

**ROLLA CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 7, 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, Don Barklage, Stan Spadoni, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Ken Boeker, and Mark Walburg

Council Members Absent: Geoffrey Horning and Tony Bahr

Department Directors in Attendance: Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Police Chief Mark Kearse, 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 Mark Walburg led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Spadoni to approve the minutes of the previous meetings, 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 City Council Minutes for the following:

- June 7, 2010, Rolla City Council Meeting
- June 7, 2010, Rolla City Council Executive Session Meeting
- June 21, 2010, Rolla City Council Meeting
- June 21, 2010, Rolla City Council Executive Session Meeting

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II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) 2010 – 1st Quarter Tourism Report: Rolla Area Chamber of Commerce Executive Director Stevie Kearse provided an overview of the First Quarter 2010-Tourism Report, a copy of which was included in the agenda packet.

(B) Introduction of Rolla Public Library Director Jeff Courouleau: Mayor Jenks indicated that this item would be considered following the arrival of Mr. Jeff Courouleau. (This item was considered following Item VI. C. below.)

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

Mayor Jenks referred the Council to **(A)** the April 2010 and May 2010, Rolla Municipal Utilities Monthly reports; **(B)** the June 8, 2010, Preliminary Minutes of the Planning and Zoning Commission Meeting; **(C)** the May 2010, City's Cash Position and Expenditure Report; **(D)** the May 2010 Rolla Municipal Court Report; **(E)** the May 25, 2010, Development Review Committee Meeting Minutes; **(F)** The Centre and SplashZone FY 2010 Financial Analysis; **(G)** the May 29, 2010, Rolla Health & Recreation Center Meeting Minutes, and; **(H)** the April 26, 2010, and June 2, 2010, Rolla Board of Public Works Meeting Minutes.

V. OLD BUSINESS

(A) Ordinance to Annex a Corridor of State Route V and Approximately 116 Acres Adjacent to Highway V and Zone the Property M-2 and GI (RCDC/RMU and MoDOT): Community Development Director John Petersen told the Council that the subject property contains approximately 116 acres. He pointed out that the property where Rolla Municipal Utilities (RMU) has a facility would be zoned GI (Government/Institutional District) and the remainder would be zoned M-2 (Heavy Manufacturing District). Mr. Petersen noted that this is an extension of the HyPoint Industrial Park.

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V. OLD BUSINESS (continued)

(A) Ordinance to Annex a Corridor of State Route V and Approximately 116 Acres Adjacent to Highway V and Zone the Property M-2 and GI (RCDC/RMU and MoDOT) (continued): After a brief discussion, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3960: AN ORDINANCE TO ANNEX A CORRIDOR OF STATE ROUTE V AND APPROXIMATELY 116 ACRES WEST AND NORTHWEST OF STATE ROUTE V INTO THE CITY PURSUANT TO THE PROVISIONS OF SECTION 71.012 RSMo., AND ZONE THE PROPERTY TO M-2 AND G-I DISTRICT ZONING (RCDC/RMU/MoDOT). A motion was made by Williams and seconded by Barklage to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Brown, Williams, Jordan, Spadoni, Hicks, Barklage, Magdits, Boeker, Morris, and Walburg. Nays; None. Absent; Horning and Bahr. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Discussion Regarding Animal-Related Ordinances: Police Chief Mark Kears stated that at the Council's request, he was tasked with coming back with draft ordinances/suggestions after two incidents with pit bulls. Chief Kears referred the Council to a sample spaying/neutering ordinance for all animals located within the city limits, and over the age of six months. As with any ordinance, he pointed out that there is no way that this ordinance could always be enforced. He said it would be primarily enforced on a complaint basis. Chief Kears stated that the second ordinance is a sample ordinance from the City of Springfield, which pertains to pit bull registration with spaying/neutering. Additionally, Chief Kears said the Council could consider registration for all animals or, as he advocates, spaying/neutering of all animals, including registration.

After a lengthy discussion, a motion was made by Magdits and seconded by Spadoni to direct staff to draft an ordinance for spaying/neutering of all animals. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Request for Ordinance to Re-Adopt Public Officials Disclosure: Finance Director Steffanie Rogers asked the Council to consider the first reading of the financial disclosure ordinance. She noted that Revised Statutes of Missouri, Chapter 105 requires that the

VI. NEW BUSINESS (continued)

(B) Request for Ordinance to Re-Adopt Public Officials Disclosure (continued): mayor, city administrator, finance director and Rolla Municipal Utilities general manager to annually file a personal finance disclosure statement. Ms. Rogers told the Council that the City is required to readopt this ordinance every two years.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3961: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF. A motion was made by Jordan and seconded by Brown 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. City Counselor Beger then read the following proposed ordinance for its final reading, by title. A motion was made by Jordan and seconded by Barklage to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hicks, Magdits, Jordan, Williams, Brown, Boeker, Walburg, Barklage, Morris, and Spadoni. Nays; None. Absent; Bahr and Horning. Motion carried. The ordinance passed.

(C) Resolution to Authorize Consulting Services for a Redevelopment Plan to Utilize Tax Increment Financing: Community Development Director John Petersen reported that the City has been working with the developer who builds for Kohl's Department Stores. He told the Council that a site has been selected and evaluated. Because of the extraordinary costs to develop the site, Kohl's has raised the issue of Tax Increment Financing (TIF) to help fund the site costs, which is acceptable under TIF law. Mr. Petersen said that in order to do a TIF district at this location, the City must have a redevelopment plan, which is a complicated document. He informed the Council that the plan involves the project description, budget, source of funds, blight study, market analysis, and a relocation plan, if applicable. Mr. Petersen reported that two sites are being considered for TIF. The first site is the Kohl's site, which contains about 8.19 acres. Kohl's is proposing to construct a 64,000-square-foot store. Mr. Petersen recalled that during the Council's last meeting, he was instructed to include a second site, which currently houses the City's Street Department, Animal Shelter, and Environmental Services Department. He added there is a company very actively looking at this site.

VI. NEW BUSINESS (continued)

(C) Resolution to Authorize Consulting Services for a Redevelopment Plan to Utilize Tax Increment Financing (continued): Mr. Petersen mentioned that there were three companies that had the potential of doing the redevelopment plan. However, two of the companies declined to submit proposals. He told the Council that PGAV (Peckham Guyton Albers & Viets, Inc.) did submit a bid and their offer was \$36,000 to do this work.

City Administrator John Butz explained the City had estimated that the redevelopment plan for the Kohl's property would be \$30,000. The additional \$6,000 would be for the Sharp Road property. As far as paying for the redevelopment plan, he said typically, the City incurs the costs and an agreement is entered into with the developer that the City is reimbursed once or if TIF funding is approved. In this case, Mr. Butz said every concession the developer is getting on the cost of the project is going in to reduce the lease rate to Kohl's. Kohl's is saying that this market will not support the full standard rate that is paid in the urban areas and the developer has been struggling to get this cost down. Mr. Butz said the intent or the plan at this point would be for the City to enter into this agreement for \$36,000, \$6,000 being split between the Street Capital Improvement Fund and Environmental Services, specifically for the Sharp Road property, which would ultimately be replaced and a new public works facility would be constructed. The \$30,000 would be split with about \$20,000 from the City and perhaps \$10,000 from the Rolla Regional Economic Commission (RREC), subject to their approval. If the City were successful in getting an agreement from Kohl's to reimburse \$15,000, the City would then be authorized to execute the agreement with PGAV. Mr. Butz told the Council that Kohl's would only do this project if they can break ground this fall and open in 2011. He said this is a remarkably quick turnaround and it does not give the Council much time on TIF, which is a 90-day process.

After a lengthy discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO: 1722: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, AN AGREEMENT FOR CONSULTING SERVICES BETWEEN THE CITY OF ROLLA, MISSOURI, AND PECKHAM GUYTON ALBERS & VIETS, Inc. (PGAV). A motion was made by Hicks and seconded by Morris 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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Mayor Jenks asked that Item III. B. be considered at this point in the meeting.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)

(B) Introduction of Rolla Public Library Director Jeff Courouleau: Mr. Jeff Courouleau, the new Rolla Public Library Director, addressed the Council and said he has been on the job about a week and is enjoying the area and community. He told the Council that he appreciates the help and support he has received.

City Administrator John Butz added that the Rolla Public Library has engaged the City to assist with their payroll services. City staff is now having conversations with the Library about doing other financial support services for them and the City would be reimbursed for those costs.

Mayor Jenks welcomed Mr. Courouleau to Rolla and said he looks forward to seeing great things come from the Library.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award a Change Order for the 2009 Asphalt Overlay Project 273: Public Works Director Steve Hargis told the Council that the Missouri Department of Transportation (MoDOT) will be overlaying Route BB (Tenth Street) from St. James to Rolla in late July and their project will end at Forum Drive. He explained the City is responsible for maintaining Tenth Street from Forum Drive to Highway 63. Mr. Hargis added that the City planned to do its portion of Tenth Street from Forum Drive to Pine Street next year. In conjunction with the State project, he said staff would like to do the City's portion of Tenth Street this year. He informed the Council that some work on Forum Drive has been postponed which would more than cover the cost of this change order. Mr. Hargis asked the Council to consider authorizing the Change Order in the asphalt contract with Rolla Asphalt for \$81,000.

After a brief discussion, a motion was made by Morris and seconded by Spadoni to authorize the Change Order to the contract with Rolla Asphalt for approximately \$81,000 to complete the overlaying of Tenth Street from Forum Drive to Pine Street. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

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VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(B) Motion to Award the 2010 Asphalt Overlay Project 285: Mayor Jenks said that this item would be postponed until the next Council meeting because additional information was received from the bonding company today and staff has not had an opportunity to review the information.

Councilman Williams asked if the bid documents stipulated a deadline to provide the performance bond.

City Administrator John Butz indicated that staff imposed deadlines have been given, but the Council did not have a deadline. He said City staff has had many conversations with Melrose Quarry and Asphalt and the owner about the bond. Yesterday, an e-mail was received from the bonding company, but the City has not had an opportunity to review it.

VIII. CITIZEN COMMUNICATION

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

(1) Mr. Larry West, President and Owner of N.B. West Contracting Company addressed the Council and informed them that he was the second low bidder on the Asphalt Overlay project just discussed. He told the Council that he received a telephone call from Public Works Director Steve Hargis asking if he was interested in executing a contract with the City for this project and Mr. West said he was interested. Mr. West said he understood there was a deadline tonight for receipt of the performance bond from Melrose Quarry and Asphalt. Mr. West said he could have a performance bond to the City by noon tomorrow. He said he does not understand the continued delays.

Some of the discussion that followed pertained to tightening up the City's bid requirements.

Mr. Dave Weinbaum, owner of Melrose Quarry and Asphalt, explained that providing the performance bond is just a matter of signing some paperwork. Because they are a new company, it takes longer than an established business.

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): Mr. Jim Steiner, manager of Melrose Quarry and Asphalt, added that since they had to provide financial information to the bonding company and because this is the first time they have applied for a bond, the process is longer. In the future, Melrose Quarry and Asphalt should have the bond within 24 hours.

It was noted that if Melrose Quarry and Asphalt is unable to provide the performance bond by the next meeting, the Council could consider awarding the bid to N.B. West Contracting.

(2) Dr. James Stoffer, President of the Rolla Board of Public Works, reported that he attended the Missouri Public Service Commission (PSC) meeting in Jefferson City, Missouri, today. He told the Council the Commission voted by a 3-2 margin an order granting the Application to Intervene by Ms. Donna Hawley in the sale of the Ameren UE assets to Rolla and St. James. However, the Commission did respond positively to Rolla Municipal Utilities' (RMU's) request to expedite the process. Dr. Stoffer stated that all documents, thus far, are in public access. He encouraged all Rolla citizens to go to the PSC website and see what Ms. Hawley is doing to all of us. Dr. Stoffer said it is his opinion that many of Ms. Hawley's statements are incorrect. He stressed, however, the importance of not contacting PSC members, because they frown very heavily on this. Dr. Stoffer explained that if construction of the Alfermann Station on Old St. James Road were delayed by the Intervention, costs would increase. He emphasized the PSC has no jurisdiction over RMU's construction of the Alfermann Station and RMU plans to construct the substation. However, new transformers will need to be purchased rather than transferring them from the current site. Dr. Stoffer said costs would vary depending on the delays and/or the outcome of the PSC final ruling. He said he hopes Ms. Hawley withdraws her intervention so RMU can proceed. He stated that if she were truly interested in reducing costs for electricity, she would withdraw her intervention. Dr. Stoffer concluded that he is very concerned how Ms. Hawley's actions will impact the costs of this project and the cost of electricity for the citizens of Rolla.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Burned-Out Residence on First Street: Councilman Hicks noted that there is a burned-out residence on First Street, just west of Rolla Street with a notice posted and dated February 6, 2010, to obtain a building permit to improve it. He said he does not believe any progress has been made on the building.

(B) Line-Barnitz Addition: Regarding the street improvements project in Line-Barnitz, Councilman Hicks said he has been told there will be no cul-de-sacs on two of those streets. He said he knows City Code indicates there will be cul-de-sacs on any dead end street longer than 600 feet. Mr. Hicks said he knows this code is in there for a reason, i.e., safety and accessibility for emergency vehicles and sanitation trucks. He requested Council action to make sure that cul-de-sacs are installed at the end of these streets. Mr. Hicks said he did not know how the City could expect developers to follow our ordinances when we do not. If the City decides to not follow its ordinances, he said at the very least, the City should go before the Board of Appeals for a ruling.

City Administrator John Butz added that ordinances are incumbent on subdivision standards. When the City works on existing infrastructure, the necessary right-of-way is not available and the City must obtain consent of the property owners to sell or donate property.

Public Works Director Steve Hargis explained the City is doing curb improvements in this area and cul-de-sacs are not planned. He reported that the residents have been adamant that they do not want cul-de-sacs constructed. As a compromise, Mr. Hargis said the City would beef up the driveways at the end and make a "T" turnaround so sanitation trucks can turn around. If cul-de-sacs were constructed, the City would need to acquire additional right-of-way.

When asked how the sanitation trucks have negotiated these streets, Environmental Services Director Brady Wilson explained that the trucks have backed down these streets since the property was annexed about 12 years ago.

Councilman Hicks emphasized that the City needs to investigate a way to provide for safe means of turning around at those streets without using a private drive. Additionally, the City should follow its own rules and negotiate with the property owners to include cul-de-sacs.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Line-Barnitz Addition (continued): A motion was made by Hicks and seconded by Boeker to instruct the Public Works Department to negotiate with the property owners to have cul-de-sacs installed at the end of the Line-Barnitz Subdivision dead-end. After discussion, a hand count on the motion showed seven ayes, three nays, and two absent. Motion carried.

(C) South Highway 63 Business: Councilman Morris noted there is a business on South Highway 63 not too far after you pass under the railroad, going south, that would look nice if they would mow the right-of-way in front of their business.

City Administrator John Butz indicated that City staff would contact the business.

(D) Senior Citizen Transportation: Councilman Spadoni asked if any progress had been made regarding senior citizen transportation.

City Administrator John Butz indicated that City staff has been gathering some information and has had discussions with the Missouri Department of Transportation. He added that he has a meeting this Friday with a professor who did a study on public transit in Rolla about 20 years ago. Mr. Butz said staff is still gathering information and would report to the Council.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Veterans Memorial Park Fun Show: Mayor Jenks announced that the Veterans Memorial Park Fun Show would be held on Saturday, July 10 from 9 a.m. until 3 p.m. at the Veterans Memorial Park off Southview Drive.

XI. EXECUTIVE SESSION

None.

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XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:56 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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