

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, JANUARY 21, 2014; 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, Greg Sawyer, Steven Leonard, Susan J. Eudaly, Don Morris, Lou Magdits, Jim Williams, Brian Woolley, Walt Bowe and Tony Bahr

Council Members Absent: Monty Jordan and Kelly Long

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Mark Kearse, 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 a member of the Rolla Ministerial Alliance to give the invocation.

Following the invocation, Councilman Brian Woolley led in the Pledge of Allegiance.

Mayor Jenks asked the Council to entertain a motion to add an emergency item to the “New Business” portion of the agenda regarding the purchase of crack filling material. A motion was made by Williams and seconded by Eudaly to add “Motion to Purchase Crack Filling Material” to the “New Business” portion of the agenda. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Eudaly to approve the consent agenda as submitted. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The consent agenda consisted of the following:

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

- 1) Rolla City Council Meeting –December 2, 2013
- 2) Closed Session City Council Meeting – December 2, 2013
- 3) Rolla City Council Meeting – December 16, 2013
- 4) Closed Session City Council Meeting – December 16, 2013

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II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

None.

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

Mayor Jenks referred the Council to (A) the November 2013 Centre Financial Analysis; (B) the November 20, 2013, Parks and Recreation Commission Meeting Minutes; (C) the November 2013, Environmental Services Department Monthly Report; (D) the November 2013 Rolla Municipal Utilities Monthly Report; (E) the November 26, 2013, Rolla Board of Public Works Meeting Minutes; (F) the December 10, 2013, Preliminary Minutes of the Planning and Zoning Commission meeting; (G) the December 5, 2013, and January 2, 2014, Rolla Board of Adjustment Meeting Minutes; (H) the November and December 2013, Rolla Municipal Court Monthly Reports, and; (I) the December 2013 Rolla Fire and Rescue Department Monthly Report.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Sewer Use Agreement for Stately Mansions Mobile Home Park on Highway 72: Public Works Director Steve Hargis explained the following two items are for sewer use agreements for property located outside the city limits. The first proposed agreement is for Stately Mansions Mobile Home Park located on Highway 72. Mr. Hargis told the Council that as part of the City's wastewater treatment plant expansion, the City purchased property from the Huffmans. As part of the sale and an easement acquired some years ago, there was a caveat that the Huffmans would be able to connect the mobile home park to the City's

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VI. NEW BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Enter into a Sewer Use Agreement for Stately Mansions Mobile Home Park on Highway 72 (continued): sewer. Mr. Hargis said the subject sewer use agreement formalizes that arrangement. He informed the Council that the proposed agreement, included in the agenda materials, has been slightly modified by Ms. Michele Broxton, Managing Member, Highway Seventy Two LLC. Mr. Hargis explained that paragraph 2d has been modified to clarify how often the City would need to go on their private property to conduct inspections. He informed the Council the need is for the management and correction of any I and I (inflow and infiltration) that might occur from the private system.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title, as amended between the City and Highway Seventy Two, LLC, with wording corrected by the City's attorney. ORDINANCE NO. 4125: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND HIGHWAY SEVENTY-TWO, LLC. A motion as made by Eudaly 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, as amended between the City and Highway Seventy Two, LLC, with wording corrected by the City's attorney. A motion was made by Eudaly and seconded by Bahr to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Hines, Bahr, Williams, Leonard, Eudaly, Sawyer, Magdits, Woolley, Morris, and Bowe. Nays; None. Absent; Long and Jordan. Motion carried. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Enter into a Sewer Use Agreement for Woodcrest Mobile Home Park: Public Works Director Steve Hargis informed the Council that currently there is Woodcrest Mobile Home Park and Whitson Mobile Home Park located off Vichy Road. Both parks are connected to the City's sewer, but a formal sewer use agreement has never been executed with the Woodcrest Mobile Home Park. Mr. Hargis informed the Council the City has a sewer use agreement with the Whitson Scenic View Trailer Park. He added the Whitson Scenic View Trailer Park is reportedly closing and the Woodcrest Mobile Home Park is reportedly expanding. Mr. Hargis told the Council that of the two parks, the Woodcrest Mobile Home Park contributes the most to the I and I (inflow and infiltration) and has been a source of problems for the City. Since the portion of Woodcrest Mobile Home Park located inside the city limits has been repaired, it is no longer a problem. Mr. Hargis informed the Council the subject sewer

VI. NEW BUSINESS (continued)

(B) Ordinance Authorizing the Mayor to Enter into a Sewer Use Agreement for Woodcrest Mobile Home Park (continued): use agreement gives the City a formal agreement with Woodcrest Mobile Home Park to bring all the sewers up to City standards and the owner would pay the City to do the work and would also pay a portion of the delinquent charges that are owed to the City. Mr. Hargis explained that within the last few days, Future DPKK, LLC, has made some suggested changes to the agreement. He noted the first suggested change is located in paragraph one. Future DPKK, LLC, would like to terminate all connections in the Whitson Scenic View Trailer Park in April 2014, rather than February 2014. In paragraph 3b, Future DPKK, LLC would like to change the billing date from January 1, 2014, to May 1, 2014. Mr. Hargis noted that since Future DPKK, LLC, does not own the property on one side of the road that comes into the park, they do not feel they should be responsible for the entire amount in correcting the road. Future DPKK, LLC, suggested that they only pay one-half, which would decrease the total from \$153,850 to \$142,560. Additionally, Mr. Hargis said Future DPKK, LLC, would like the City to take over the snow removal of that section of road. As a sign of good faith, Mr. Hargis reported Future DPKK, LLC gave Mr. Hargis a cashier's check this afternoon for \$142,560, which is the amount he agreed to pay in the subject agreement. In addition, he has signed the agreement and initialed the suggested changes.

After much discussion, Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title, as amended by Future DPKK, LLC. **ORDINANCE NO. 4126: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SEWER USE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND FUTURE DPKK, LLC. A motion was made by Morris and seconded by Sawyer to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, one nay, and two absent. Motion carried.** Ms. Buschjost then read the proposed ordinance for its final reading, by title, as amended by Future DPKK, LLC. **A motion was made by Sawyer and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Magdits, Williams, Hines, Bahr, Woolley, Bowe, Sawyer, Morris, and Leonard. Nays; None. Absent; Jordan and Long. Motion carried.** The ordinance passed.

(C) Motion Authorizing the Mayor to Execute a Utility Easement Across City-Owned Lots in Arwood Hills Subdivision: Public Works Director Steve Hargis explained that Rolla Municipal Utilities (RMU) is requesting an easement across two

VI. NEW BUSINESS (continued)

(C) Motion Authorizing the Mayor to Execute a Utility Easement Across City-Owned Lots in Arwood Hills Subdivision (continued): City-owned lots in the Arwood Hills Subdivision, in order to provide electrical power to the new Rolla Skilled Nursing Facility. Staff recommends approval. A motion was made by Williams and seconded by Morris to authorize the Mayor to execute the subject utility easement. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(D) Motion to Approve Request for Qualifications for Needs Assessment of a New Animal Control Facility: City Administrator John Butz stated that following the workshop on October 14, 2013, with Council officials, PCAWL (Phelps County Animal Welfare League) and the PCHS (Phelps County Humane Society), the City Council requested staff return with information on a needs assessment and conceptual design. In conversations with a couple of firms that have done design work in recent years on animal shelters, the City has been told to expect costs of between \$8,000 and \$12,000 to do the needs assessment/conceptual design. Mr. Butz reported that representatives from PCAWL and the PCHS have both offered to donate \$1,000 each toward the cost of the needs assessment/conceptual design. He referred the Council to the draft copy of a “Request for Qualifications Needs Assessment and Conceptual Design New Animal Control Facility.” Mr. Butz said it is entirely up to the City Council whether to use some of the funds donated from the late Mr. Bob Eck. While nothing has been budgeted for this, the Council could direct staff to use General Fund dollars and to make cuts somewhere in order to do a needs assessment. Mr. Butz emphasized if the Council agrees to go out for solicitation, it does not bind the City to anything at this point.

After much discussion, a motion was made by Morris and seconded by Bowe to proceed with the Request for Qualifications for a new animal control shelter needs assessment and to use the funds for the needs assessment/conceptual design, from the funds, which were donated by the late Mr. Bob Eck. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(E) Draft Ordinance to Allow Video Conferencing for Council Meetings: City Administrator John Butz informed the Council that during the last Missouri legislative session, the law was again amended to permit video conferencing during Council meetings. He said the City’s IT Department is working on how to best accommodate this and the costs involved. Mr. Butz said he did not want to spend a lot of time on this issue if the Council is not interested in it. He said he can only think of one or two times where someone attended the meeting via a conference call. If this is something the Council wishes to pursue, Mr. Butz indicated he would submit a draft ordinance.

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VI. NEW BUSINESS (continued)

(E) Draft Ordinance to Allow Video Conferencing for Council Meetings (continued): After a brief discussion, the Council's consensus was to not pursue this issue.

(F) Motion to Initiate Development Opportunity in Rolla West: City Administrator John Butz reported that a few months ago City staff had an opportunity to meet with Mr. Mike Woessner, who owns a large part of the property north of the Kingshighway dog bone roundabouts, along with a couple of developers from the St. Louis area. Mr. Butz said there was a very good conversation about where they saw some market and opportunity there. He said the developers were very upfront saying they do not have any retailers in hand. If interested in the property, Mr. Butz asked the developers to send the City a formal letter and then the City could proceed with a process of selecting what is called a "preferred developer." Mr. Butz informed the Council this is the first step in considering any of the creative financing tools available.

Following some discussion, a motion was made by Morris and seconded by Eudaly to authorize staff to solicit Requests for Proposals for firms interested in considering redevelopment of the property north of the Kingshighway interchange. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(G) Motion to Purchase 45,000 Pounds of Crafc0 515 Roadsaver (Crack Filling Material): Public Works Director Steve Hargis informed the Council that last year the City purchased crack-filling material by the truckload and thought some would be available for this year's efforts. However, almost the entire truckload was used. Mr. Hargis reported staff learned this morning the City would need to submit to Sasco Pavement Coating, Inc., Springfield, Missouri, a purchase order, at least two weeks in advance, before they would deliver the materials. Mr. Hargis asked the Council to consider authorizing staff to purchase 45,000 pounds of crack filling materials through the Missouri Department of Transportation Cooperative Purchasing program for \$29,385. He added the City would save about 12% by purchasing by the truckload rather than by the pallet.

A motion was made by Williams and seconded by Eudaly to authorize the purchase of 45,000 pounds of Crafc0 515 Roadsaver from Sasco Pavement Coating, Inc., Springfield, Missouri for \$29,385. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

None.

VIII. CITIZEN COMMUNICATION

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

Mr. Frank Furman, 403 Hutchison, Rolla, Missouri, announced the University of Missouri Extension Council would be conducting an election from January 27-31, 2014. Mr. Furman read from a copy of the legal notice, which outlined the dates, times, places, and nominees, for the Extension Council election. He encouraged the Council to support the Extension Council by voting.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion to Appoint Mr. Steven B. Shields to the Planning and Zoning Commission to Replace Mr. Dennis Bennett: A motion was made by Williams and seconded by Eudaly to appoint Mr. Steven B. Shields to the Planning and Zoning Commission until February 2015 to replace Mr. Dennis Bennett who has moved from Rolla. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Motion to Appoint Mr. Jim Marcellus to the Library Board to Replace Ms. Judy Williams: A motion was made by Williams and seconded by Eudaly to appoint Mr. Jim Marcellus to the Library Board to replace Ms. Judy Williams (May 2016), who resigned from the board. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(C) Motion to Rescind Action Taken During December 16 2013, Council Meeting Denying Rezoning Request at 1402 East 10th Street from R-3 (Multi-Family District) Zoning to C-2 (General Retail District) Zoning (Blair): Mayor Jenks reported it is the City's understanding the subject property (1402 East 10th Street) has been sold. He suggested that no action be taken on this matter during this meeting. If the City later determines this is not the case, it will be brought to the Council for consideration.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. 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 and legal matters. A roll call vote on the motion showed the following: Ayes; Bahr, Leonard, Hines, Woolley, Williams, Bowe, Sawyer, Magdits, Eudaly, and Morris. Nays; None. Absent; Jordan and Long. Motion carried.

The Council adjourned into Closed Session at approximately 7:48 p.m.

XII. CLOSED SESSION ACTION

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

City Counselor Carolyn Buschjost reported that during closed session the Council discussed a matter involving real estate and a legal, attorney/client communication issue. No final action was taken on either matter.

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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