

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, DECEMBER 16, 2013; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

**Presiding:** Mayor William S. Jenks, III

**Council Members in Attendance:** Jonathan Hines, Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Susan J. Eudaly, Don Morris, Lou Magdits, Jim Williams, Brian Woolley, Tony Bahr, and Walt Bowe

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

**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 Jim Williams to lead in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

**(A) Public Hearing to Rezone Property Located at 1402 East 10<sup>th</sup> Street from R-3 (Multi-Family District) Zoning to C-2 (General Retail District Zoning) (Blair):**

Community Development Director John Petersen indicated the subject property, located at 1402 East 10<sup>th</sup> Street, contains approximately 1.69 acres. Except for a metal storage building, the property is vacant. Property owner Mr. Chris Blair plans to convert the structure to a commercial gymnasium, which requires a C-2 (General Retail District) zoning. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the requested rezoning. He added that Mr. Blair has asked the Council to 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 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 TO REZONE PROPERTY LOCATED AT 1402 E. 10<sup>TH</sup> STREET (LOT 1 OF POPE PLACE SUBDIVISION)

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**I. PUBLIC HEARINGS (continued)**

**(A) Public Hearing to Rezone Property Located at 1402 East 10<sup>th</sup> Street from R-3 (Multi-Family District) Zoning to C-2 (General Retail District Zoning) (Blair) (continued):** FROM R-3 (MULTI-FAMILY DISTRICT) ZONING TO C-2 (GENERAL RETAIL DISTRICT) ZONING (BLAIR). A motion was made by Leonard and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title.

Councilman Bahr suggested the Council not consider the motion for the final reading since the City is in ongoing negotiations between the City of Rolla and Mr. Blair.

Mayor Jenks advised Councilman Bahr that the current motion on the floor must first be considered before another motion is made.

A hand count on the motion to suspend the rules showed seven ayes, and five nays. Motion carried.

Ms. Buschjost then read the proposed ordinance for its final reading, by title.

A motion was made by Long and seconded by Sawyer to approve the proposed ordinance.

Councilman Bahr said he believes the City needs to settle the ongoing negotiations with Mr. Blair before the City gives him something else.

A roll call vote on the motion to approve the proposed ordinance showed the following: Ayes; Jordan, Leonard, Sawyer, and Long. Nays; Williams, Bahr, Hines, Woolley, Bowe, Magdits, Morris, and Eudaly. Absent; None. Motion failed. The ordinance failed.

**II. SPECIAL PRESENTATIONS**

**(A) Update on the Progress of Sustainable Ozarks Partnership (SOP) and Impact on Fort Wood:** Mr. Stephen Tupper, President of the Executive Committee of the Sustainable Ozarks Partnership (SOP), updated the Council on the progress of the SOP and outlined its goals and strategies. Following his presentation, he entertained questions and comments from the Council.

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**III. OLD BUSINESS**

None.

**IV. NEW BUSINESS**

**(A) Ordinance Regulating Peddlers, Solicitors, and Canvassers:** City Administrator John Butz recalled this issue was discussed in general terms during the Council's last meeting. He indicated he refined the ordinance, which was included in the December 2, 2013, meeting agenda. Mr. Butz said the subject ordinance imposes some restrictions and obligations on what would be a truly transient businesses and the subject ordinance includes an application process, which includes background checks. Additionally, Mr. Butz mentioned the subject ordinance includes a "No Visit" list, which is similar to the Attorney General's "No Call" list, which is a voluntary enrollment.

After Council discussion and a review of the subject ordinance, a motion was made by Bahr and seconded by Woolley to set aside consideration of the subject ordinance. After additional discussion, a voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**V. CLAIMS and/or FISCAL TRANSACTIONS**

**(A) Resolution to Revise the FY 2013 Budget for Year-End Adjustments:** Finance Director Steffanie Rogers stated that as part of the FY 2013 year-end audit process, the City complies with Chapter 67 of the Missouri State Statutes. She proposed a group of journal entries equaling \$444,000, which includes \$216,000 for depreciation expense in the Environmental Services Fund and \$225,000 in the Street Fund for the final 2012 Certification of Participation (COP) payment.

Following some discussion, City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1810: A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2012, AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

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**V. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(B) Motion to Transfer Funds from the Parks and Recreation Sales Tax Account to Cover the Recreation Operating Deficit:** Finance Director Steffanie Rogers asked the Council to consider the transfer of \$342,000 from the Parks and Recreation Sales Tax account into the operating account to offset the recreation deficit. She pointed out no parks expenditures are included in this number.

After discussion, a motion was made by Eudaly and seconded by Morris to authorize the transfer of \$342,000 from the sales tax account to cover the estimated operating deficit for fiscal year 2012-2013. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) Motion to Appoint Ms. Candace Connell to the Rolla Regional Economic Commission (RREC):** A motion was made by Morris and seconded by Long to appoint Ms. Candace Connell to the Rolla Regional Economic Commission (RREC) as a City representative. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**VII. CITIZEN COMMUNICATION**

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

Mr. Robert Stewart, 1308 Hillview Drive, said no one responded to his e-mails describing all the problems with fluoride. In the 1990's the Council ordered Rolla Municipal Utilities (RMU) to put "fluoride" into the water. He said RMU is now putting in "hydrofluorosilic acid" into the water, which is not "fluoride." Mr. Stewart asked if the Council approved an ordinance allowing RMU to put this hazardous waste product (hydrofluorosilic acid) into the water. If the Council has not, RMU is in violation of City ordinance and the City should take action against it. Mr. Stewart told the Council if they would not take action, he would.

No one else present addressed the Council.

**VIII. COMMENTS FOR THE GOOD OF THE ORDER**

**(A) Street Signs:** Councilman Bahr pointed out that the streets signs at Seventh and Pine, Eighth and Pine, and Ninth and Pine need to be rotated.

**(B) Parking Lot Rentals:** Councilman Bahr asked City Administrator John Butz for an update on the parking lot rentals.

Mr. Butz indicated the parking spaces are slowly being rented. To date, there have been about a dozen spaces rented. He added that at this point in the year, the City did not expect to have many more since it is at the end of the semester and most students had already arranged for parking. Mr. Butz said he anticipates more spaces will be rented in January and possibly more in July or August. After about six months, staff will evaluate the program.

Councilman Bahr added that Public Works Director Steve Hargis and his staff have done a wonderful job in the construction of the parking lots.

**(C) Denial of Rezoning Request:** Since the Council denied Mr. Blair's rezoning request, Councilman Magdits asked City Administrator John Butz to refresh his memory on the City's policy as it relates to bringing the request back to the Council.

Mr. Butz said the Council has the right to revisit that issue. However, the applicant must wait one year before resubmitting it. Additionally, in six months the applicant could submit a letter to the Council requesting consideration. Mr. Butz pointed out the Council could reconsider the issue at its next meeting. Mr. Butz said staff would research the City Code on this matter and report to the Council.

**(D) Status of Ongoing Litigation:** Without getting into detail, Councilman Magdits asked City Administrator John Butz if he would update the Council on the litigation discussion.

Mr. Butz stated the City counselors' goal is to have the additional language in the agreements by the end of the year and to submit the agreements to the other parties for their review. He said staff hopes to include the agreements in the agenda materials for the first meeting in January 2014.

**(E) Reconsideration of Rezoning Request:** Councilman Leonard asked the Council to reconsider the 1402 E. 10<sup>th</sup> Street rezoning issue at this meeting. He said he, too, is very concerned about the ongoing legal negotiations. However, the agenda narrative indicates

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

**(E) Reconsideration of Rezoning Request (continued):** there is a business that wants to immediately move into the facility. Mr. Leonard said to get a viable business into the building, it will need at least one and maybe two carpenters, a plumber, and an electrician. He pointed out most economic activity comes from small business. Mr. Leonard said regardless of the ownership, the City is hurting the people who could be working on the building, possibly as soon as tomorrow.

City Administrator John Butz indicated that a council member who voted in the majority on the issue would need to make the motion.

Mr. Leonard asked the council members who voted “no” to reconsider this matter.

Discussion followed with no one making a motion to reconsider.

**IX. CLOSED SESSION**

A motion was made by Williams and seconded by Eudaly to adjourn into Closed Session pursuant to RSMo. 610.021 to discuss real estate. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Leonard, Williams, Hines, Bahr, Magdits, Long, Morris, Sawyer, Eudaly, and Jordan. Nays; None. Absent; None. Motion carried.

The Council adjourned into Closed Session at approximately 7:38 p.m.

**X. CLOSED SESSION ACTION**

The Council reconvened into open session at approximately 7:51 p.m.

City Counselor Carolyn Buschjost reported that during closed session the Council discussed a matter regarding real estate with no final action taken.

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**XI. ADJOURNMENT**

Having no further business, the meeting adjourned at 7:51 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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