

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 3, 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, Kelly Long, Susan J. Eudaly, Don Morris, Lou Magdits, Jim Williams, Brian Woolley, Walt Bowe and Tony Bahr

Council Members Absent: Monty Jordan

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, 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.

Councilman Jonathan Hines then led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Sawyer to approve the consent agenda as submitted. A voice vote on the motion showed eleven ayes, zero nays, and one 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 – February 3, 2014
- 2) Closed Session City Council Meeting – February 3, 2014
- 3) Rolla City Council Meeting – February 18, 2014
- 4) Closed Session City Council Meeting – February 18, 2014

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II. PUBLIC HEARINGS

(A) Public Hearing to Rezone Property at 107 E. 6th Street from C-3 (Highway Commercial District) to a Planned Unit Development (PUD) (Wands): Community Development Director John Petersen explained the subject property is the former Sands Farm and Home building and would retain that name as a Planned Unit Development (PUD). The project consists of approximately 14,774 square feet and is a two-story structure. The developer is proposing eight apartment units with 38 bedrooms. Mr. Petersen said the developer plans to provide 22 on-site parking spaces, but, according to City Code, is only required to have 16. He pointed out there are 84 parking spaces owned by the City and located about a block from the proposed PUD, which could be rented by the tenants. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the PUD with the condition that the 38 bedrooms be allowed to have dual occupancy or 76 individuals.

Councilman Magdits expressed concerns about the parking for such a dense project.

Mayor Jenks then opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Mr. Dale Wands, petitioner/developer, said he is not aware of any parking issues from renters. He said we are discussing an issue that may not occur and believes the service and its benefits outweigh the parking concerns.

Councilman Magdits asked Mr. Wands for his support if in the future parking problems begin to surface, he would encourage the tenants to rent parking spaces.

Mr. Wands indicated he would. He then asked the Council to consider the first and final readings of the proposed ordinance at this meeting.

No one else present addressed the Council concerning the subject-rezoning request. Mayor Jenks closed the public hearing.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4130: AN ORDINANCE TO REZONE PROPERTY LOCATED AT 107 EAST 6TH STREET FROM C-3 (HIGHWAY COMMERCIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) ZONING. (WANDS).** A motion was made by Eudaly and seconded by Woolley to amend Exhibit 1 of the proposed ordinance to reflect 76 occupants rather than 70. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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II. PUBLIC HEARINGS (continued)

(A) Public Hearing to Rezone Property at 107 E. 6th Street from C-3 (Highway Commercial District) to a Planned Unit Development (PUD) (Wands) (continued):

A motion was made by Long and seconded by Eudaly to amend the proposed ordinance by changing the date in the second “Whereas” from “February 18, 2014” to “February 11, 2014,” and the date in the third “Whereas” from “March 3, 2014,” to “February 27, 2014.” A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

A motion was made by Eudaly 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 ten ayes, one nay, and one absent. Motion carried.

Mr. Thurman then read the proposed ordinance for its final reading, as amended, by title. A motion was made by Williams and seconded by Long to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Leonard, Bowe, Woolley, Williams, Hines, Bahr, Magdits, Morris, Long, Eudaly, and Sawyer. Nays: None. Absent; Jordan. Motion carried. The ordinance passed.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Yes! For Parks and Recreation: Ms. Sue Arnold, Chair of the volunteer citizens’ group entitled “Yes! For Parks and Recreation,” told the Council they are a group of dedicated citizens who have a deep appreciation for our parks and recreation systems. She said the group meets regularly and are working on strategies to achieve a successful passage of Proposition A. Ms. Arnold said for her, this is an opportunity to pay it forward. She said her sons were given the opportunity to have a safe place to play in the parks throughout their lives in Rolla. Ms. Arnold says she finds it her responsibility to pay it forward and hopefully to be able to continue to provide a safe place for all our children to play in our parks. Ms. Arnold then showed the Council a video prepared by the “Yes! For Parks and Recreation” committee.

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

Mayor Jenks referred the Council to (A) the January 2014, Centre Financial Analysis; (B) the January 22, 2014, Parks and Recreation Commission Meeting Minutes; (C) the

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

January 2014, Environmental Services Department Monthly Report; **(D)** the January 2014 Rolla Municipal Utilities Monthly Report; **(E)** the January 28, 2014, Rolla Board of Public Works Meeting Minutes; **(F)** the January 2014, Rolla Police Department Monthly Report; **(G)** the January 2014, Rolla Animal Control Monthly Report; **(H)** the January 31, 2014, City's Cash Position and Expenditure Report; **(I)** the January 27, 2014, Development Review Committee Meeting Minutes; **(J)** the January 2014 Municipal Court Monthly Report, and; **(K)** the February 11, 2014, Preliminary Planning and Zoning Commission Meeting Minutes.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

(A) Resolution on Proposition A: City Administrator John Butz recalled the City Council passed an ordinance authorizing the April 8, 2014, ballot initiative called "Proposition A." He said there is always a misunderstanding of how the dollars are going to be spent and the Council has discussed this on several occasions. Mr. Butz indicated the subject resolution is for purposes of education making sure residents understand how the dollars will be used. He pointed out it is a one-quarter cent sales tax with one-half dedicated to the capital maintenance of the park system. Mr. Butz noted that in eight years, the tax would reduce to one-eighth cent in perpetuity, a portion of which would go toward maintaining the park system, including the Recreation Center.

Following discussion, City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1812: A RESOLUTION ON THE ROLLA PARK SALES TAX (PROP. A) ON THE APRIL 8, 2014, ELECTION. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Motion Authorizing Participation in a Cooperative Procurement Agreement with the City of Independence, Missouri, for Sanitary Sewer Line Reconstruction: Public Works Director Steve Hargis told the Council that during the past few years the

VI. NEW BUSINESS (continued)

(B) Motion Authorizing Participation in a Cooperative Procurement Agreement with the City of Independence, Missouri, for Sanitary Sewer Line Reconstruction (continued): City has “piggybacked” on a bid that Independence, Missouri received from Insituform Technologies, USA, for the relining of sanitary sewer lines. Under State law, he said the City is allowed to do this. Mr. Hargis said this project has been very successful and it is far less expensive to reline the sanitary sewer lines rather than replacing them. He informed the Council that plans are to rehabilitate just under a mile of sanitary sewers in various locations in the eastern portion of the city. Staff recommends approval of the bid.

After discussion, a motion was made by Eudaly and seconded by Sawyer to award the bid for sanitary sewer line reconstruction to Insituform Technologies, USA, for a total of \$137,408.90. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Ordinance Authorizing the Mayor to Execute a “Purple Heart City” Sign Installation and Maintenance Agreement with the Missouri Highways and Transportation Commission: Public Works Director Steve Hargis reported the City of Rolla has been designated as a “Purple Heart City.” Before the City can install the “Purple Heart City” signs in the State right-of-way, the subject ordinance must be approved. Mr. Hargis indicated the signs would be placed at the east and west city limits along Interstate 44 and the City will be responsible for installing and maintaining the signs.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4131: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN SIGN INSTALLATION AND MAINTENANCE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Williams 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 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; Williams, Bahr, Eudaly, Woolley, Leonard, Bowe, Sawyer, Magdits, Long, Morris, and Hines. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

VI. NEW BUSINESS (continued)

(D) Ordinance Authorizing the Mayor to Execute a State Block Grant Agreement with the Missouri Highways Transportation Commission for Rolla National Airport Pavement Improvements: Public Works Director Steve Hargis explained the subject ordinance authorizes the Mayor to execute the subject block grant agreement for pavement improvements at the Rolla National Airport. The subject project is under contract and work is scheduled to begin in the spring of 2014. Mr. Hargis said the project entails overlaying the main entrance road to the Rolla National Airport, rehabilitating one of the T-hangar aprons, and paving an existing parking lot located adjacent to the flight center. The total grant amount is \$231,109.00 with the City providing a match of \$16,911.90.

Following a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4132: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN STATE BLOCK GRANT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Williams and seconded by Morris to suspend the ordinance and that 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 Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bowe, Woolley, Leonard, Williams, Hines, Long, Magdits, Morris, Sawyer, Eudaly, and Bahr. Nays; None. Absent; Jordan. Motion carried. The ordinance passed.

(E) Motion Authorizing the Mayor to Execute a Memorandum of Understanding with the Missouri Department of Transportation for a School Traffic Safety Study: Public Works Director Steve Hargis informed the Council that this project, which evaluates traffic patterns around the three grade schools, is under the Missouri Department of Transportation (MoDOT) TEAP (Technical Engineering Assistance Program). He explained it is primarily for out-state cities to assist those who do not have full-time transportation engineers on staff. Mr. Hargis indicated the subject Memorandum of Understanding stipulates the City would be responsible for the funding balance of \$3,996.19.

A motion was made by Williams and seconded by Eudaly to authorize the Mayor to execute the subject Memorandum of Understanding with the Missouri Department of Transportation for a school traffic study.

VI. NEW BUSINESS (continued)

(E) Motion Authorizing the Mayor to Execute a Memorandum of Understanding with the Missouri Department of Transportation for a School Traffic Safety Study (continued): Councilman Leonard expressed his concern with the traffic pattern that exists between the Mark Twain Elementary School and the Rolla Middle School. He asked if there is anyway the City can get them to look at the relationship that exists between those two schools.

Mr. Hargis said the walkers would definitely be part of the study. The unloading of students inside the Rolla Middle School parking lot would not be evaluated.

A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Resolution Awarding Financing Bid for Motor Grader and Dump Truck to Commerce Bank: Finance Director Steffanie Rogers referred the Council to the bids received on February 19, 2014, for the financing of a motor grader and a dump truck. She said staff recommends awarding the bid to Commerce Bank (Clayton Holdings) with an interest rate of 1.78% with an annual payment for five years of \$52,701.40.

City Counselor Lance Thurman read the following proposed ordinance for one reading, by title. RESOLUTION NO. 1813: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, PHELPS COUNTY, AND CLAYTON HOLDINGS, LLC/COMMERCE BANK, MISSOURI. A motion was made by Williams and seconded by Long to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

VIII. CITIZEN COMMUNICATION

(A) Internet Café (sweepstakes/gambling) Request by Elks Lodge: Mr. George Ashford and Ms. Judy Patton, representing the Elks Lodge, addressed the Council about the possibility of operating an Internet Café. He said the Elks want to raise some money to support the charitable causes the Elks do in the community, such as conducting a soup

VIII. CITIZEN COMMUNICATION (continued)

(A) Internet Café (sweepstakes/gambling) Request by Elks Lodge (continued):

kitchen on Sundays and providing Thanksgiving and Christmas dinners. He noted the Elks no longer offer bingo. Additionally, Mr. Ashford noted they need money to support a Cub Scout den, which uses the Elk Lodge and funds to keep their building available for use as a polling place during elections. He asked the Council if there would be any objection to the Elks opening an Internet Café on a probationary basis to see if it would be viable for them.

City Administrator John Butz referred the Council to the information contained in the agenda materials pertaining to gambling. He said it has been difficult to obtain good direction on this issue because the Missouri Gaming Commission told him the Statutes are not very clear on Internet gambling. Mr. Butz said the Commission knows it occurs, but there is no way for anyone to do any enforcement on it. The Commission said the legislature needs to clear this up with some better language. Mr. Butz noted that Section 17-1 of the Rolla City Code, pertaining to keeping of gaming devices prohibited, could be amended to include a provision that would exempt charitable, non-profit organizations.

After some discussion, City Counselor Lance Thurman stated that according to the Attorney General's office, it is illegal, but the State of Missouri has said there is no way to enforce it in private homes. Additionally, he said the Council could not authorize the violation of State law.

Discussion continued with no action taken by the Council.

(B) First United Methodist Church: Mr. Vern Lowery, representing the First United Methodist Church, informed the Council that the church has been in Rolla since 1865 providing spiritual support to the community and tremendous outreach opportunities. He said the church is in the process of re-evaluating their programs. Mr. Lowery said the church needs help with determining "what is the greatest need in the community?" He said the church would like to get some feedback on this as they continue with their planning process over the next few months.

Mayor Jenks mentioned that people, living both inside and outside the city limits, need assistance in paying their utility bills. He expressed the City's appreciation to the church for their efforts and promised to let him know of any needs.

VIII. CITIZEN COMMUNICATION (continued)

(B) First United Methodist Church (continued): City Administrator John Butz indicated the City has been working very successfully with some of the churches on neighborhood revitalization. He said there are several low-to-moderate income households in the community that need some help with cleanup and minor repairs, etc. Mr. Lowery commented the church has been considering this project.

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

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Request for Ad Hoc Committee on Naming Rights: Mayor Jenks asked for volunteers from the Council to serve on the Ad Hoc Committee on Naming Rights. Councilmembers Long, Eudaly, Bowe, and Morris volunteered to serve on the committee.

Councilman Magdits suggested including people on the committee who are outside of the Council who have dealt with naming issues.

Mayor Jenks asked that residents who might want to serve on the committee to contact him.

City Administrator John Butz suggested possibly including someone affiliated with the Phelps County Regional Medical Center and/or Missouri S&T.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) The Rolla Daily News Extra: Councilman Sawyer reported he was approached by two of his neighbors about the free paper the Rolla Daily News provides to residents. He told the Council that some of the residents, especially those in apartments, are not picking up the papers and recently there were over 100 papers littering the neighborhood. Mr. Sawyer thanked the two men for their efforts in picking up these papers on at least two occasions.

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

(A) The Rolla Daily News Extra (continued): City Administrator John Butz added that he spoke with Mr. Paul Hackbarth of the Rolla Daily News about this problem. He said Mr. Hackbarth encourages residents who do not wish to receive this paper to contact the Rolla Daily News and request that they no longer be delivered to their address. Additionally, the delivery crew is instructed to stop delivering the paper if they see two or three papers that have not been collected.

(B) Nuisance Ordinance: Councilman Morris asked if the City's nuisance ordinance pertains to a situation where a neighbor's trash is constantly blowing into your yard.

City Administrator John Butz responded that it does to a degree, but it is very difficult to prove and from an enforcement standpoint, a citation would be issued to the property owner where the cleanup has to begin. He said someone would need to demonstrate or witness where the trash originated. Mr. Butz added City staff could speak with the neighbor or business that is creating the litter as a courtesy reminder.

(C) Jake Brake Signs: Councilman Williams asked when the "No Jake Brake" signs would be erected.

Mayor Jenks indicated the signs were installed some time ago.

City Administrator John Butz added the signs do not say "No Jake Brakes." Rather, they say "Noise Ordinance Enforced."

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 8:10 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:54 p.m.

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XII. CLOSED SESSION ACTION (continued)

City Counselor Lance Thurman reported that during closed session, the Council discussed matters involving real estate and no final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:55 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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