

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, JULY 19, 2010; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

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

**Council Members in Attendance:** Don Brown, Monty Jordan, Stan Spadoni, Geoffrey Horning, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, and Tony Bahr

**Council Members Absent:** Don Barklage, Ken Boeker, and Mark Walburg

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

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor John Beger, Communications Coordinator Scott Grahl, 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 Don Brown led in the Pledge of Allegiance.

## **I. SPECIAL PRESENTATION**

**(A) Rolla Channel 6 Semi-Annual Report:** Mr. Gabe Mankin, Fidelity Communications Video Production Manager, showed a video that gave the Council a brief overview of what Rolla Channel 6 (RC6) has been doing over the past six months. He then provided an overview of the RC6 Semi-Annual Report, including the proposed RC6 Operating Budget for 2010-2011.

Following his presentation, a motion was made by Hicks and seconded by Morris to approve the RC6 Operating Budget for 2010-2011, as presented. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

## **II. OLD BUSINESS**

**(A) Resolution to Approve a Technical Service Agreement Between the City of Rolla and the Rolla Public Library:** Finance Director Steffanie Rogers recalled that in April

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**II. OLD BUSINESS (continued)**

**(A) Resolution to Approve a Technical Service Agreement Between the City of Rolla and the Rolla Public Library (continued):** 2010, the Council authorized a contract between the Rolla Public Library and the City for payroll services for the new full-time librarian. Since that time, the Library Board has requested that those services be expanded for full payroll, accounting and administrative services, which is provided for in the proposed contract. Ms. Rogers added that with a 90-day notice, either party might terminate the proposed contract. If not terminated by either party, the contract would expire on December 31, 2014. She reported that the Library Board met today and approved the contract.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1723: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A TECHNICAL ASSISTANCE CONTRACT BY AND BETWEEN THE ROLLA PUBLIC LIBRARY AND THE CITY OF ROLLA. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

**III. NEW BUSINESS**

**(A) Discussion Regarding a Request for Consultant Qualifications for Bypass Flow Analyses at the Vichy Road and Southeast Wastewater Treatment Plants:** Public Works Director Steve Hargis referred the Council to a copy of the Request for Qualifications for Professional Services, which City staff has sent to consulting firms throughout the state, requesting qualification statements to help the City develop an elimination bypass plan for the Southeast and Vichy Road Wastewater Treatment Plants. The reason for this is a pending compliance agreement that is being proposed by the Department of Natural Resources (DNR) to eliminate the peak flow clarifiers at the above-mentioned wastewater treatment plants. Mr. Hargis explained that recent changes in the Environmental Protection Agency's (EPA) interpretation of the Clean Water Act is going to require the City to eliminate these two treatment units and provide full treatment to all water that reaches the City's Southeast Treatment Plant. He estimated it could cost the City between \$5 and \$10 million in capital improvements just to meet the minimum requirements of the new regulations. Council discussion followed with no action taken.

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**III. NEW BUSINESS (continued)**

**(B) Resolution with Don Maggi, Inc., for the Bryant Drive Extension/Rolla West Phase II (Building Demolition):** Public Works Director Steve Hargis reported that only one bid was received for the demolition of the two structures the City purchased on Bryant Drive. The sole bid was received from Don Maggi, Inc., for \$10,500. Mr. Hargis noted that this bid is well within staff's estimate. He asked the Council to consider approval of the proposed resolution, which would authorize the Mayor to enter into a contract with Don Maggi, Inc., for this work.

After a brief discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1724: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DON MAGGI, INC., PROJECT 280A. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

**(C) Resolution with Melrose Quarry and Asphalt for the 2010 Asphalt Overlay Project 285:** Public Works Director Steve Hargis recalled that the 2010 asphalt overlay project was bid a few months ago and the contract had been delayed pending the contractor meeting the bonding requirements. He reported that the bonding requirements have now been met and staff is recommending approval of the subject contract with Melrose Quarry and Asphalt for \$566,380.60.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1725: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MELROSE QUARRY & ASPHALT, PROJECT 285. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

**(D) Resolution to Execute a Contract with Pollution Control Industries for the Operation of a Satellite Household Hazardous Waste Facility:** Environmental Services Director Brady Wilson recalled that in March 2010, the Household Hazardous Waste (HHW) collection program was placed suspended because the initial contractor

**III. NEW BUSINESS (continued)**

**(D) Resolution to Execute a Contract with Pollution Control Industries for the Operation of a Satellite Household Hazardous Waste Facility (continued):** filed bankruptcy and defaulted on the contract. Since that time, the City has not been collecting materials, but Mr. Wilson explained that he has been working with the Ozark Rivers Solid Waste Management District (ORSWMD) to find a new contractor. The ORSWMD advertised for bids and Mr. Wilson told the Council that he helped review the bids. Pollution Control Industries from East Chicago, Indiana was selected to serve as the new contractor. Mr. Wilson then referred the Council to the proposed contract, contained in the agenda materials. He mentioned that this is a grant program through the ORSWMD. Ultimately, these funds would come through the Department of Natural Resources (DNR) through the tipping fees at landfills and transfer stations.

Following discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1726: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI AN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, THE OZARK RIVERS SOLID WASTE MANAGEMENT DISTRICT, AND POLLUTION CONTROL INDUSTRIES, INC. FOR THE OPERATION OF A SATELLITE HOUSEHOLD HAZARDOUS WASTE FACILITY. A motion was made by Magdits and seconded by Williams to amend the proposed agreement to reflect that the contractor will assume generator status upon loading their vehicle. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution, as amended. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

**(E) Resolution Authorizing a Contract Between the City of Rolla and the Rolla Public Schools:** Police Chief Mark Kearse told the Council that the School Resource Officer (SRO) contract has been in effect since 1999. He pointed out that the proposed contract is a continuation of the current contract. Chief Kearse explained that Rolla Public Schools reimburses 75% of the SRO's salary. In addition, Rolla Public Schools reimburses the City \$8,000 for four school crossing guards. Chief Kearse announced that the Volunteers in Police Service (VIPS), which patrols the schools, has been so well received that Rolla Public Schools added \$6,000 to the contract. Chief Kearse asked the Council to consider the subject resolution authorizing the Mayor to sign the subject contract with the Rolla Public Schools for the continuation of the SRO program, which begins September 1, 2010.

**III. NEW BUSINESS (continued)**

**(E) Resolution Authorizing a Contract Between the City of Rolla and the Rolla Public Schools (continued):** City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1727: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT WITH THE ROLLA PUBLIC SCHOOL SYSTEM FOR THE COOPERATIVE PLACEMENT OF A SCHOOL RESOURCE OFFICER AND FOUR SCHOOL CROSSING GUARDS WITHIN THE SCHOOL SYSTEM, AND SUPPORT OF THE VIPS PROGRAM. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

**(F) Request for Ordinance to Approve Heritage Village Subdivision (Woessner):** Community Development Director John Petersen explained that the subject property is located at Independence Road and Tenth Street. The property owners are proposing a lot split to facilitate the future development of this property for commercial purposes. Mr. Petersen reported that the Planning and Zoning Commission has reviewed this request and recommend approval.

City Counselor John Beger read the following proposed ordinance for one reading, by title. ORDINANCE: AN ORDINANCE APPROVING HERITAGE VILLAGE SUBDIVISION, A SUBDIVISION IN ROLLA, MISSOURI (WOESSNER FOR BASS AND ANTOLAK).

**(G) Resolution Designating the Developer for the Redevelopment of Site 1 – Kohl's TIF Project:** Community Development Director John Petersen recalled that during its last meeting, the Council selected the planning and consulting firm to help the City with the redevelopment plan for the Tax Increment Financing (TIF) area for Kohl's Department Store. Mr. Petersen said the next step in the process would be the adoption of a resolution that would designate a preferred developer for Site 1 in the redevelopment plan and the only applicant was Continental Properties representing Kohl's.

City Administrator John Butz stated that when the Council authorized entering into a contract with PGAV (Peckham Guyton Albers & Viets, Inc.) to do the cost benefit analysis, blight study, and redevelopment plan, an escrow agreement was to have been in place that would address \$15,000 in compensation if Kohl's walked away from the project. He reported that the \$15,000 has been secured. What has since surfaced is how

**III. NEW BUSINESS (continued)**

**(G) Resolution Designating the Developer for the Redevelopment of Site 1 – Kohl's TIF Project (continued):** the remainder of the study would be funded. Mr. Butz said the City Council agreed to pay \$21,000 of the \$36,000, subject to approaching other partners in the community to pay the \$15,000. He reported the Rolla Regional Economic Commission (RREC) has agreed to front that amount, but they plan to approach the Chamber of Commerce and the Rolla Community Development Corporation (RCDC) to help participate in it. However, they have a caveat that they want to have those funds reimbursed by the TIF proceeds. Mr. Butz indicated the City is still having that conversation with Kohl's and progress is being made. Mr. Butz then introduced Amy Steffans, Manager of Real Estate Development for Kohl's Department Stores and Mr. Peter Sheehan with Continental Properties Companies, Inc.

Ms. Steffans stated that Continental Properties and Kohl's submitted the proposal for redevelopment of the site adjacent to the Lowe's location. Kohl's currently operates 1,067 stores in 49 states throughout the country. She noted that in 2009, Kohl's sales were just over \$17 billion. In Missouri alone, Kohl's operates 23 stores with one anticipated to open in the fall of 2010. Ms. Steffans told the Council that Continental was founded in 1979 and has developed over 13 million square feet of Gross Leasable Area (GLA), including over 20 Kohl's Department Stores. Ms. Steffans thanked the Mayor, City Council members, and City staff for their cooperation and hard work thus far in the process. She said Kohl's intends to open a store in Rolla in the fall of 2011. In order to make that happen, Kohl's has a very aggressive time schedule that needs to be met and tonight is the first step of doing that. Ms. Steffans expressed that if TIF were not available to Kohl's, this project would not be possible.

After the Council posed a few questions and comments to Ms. Steffans, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1728: A RESOLUTION DESIGNATING CONTINENTAL PROPERTIES COMPANY, INC. AND KOHL'S DEPARTMENT STORES, INC., AS THE PREFERRED DEVELOPER FOR THE KOHL'S REDEVELOPMENT PROJECT AREA – SITE 1. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

City Administrator John Butz explained to the Council the makeup of the TIF Commission. The first TIF Commission meeting is tentatively scheduled for Monday, July 26, 2010. At this meeting, the TIF Commission will be briefed on how TIF works.

**III. NEW BUSINESS (continued)**

**(G) Resolution Designating the Developer for the Redevelopment of Site 1 – Kohl's TIF Project (continued):** Mr. Butz indicated that one of the key dates to be set by the TIF Commission is the public hearing. Before conducting the public hearing, a forty-five day written notice is required. Mr. Butz said staff hopes the TIF Commission would set the public hearing date for possibly September 13, 2010.

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

None.

**V. MAYOR/CITY COUNCIL COMMENTS**

**(A) Advertisement Tossed in Yard:** Councilman Don Morris stated that there is a company that will remain unnamed for tonight that advertises by rolling up a piece of paper and tossing it in people's yard. He indicated that he contacted the company last summer and was told that someone else was hired to do the advertising. Mr. Morris told the Council that it is occurring this summer and the company or the person who does their advertising is littering our community and he said he would personally like to see it stop. Mr. Morris said if it means the company has to be named, he would be happy to name it.

City Administrator John Butz asked Councilman Morris if he would mind sharing the name of the company after the meeting and City staff would contact them.

**(B) PSC Decision:** Councilman Magdits asked Rolla Municipal General Manager Rodney Bourne if knew when the Public Service Commission (PSC) would actually make a decision regarding Ms. Donna Hawley's Application to Intervene in the sale of the Ameren UE assets to Rolla and St. James.

Mr. Bourne responded that no specific date has been scheduled. He explained that a pre-hearing conference is scheduled for tomorrow where all the parties involved are required to attend and the goal of that meeting is to make a schedule going forward.

Councilman Magdits recalled that during his recent presentation, Dr. Stoffer said if the PSC rules against RMU, it is going to cost RMU millions of dollars.

**V. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(B) PSC Decision (continued):** Mr. Bourne responded that he personally believes the likelihood of not getting approval is not very great. He said RMU would have to work through the process and evaluate it at that point.

**(C) Former American Motor Inn Site:** Councilman Bahr asked Community Development Director John Petersen to address the American Motor Inn burned-out site as well as the abandoned Delano Station located at 1900 Highway 63, located adjacent to the American Motor Inn site.

Mr. Petersen explained that an unused building, such as the Delay Station, in its self would not prompt any City action. There has to be some immediate danger or nuisance. Unfortunately, just looking bad is not a criterion that City staff works.

Regarding the former American Motor Inn site, Mr. Petersen reported that a summons has been given to the Police Department for issuance. He told the Council the Police Department has not been able to locate the property owner to issue the summons. If the City is unable to issue the summons, the next step would be to ask the City prosecutor to take it forward without issuance of the summons and bring the owner to court.

Mr. Bahr explained that he inspected the property this afternoon and noted that there are no doors on the backside of the property and he noticed an older man sitting in the building. Mr. Bahr asked Mr. Petersen if there is anything the City could do about this.

Mr. Petersen said the City could seal the openings, but it would be quite expensive and the City does not have the resources to do it.

Councilman Magdits asked City staff to provide the Council with a cost estimate to secure the structure.

Mr. Petersen reported that Codes Administrator Brian Epstein has estimated it would cost \$45,000 to demolish the structure.

Councilman Hicks suggested declaring the property a nuisance and use City crews to secure the building.

City Administrator John Butz indicated that staff would provide the Council with a cost estimate for securing the building as it is and perhaps ask Public Works Director Steve Hargis to estimate the costs for doing the demolition in-house.



**V. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(C) Former American Motor Inn Site (continued):** Further discussion on this matter continued following Item V. D.

**(D) Loud Party on East Ninth Street:** Councilman Gary Hicks reported that he received a complaint from some folks about a loud party Saturday evening that continued until about 11 p.m. on East Ninth Street. He said the Police were called to the site and spoke with the complaining party and explained they were issued a party permit to have a band until 11 p.m. Mr. Hicks added the music was indiscernible except for the profanity. Even if a permit had been issued, Mr. Hicks stressed that they did not have the privilege of shouting obscenities over a huge public address system. He said if the City issues party permits, he recommended that it be tightened up.

Police Chief Mark Kearse addressed the Council and said that 99.9% of the noise permits requested are for fraternity parties and parades. He explained that when the subject permit came across his desk, he was told that it was a graduation party. Chief Kearse added that his secretary was told that the applicants indicated they had contacted their neighbors and received permission from them. Based on that information, Chief Kearse said he signed the permit. Chief Kearse said the application did not indicate there would be a band at the party. He said he takes full responsibility for the situation and would watch it more closely in the future.

This issue was further discussed under Item VI. B., Citizen Communications.

**(C) Former American Motor Inn Site (continued):**

Councilman Bahr asked Chief Kearse if his officer patrol the former American Motor Inn by actually going into the structure.

Chief Kearse responded that they sporadically patrol the area, but they do not go into the building.

Mr. Bahr said he believes the area should at least be patrolled at least once a night.

Chief Kearse said the officers will try their best to patrol the area, but indicated he could not promise it could be done every night.

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**V. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(E) Wal-Mart Noise Complaint:** Councilman Jim Williams reported that he has received a few complaints from residents near Wal-Mart about the backing up beeps from trucks at Wal-Mart after 10 p.m. He said he thought this same issue had been resolved with Wal-Mart's delivery trucks.

City Administrator John Butz stated that Mayor Jenks had indicated he received a complaint about the noise. He said he does not believe the noise is coming from delivery trucks, rather from construction vehicles that are working on the backside of the building during the evenings and into the early mornings. Mr. Butz said staff would research Council action to determine what, if any, agreement the City has with Wal-Mart.

**VI. CITIZEN COMMUNICATION**

**(A) Locker Room Sports Bar and Grill:** Ms. Avian Chu, owner of the Locker Room Sports Bar and Grill, 7<sup>th</sup> and Rolla Streets, Rolla, Missouri, addressed the Council regarding an ongoing problem. She explained that when you drive down Rolla Street anytime after 9 p.m., between the Locker Room and Gateway Mobile, there is a group of 15 to 40 people that hang out on the side of the street. The majority of them are grown men with girls who she does not believe are of age. Ms. Chu stated that she has filed complaints with the Police Department. She added that she has customers who will not park in front of her establishment because these people stroll up and down the street. Ms. Chu said she has had customers complain because they have made sexual comments to them when entering or leaving the building. Ms. Chu said the Police have told her that there is nothing they can do as long as they are on the sidewalk. Ms. Chu noted that Chapter 36, Street and Sidewalks, Article IV, Division 2, of the City Code states that a permit is required. With that said, Ms. Chu questioned how it is okay for 15 to 40 people to be hanging out on the streets for no reason on a regular basis.

Mayor Jenks indicated there is another area in Rolla with a similar problem. He said he has contacted Chief Kearsse about it and the possibility of a curfew is being considered. Mayor Jenks said the City would see what they could do about the matter.

**(B) Loud Party on East Ninth Street (continued):** Ms. Renee Ridling, 1102 E. 10<sup>th</sup> Street, told the Council that she is the complainant about the noise on Saturday night. She said she has a prepared statement, but would not read it since everyone had already been apprised of the situation. Ms. Ridling added that she lives about 75 feet from where

**VI. CITIZEN COMMUNICATION (continued)**

**(B) Loud Party on East Ninth Street (continued):** the band was playing. She emphasized that the band was loud, people were drinking, and the music was horrible. She noted that she told the Police dispatcher when she called the first time that she would be willing to file and sign a complaint. When she called the second time after the music resumed (about 15 minutes after the police left), she was told they had a permit and there was nothing the Police could do. Ms. Ridling said she appreciates the Volunteers in Police Service (VIPS) officer coming to her home and discussing the matter with her. She expressed to the Council that she was very upset to the point that at 9 p.m. on Saturday night she had to leave her home in order to get some peace and quiet. Ms. Ridling provided the Council with her prepared statement and a copy of the City's noise ordinance. Based on what she has read in the ordinance, Ms. Ridling said she could honestly tell you they should never have been given the permit for a graduation party or for anything else.

**(C) Fireworks and Spaying/Neutering of Animals:** Mr. Jim Corey addressed the Council about fireworks being discharged in the streets and on his house after midnight. He expressed concern that his house could have caught fire.

Regarding the proposed spaying/neutering ordinance, Mr. Corey said if a police officer is going to stop his wife while she is walking one of their dogs and check the dog to see if it has been spayed/neutered and then another officer stops and checks the dog to see if it spayed/neutered, it is police harassment. Mr. Corey asked the Council if the Police would be putting it on record that the animal has been checked.

**(D) Dr. Tom Sager:** Reading from a prepared statement, Dr. Tom Sager, 8 Laird Avenue, addressed the Council stating that he wished to correct some misinformation that Dr. James Stoffer gave them at their last meeting regarding Ms. Donna Hawley's Application to Intervene in the sale of the Ameren UE assets to Rolla and St. James.

No one else present addressed the Council.

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

None.

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**VIII. EXECUTIVE SESSION**

A motion was made by Hicks and seconded by Morris to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss litigation. A roll call vote on the motion showed the following: Ayes; Bahr, Spadoni, Jordan, Brown, Williams, Magdits, Horning, Hicks, and Morris. Nays; None. Absent; Boeker, Walburg, and Barklage. Motion carried.

The Council adjourned into Executive Session at approximately 8:29 p.m.

**IX. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 8:49 p.m.

City Counselor John Beger reported that during Executive Session the Council was briefed on options including litigation to cleanup property, which potentially represents a nuisance. No formal action was taken by the Council.

**X. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 8:51 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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