asked the Council to consider the final reading of the proposed ordinance. The closing date for the sale of the bonds is tentatively scheduled for September 5, 2012.

Mr. Butz referred the Council to the copy of the revised ordinance, provided to the Council before the beginning of the meeting, prepared by Mr. Sean Flynn of Gilmore & Bell, P.C. He said the ordinance is virtually identical to what is included in the agenda packets, except many of the blanks have now been completed.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4048: AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, OF THE CITY OF ROLLA, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH. A motion was made by Williams and seconded by Bolin to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Bahr, Bolin, Leonard, Mazanec, Sawyer, Long, Morris, and Hicks. Nays; None. Absent; Lindgren and Magdits. Motion carried. The ordinance passed.

I. PUBLIC HEARINGS

(A) Ordinance Setting 2012 Tax Rate: Finance Director Steffanie Rogers referred the Council to the information contained in the agenda materials showing the tax rate calculations and rates published for the 2012 tax rate. She reported the tax rate levy is the

**CITY COUNCIL MEETING MINUTES
AUGUST 20, 2012
PAGE 3**

I. PUBLIC HEARINGS (continued)

(A) Ordinance Setting 2012 Tax Rate: same as the 2011 tax rate. Since the deadline to certify the tax information to the Phelps County Clerk is September 1, Ms. Rogers asked the Council to consider the first and final readings of the proposed ordinance at this meeting.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed 2012 tax rate. No one present addressed the Council. Mayor Jenks closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4049: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2012.** A motion was made by Hicks and seconded by Jordan to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed ten ayes, zero nays, and two 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 Sawyer to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bolin, Mazanec, Leonard, Williams, Bahr, Long, Morris, Sawyer, Hicks, and Jordan. Nays; None. Absent; Lindgren and Magdits. Motion carried. The ordinance passed.

(B) Ordinance to Amend Exhibit 1 of Pebble Stone Planned Unit Development (Forness): Community Development Director John Petersen recalled that in 2006 the Council adopted the Pebble Stone Planned United Development (PUD), which is owned by Trevor and Michelle Forness. The PUD allowed for the development of duplexes and attached single-family units. Mr. Petersen told the Council that Mr. and Mrs. Forness are requesting that Exhibit 1 be changed to permit the construction of single-family detached units. The detached single-family units would occupy at least two lots and be located to reflect the setbacks as outlined in Exhibit 1. Mr. Petersen reported the Planning and Zoning Commission recommend approval of this request.

Property owner Mr. Trevor Forness addressed the Council and requested the Council consider the first and final readings of the ordinance at this meeting. He said he has had some interest in some single-family houses and would like to get started on the work.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed amendment to the Pebble Stone Planned Unit Development. No one present addressed the Council. Mayor Jenks closed the public hearing.

AUGUST 20, 2012

**CITY COUNCIL MEETING MINUTES
AUGUST 20, 2012
PAGE 4**

I. PUBLIC HEARINGS (continued)

(B) Ordinance to Amend Exhibit 1 of Pebble Stone Planned Unit Development (Forness) (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4050: AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NO. 3414 CHAPTER 42 OF THE CODE OF THE CITY OF ROLLA, MISSOURI AFFECTING THE PLANNED UNIT DEVELOPMENT KNOWN AS THE PEBBLE STONE PUD BY AMENDING CERTAIN ELEMENTS FOUND IN EXHIBIT 1 OF SAID PUD (FORNESS). A motion was made by Hicks 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 ten ayes, zero nays, and two 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 Bolin to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Sawyer, Hicks, Bahr, Jordan, Leonard, Mazanec, Williams, Long, Morris, and Bolin. Nays; None. Absent; Lindgren and Magdits. Motion carried. The ordinance passed.

II. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Second Quarter 2012 Tourism Report: Rolla Area Chamber of Commerce Executive Director Stevie Kears provided an overview of the 2012 Second Quarter Tourism Report.

(B) Rolla Municipal Utilities FY 2012 Third Quarter Report & FY 2013 Budget Overview: Rolla Municipal Utilities General Manager Rodney Bourne provided an overview of Rolla Municipal Utilities' (RMU) Fiscal Year 2012 Third Quarter Report and Fiscal Year 2013 annual budget.

III. OLD BUSINESS

(A) Ordinance Authorizing the Sale of G.O. Refunding Bonds (2012): This item was considered above at the onset of the meeting, immediately preceding I. Public Hearings.

**CITY COUNCIL MEETING MINUTES
AUGUST 20, 2012
PAGE 5**

IV. NEW BUSINESS

(A) Ordinance Authorizing Agreement for Joint Use of PCESB's Tower: City Administrator John Butz explained the Police Department installed repeaters on the large tower located at the Rolla Police Department. City Counselor Kent Robinson, who is also a member of the Phelps County Emergency Services Board (PCESB), suggested a formal agreement be executed for the use of the tower space. Mr. Butz added there is no charge to the City for its use.

After some discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4051: 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 PHELPS COUNTY EMERGENCY SERVICES BOARD (PCESB) FOR USE OF TOWER SPACE. 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 ten ayes, zero nays, and two 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 Bolin to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Bolin, Leonard, Williams, Bahr, Jordan, Mazanec, Sawyer, Hicks, and Long. Nays; None. Absent; Lindgren and Magdits. Motion carried. The ordinance passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award Bid for Two, Zero Turn Mowers for Parks Department: Parks and Recreation Director Scott Caron reported bids were opened on August 8, 2012, for two, zero turn mowers. These mowers would replace a front deck mower and a zero turn mower in the Parks Department. Mr. Caron noted one of these mowers would be transferred to the Public Works Department and the other would be surplus. Staff recommends awarding the bid to the low bidder, Donald Farm & Lawn, Rolla, Missouri, for two John Deere zero turn mowers.

A motion was made by Williams and seconded by Morris to award the bid for two 2012 John Deere Z997 zero turn mowers for the Parks Department to Donald Farm & Lawn, Rolla, Missouri for \$13,350 each for a total of \$26,700. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

AUGUST 20, 2012

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Sign Ordinance: Councilman Morris noted he received a copy of the City of Rolla, Missouri Sign Permit Information ordinance. He pointed out this copy is five pages less than the one received two weeks ago. Mr. Morris complimented Mr. Petersen for his work in reducing the number of pages and apologized for causing any inconvenience. He said anytime we can simplify an ordinance where we can read it and understand it, we have done a public service.

City Administrator John Butz clarified that staff did not change anything in the ordinance, rather it was discovered there were two redundant pages in the copy of the policy and some exhibits had been added to visualize the policy. He noted, however, some changes are forthcoming and would be brought to the full Council for review.

(B) G.O. Bonds: Councilman Bahr asked Mayor Jenks and Mr. Butz to help him understand how the bondholder is going to make any money if the City is borrowing the money at 1%.

Mayor Jenks said the bondholder sells the tax-free municipal bonds that go on the open market.

City Administrator John Butz added that frequently banks want to acquire tax-exempt financing. He said the bonds are a 3.5% or 4% value while the banks are paying 0.5% on certificates of deposit.

(C) Deer Population Hunt: Councilman Hicks recalled that several years ago the Council discussed having a deer population hunt in Rolla. He said he would like to have the Council reconsider this matter and asked staff to contact the Missouri Conservation Department to see if they would be willing to address the Council about the possibility of having a controlled hunt in town. Mr. Hicks said the deer in the city have grown quite large and they do significant damage to landscaping and vehicles.

Councilman Morris added he would like to ask the Conservation Department if they have any additional ideas on how to control armadillos because he is having problems with them in his yard.

(D) Graffiti: Councilwoman Bolin mentioned that a business owner on Pine Street commented there has been some graffiti placed on several businesses in the alleyways and backs of properties.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) Graffiti (continued): City Administrator John Butz noted this happens occasionally. In fact, graffiti was found on the Frisco Caboose, which is located across the street from City Hall. Mr. Butz said it is the City's policy to remove or paint over the graffiti as soon as possible to combat the idea of exchanging graffiti. Frequently it is a gang-related activity where they are trying to identify territory. Mr. Butz reported the Police Department is aware of it but there really is no way to prevent it other than quickly painting over it.

(E) R-3 Zoning: Councilman Hicks stated that when the City receives a rezoning request to R-3 (Multi-Family District) zoning a site plan is typically required. He said he is somewhat confused why this is required because if R-3 zoning is granted, the property owner or applicant may never do the development and then sell the property. Mr. Hicks said he does not know if the site plan could be conveyed on the title. He asked if City staff could do some investigation into this, because it may be difficult to grant the R-3 zoning and ultimately make it difficult to market R-3 property after it has been zoned and the site plan submitted.

Community Development Director John Petersen pointed out City ordinance stipulates the type of site plan that is required. The site plan gives Council an opportunity to see what impact a project might have. Mr. Petersen said R-1 (Single Family District) and R-2 (Two Family District) zoned developments do not have much impact. He pointed out that up to 26 units per acre are permitted in R-3 developments. Mr. Petersen said an amendment to the site plan might be requested.

Councilman Hicks stated it seems like it could be a real hindrance to development and he might want to review the R-3 requirements if there would be any support from the Council.

(F) City Council Budget Workshop, Aug. 27 & 29, Light Dinner 5 p.m., Meeting 5:30 p.m., City Council Chambers: City Administrator John Butz reminded the Council that the Council Budget Workshop would be held on Monday, August 27, 2012. If needed, the workshop will continue on Wednesday, August 29, 2012.

Additionally, Mr. Butz noted the Finance/Audit Committee would meet on Thursday, August 23, 2012, at 5 p.m. In particular, he invited the new Council members to this meeting, since he would be previewing the proposed FY 2012/2013 budget.

**CITY COUNCIL MEETING MINUTES
AUGUST 20, 2012
PAGE 8**

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(G) Farmers Market: Mayor Jenks reminded everyone that the Farmers Market continues to be held every Tuesday from 7 a.m. to noon in the lower City Hall parking lot.

VII. CITIZEN COMMUNICATION

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

Mr. Nathan Dowd, the City Council liaison for the Missouri S&T Student Council, introduced himself to the Council. He indicated he would be attending many of the Council's meetings.

Councilman Morris asked Mr. Dowd to comment on the student parking situation.

Mr. Dowd indicated the Student Council is working on parking concerns with Community Development Director John Petersen and Public Works Director Steve Hargis. Additionally, there has been some dialogue with USA Tours for a possible shuttle service. At the very least, Mr. Dowd said the students are being informed the 10-hour parking lots are being enforced over night and that two-hour parking is to be kept at a minimum.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

IX. CLOSED EXECUTIVE SESSION

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

AUGUST 20, 2012

**CITY COUNCIL MEETING MINUTES
AUGUST 20, 2012
PAGE 9**

The Council adjourned into Executive Session at approximately 8:11 p.m.

X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:39 p.m.

City Counselor Carolyn Buschjost reported that during Executive Session, the City Council discussed two real estate matters, but no final action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 8:40 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

AUGUST 20, 2012