

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 20, 2013; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Rhonda Sue Myers, Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Susan J. Eudaly, Lou Magdits, Jim Williams, Brian Woolley, and Tony Bahr

Council Members Absent: Don Morris and Fran Mazanec

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

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

Mayor William S. Jenks, III called the meeting to order at approximately 6:30 p.m. and asked a Boy Scout Troop in attendance to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Public Hearing to Rezone Property at 100 South Spilman from R-1 to R-3 Zoning: Community Development Director John Petersen told the Council the subject property is vacant and is located at the corner of Spilman Avenue and Black Street. The applicant is requesting an R-3 (Multi-Family District) zoning to permit the construction of a single, four-plex unit. Mr. Petersen noted an R-3 (Multi-Family District) zoned property must have a minimum of 10,500 square feet. In this instance, the lot area of the subject property is 11,784 square feet, which is more than sufficient to allow for a single, four-plex unit. Mr. Petersen commented there has been opposition to the requested rezoning. He noted three petitions opposing the rezoning from property owners within 185 feet of the subject property have been received. However, the petitions constitute 19% of the area and do not meet the 30% threshold. Therefore, only a majority vote in favor of the requested rezoning is needed to approve the rezoning. Mr. Petersen reported the Planning and Zoning Commission unanimously recommend approval of the rezoning request.

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I. PUBLIC HEARINGS (continued)

(A) Public Hearing to Rezone Property at 100 South Spilman from R-1 to R-3 Zoning (continued): Mr. Jim Larson, Larson Construction, 11025 Emerald Ridge, Rolla, Missouri, addressed the Council on behalf of his brother, Jerry Larson, who owns the subject lot. He told the Council the proposed single, four-plex unit would face Black Street. Mr. Larson said there are no windows on the back of the structure and there will be a privacy fence. He also complimented the Building Codes Department for contacting him today to see if he needed anything since he was going to be out of town. Mr. Larson also asked the Council to consider conducting the first and final readings of the subject ordinance at this meeting.

Councilman Williams noted he has received several phone calls concerning the proposed project. Since some of the people who called wanted to be able to attend the meeting, they asked if the Council could postpone the final reading until the Council's next meeting when they can attend.

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: AN ORDINANCE REZONING PROPERTY AT 100 SOUTH SPILMAN AVENUE FROM R-1 (SINGLE FAMILY DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (LARSON).** A motion was made by Eudaly and seconded by Bahr to suspend the rules and the ordinance be read for its final reading, by title. A hand count on the motion showed four ayes, six nays, and two absent. Motion failed.

Before continuing with the meeting, Mayor Jenks asked that a moment of silence be observed for the people in Oklahoma who are suffering from the devastation caused by today's tornado.

Mayor Jenks announced that Communications Director Scott Grahl is moving from Rolla and will be leaving at the end of the month. He said he will be missed and has done an outstanding job. Mayor Jenks pointed out he has played a huge role in many of the City's special events, including Local Government Week, the City's Sesquicentennial Celebration, Smithsonian Exhibit, etc. He noted Mr. Grahl was unable to attend tonight's meeting.

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II. SPECIAL PRESENTATIONS

(A) 2013 DirectionFinder (Citizen) Survey: Due to the recent storms that affected Olathe, Kansas, Mayor Jenks reported Mr. Chris Tatham with the ETC Institute was unable to attend tonight's meeting to present the DirectionFinder Survey results. He said Mr. Tatham is now scheduled to attend the Council's June 17, 2013, meeting to present the results.

(B) Rolla Municipal Utilities FY 2013 Second Quarter Report: Rolla Municipal Utilities General Manager Rodney Bourne provided an overview of Rolla Municipal Utilities' (RMU) Fiscal Year 2013 Second Quarter Report. He entertained questions from the Council following his presentation. Mr. Bourne advised the full report is available on RMU's web site (www.rollamunicipalutilities.org).

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Resolution Extending Chamber of Commerce Tourism Contract for Service: City Administrator John Butz recalled that in December 2009 the City entered into a new three-year contract with the Chamber of Commerce for the tourism agreement, specifically for the administration of the three percent hotel/motel tax. That agreement provided for two, one-year extensions. Since we are almost one-half year into year number four, Mr. Butz recommended approval of the subject resolution that would allow the Mayor to execute an amendment to extend the Contract for Service until December 2014.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1796: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI AN EXTENSION TO THE CONTRACT FOR SERVICE – TOURISM/PROMOTION BY AND BETWEEN THE CITY OF ROLLA, MISSOURI (LESSOR) AND THE ROLLA AREA CHAMBER OF COMMERCE (LESSEE). A motion was made by Williams and seconded by Sawyer to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

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IV. NEW BUSINESS (continued)

(B) Resolution Extending Chamber of Commerce Forest Service Lease: City Administrator John Butz noted the subject resolution would authorize the Mayor to execute an amendment to extend the Forest Service lease through December 2014. He recalled that in 1994 or 1995 the Tourism Center was constructed on property not owned by the City, but by the Forest Service. The Act that allowed the City to build on Forest Service property provided a mechanism where the City could acquire the property from the Forest Service subject to 20 annual payments of \$25,550. Mr. Butz told the Council the lease stipulates the Chamber of Commerce is responsible for the grounds and the buildings.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1797: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI AN EXTENSION TO THE CHAMBER LEASE-FOREST SERVICE PROPERTY BY AND BETWEEN THE CITY OF ROLLA, MISSOURI (LESSOR) AND THE ROLLA AREA CHAMBER OF COMMERCE (LESSEE). A motion was made by Williams and seconded by Sawyer to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

(C) Ordinance Amending Sections 5-18, 5-19, and 5-39 of the Rolla City Code Pertaining to Animals and Fowl: Police Chief Mark Kearse informed the Council that due primarily to a new State regulation requiring rabies vaccinations to every adoptable animal, staff is recommending approval of the proposed ordinance. He said staff is recommending the fee assessed to County residents for relinquishing unwanted animals be increased from \$20 per animal to \$45 per animal or \$65 for a mother and her litter. Additionally, Chief Kearse said staff recommends discontinuing private animal cremations. He explained area veterinarians are able to provide this service. Chief Kearse also noted staff recommends increasing the adoption fee from \$20 to \$35. Chief Kearse indicated this would cover the costs of the required rabies vaccinations and offset rising food and medical costs.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4096: AN ORDINANCE REPEALING SECTIONS 5-18, 5-19, AND 5-39 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS 5-18, 5-19, AND 5-39 IN LIEU

IV. NEW BUSINESS (continued)

(C) Ordinance Amending Sections 5-18, 5-19, and 5-39 of the Rolla City Code Pertaining to Animals and Fowl (continued): THEREOF PERTAINING TO ANIMALS AND FOWL. A motion was made by Williams and seconded by Woolley 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 Jordan and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Leonard, Williams, Myers, Bahr, Magdits, Jordan, Sawyer, Eudaly, and Long. Nays; None. Absent; Morris and Mazanec. Motion carried. The ordinance passed.

(D) Ordinance Authorizing the Mayor to Enter Into an Agreement with Rolla Asphalt, for CDBG Parking Lots – Asphalt Overlay: Public Works Director Steve Hargis recalled that during the Council's last meeting, the low bidder, Rolla Asphalt, Rolla, Missouri, was awarded the bid for the Community Development Block Grant (CDBG) parking lot project. He said the subject ordinance would authorize the Mayor to enter into an agreement with Rolla Asphalt for this project.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: 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 ROLLA ASPHALT, LLC. FOR PROJECT 304, DOWNTOWN CDBG PARKING LOTS, ASPHALT OVERLAY.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Fiscal Year 2013 – Fiscal Report: Finance Director Steffanie Rogers provided an overview of the City's Fiscal Year 2013 financial report, for the period October 2012 through March 2013.

(B) Resolution Authorizing Revision to the FY 2013 Budget: Finance Director Steffanie Rogers reviewed the proposed budget adjustments as outlined in the agenda materials. She pointed out the net budget impact is a decrease of \$239,911. Ms. Rogers said staff is recommending approval of the subject resolution, which would authorize the subject adjustments.

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(B) Resolution Authorizing Revision to the FY 2013 Budget (continued): City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1798: A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2012, AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Jordan and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

City Administrator John Butz informed the Council the City recently obtained quotations for refurbishing the Christmas decorations (stars). In 2000, about 250 stars were funded under a three-party arrangement with the City, Chamber of Commerce, and a business group, which was about a \$66,000 project. Mr. Butz told the Council the stars had a five to eight year life and they are in terrible condition. During the 2012 Christmas season, the City only put up about 75 of the 250 stars. Mr. Butz informed the Council that a quote was received from a company who has looked at the City's decorations. They said the steel on the decorations are good, but they were never treated. He said the company is recommending the steel frames be dipped in a type of plastic and the stars be realigned with LED lighting. To refurbish about 75 stars, Mr. Butz indicated it would cost about \$18,000. He said the thought is to focus only on putting the stars in key areas along Highways 63 and 72. If the Council is interested in doing this, the Chamber of Commerce has agreed to pay one-half. If the Council chooses to not refurbish the stars, Mr. Butz recommended not putting up the decorations at all because of their poor condition. He concluded he would put this on the next meeting agenda for official consideration unless otherwise directed by the Council. No objections were noted.

(C) Motion Authorizing the Addition of UV Disinfection to the PoolPak Project and the Use of Depreciation Account Funds: Parks and Recreation Director Scott Caron reported the indoor pool would be closed from May 28 through June 2 so the PoolPak could be replaced. As the project has progressed, he noted staff has worked to reduce the cost of the project with a savings of \$17,000. Mr. Caron recalled that Councilman Sawyer had asked about the possibility of UV treatment to the indoor pool. He told the Council that Jerrell Mechanical Contractors has provided a cost to provide UV disinfection. UV treatment is a good way to reduce some costs and increase the enjoyment of the facility by the users. Mr. Caron asked the Council to consider the addition of UV disinfection for the PoolPak and use the Depreciation Account Funds.

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion Authorizing the Addition of UV Disinfection to the PoolPak Project and the Use of Depreciation Account Funds (continued): A motion was made by Williams and seconded by Eudaly to approve the addition of UV disinfection to the PoolPak Project using the Depreciation Account Funds due to the estimated annual operating savings of \$5,000 - \$6,000/year and the enhanced air quality. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(D) Motion to Award Bid for Rolla Fire Dept. Communication Vehicle Satellite System Upgrade: Fire Chief Robert Williams reported that on March 13, 2013, the Rolla Fire Department was awarded a grant through the State of Missouri Office of Homeland Security for \$41,166.67 and on April 1, 2013, the Council approved the contract and budget for the Communications Vehicle upgrade, which included \$19,499.67 for satellite/route improvements. Chief Williams informed the Council that on May 15, 2013, bids were opened for the purchase of the satellite system upgrade. Two bids were received and the low bidder was Orbital Data Network, Columbia, Missouri for a total price of \$19,000. Chief Williams said staff is recommending the bid be awarded to Orbital Data Network.

City Administrator John Butz added the City's Mobile Command Post was travelling through Columbia, Missouri on the way to Kansas City and ran into problems with the satellite system. While in the Columbia area, staff went ahead and had the new satellite system installed. Mr. Butz said since it was an emergency and the cost of the satellite system was entirely covered by the grant, staff assumed Council would award the bid. Mr. Butz indicated staff retroactively needs Council's approval of the low bid. A motion was made by Williams and seconded by Eudaly to award the bid for the satellite system for the Fire Department Vehicle/Command Post to the low bidder, Orbital Data Network, Columbia, Missouri. After discussion, a voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointment of Ms. Janece Martin to the Planning and Zoning Commission: A motion was made by Eudaly and seconded by Sawyer to reappoint Ms. Janece Martin to the Planning and Zoning Commission with her term expiring May 2017. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Reappointment of Ms. Helen Hoertel and Ms. Ruth Stoecker to the Library Board: A motion was made by Williams and seconded by Long to reappoint Ms. Helen Hoertel and Ms. Ruth Stoecker to second terms each to the Library Board with their terms expiring May 2016. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VII. CITIZEN COMMUNICATIONS

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

No one present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) High Grass: Councilman Williams reminded everyone to keep their grass mowed. He said he has noticed several yards that are in need of mowing. In particular, there are rental houses located on Pine Street that need attention.

(B) Excess Trash: Councilman Bahr commented students are leaving for the summer, filling the dumpsters and there is excess trash by the dumpster, which the Sanitation Department does not pick up. Mr. Bahr suggested possibly rescheduling the free city-wide spring pick up to the weekend following their exodus. He noted the trash is still at the curb and storms are in the forecast and the trash will be strewn.

Environmental Services Director Brady Wilson said this is an on-going problem year round, but it is more prevalent this time of year with the students' exodus. He said the Environmental Services Department provides a weekly report to the Code's Enforcement division of properties with excess trash or bulk items on the right-of-way. Code Enforcement then contacts the property owners to let them know the items must be removed. Some property owners will then contact Environmental Services to arrange for a special pickup.

Councilman Bahr asked City staff to look into the merits of moving the free city-wide spring pickup until after the students after left.

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

(C) Pathways Community Behavioral Healthcare Groundbreaking (continued):

Mayor Jenks announced the groundbreaking for the new Pathways Community Behavioral Healthcare adolescent facility, located at 1450 East Tenth Street, would be held on Wednesday, May 22, 2013, at Noon.

(D Environmental Services Facility Open House: Mayor Jenks announced the ribbon cutting and open house for the City's new Environmental Services facility, located at 2301 McCutchen Drive, would be held on Wednesday, May 22, from 4 p.m. to 6 p.m.

IX. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 8:18 p.m.

X. EXECUTIVE SESSION ACTION

The Council reconvened into Open Session at approximately 9:02 p.m.

City Counselor Carolyn Buschjost reported that during Executive Session the Council discussed three separate matters involving real estate, litigation, and attorney/client confidentiality issues. No final action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:03 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR PRO-TEMPORE

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