

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, MARCH 17, 2008  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET  
6:30 P.M.**

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

**Council Members in Attendance:** Terry Ruck, Monty Jordan, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Judy Jepsen, Lou Magdits, Jim Williams, Rick Morris, and Mark Walburg

**Council Members Absent:** Donald Barklage and Richard Sibley

**Department Directors in Attendance:** Police Chief Mark Kearse, Parks and Recreation Director Ken Kwantes, Finance Director Steffanie Rogers, Solid Waste Director Brady Wilson, and Community Development Director John Petersen

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor John Beger, Communications Coordinator Scott Grahl, Assistant City Engineer Gary Heavin, and City Clerk Carol Daniels

Mayor Jenks called the meeting to order at approximately 6:30 p.m. and asked Pastor Dennis Husted of the Fort Wyman Baptist Church to give the invocation.

Following the invocation, Councilmember Judy Jepsen led in the Pledge of Allegiance.

**I. CONSENT AGENDA**

**(A) Consider Approval of the City Council Minutes:** A motion was made by Williams and seconded by Spadoni to approve the consent agenda, as submitted. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried.

The consent agenda consisted of the following:

The minutes of the February 4, 2008, regular City Council meeting and the February 19, 2008, regular and Executive Session City Council meetings.

**MARCH 17, 2008**

**CITY COUNCIL MEETING MINUTES  
MARCH 17, 2008  
PAGE 2**

**II. PUBLIC HEARINGS**

**(A) Request for Ordinance to Rezone Property at 2000 Farrar Drive from C-3 to R-3 Zoning (Brown):** Community Development Director John Petersen noted that City Code requires the submission of a site plan for this rezoning. The property is located east of Farrar Drive and south of Holt Avenue. Mr. Petersen informed the Council the developer plans to construct eight, four-plex structures on the property. He then briefed the Council on the conditions placed on the subject development. Mr. Petersen informed the Council that when an R-3 (Multi-Family District) zoning abuts a C-3 (Highway Commercial District) zoning, a buffer yard is required. He pointed out the site plan shows a standard 20-foot buffer yard with landscaping. Mr. Petersen explained the developer has requested that the buffer be reduced to ten feet with a site-proof fence. This would accommodate the building that is set further back. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the rezoning request.

Mayor Jenks opened the floor to anyone wishing to address the Council concerning the subject-rezoning request. No one present addressed the Council. Mayor Jenks closed the public hearing.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NO. 3414, CHAPTER 42 OF THE CODE OF THE CITY OF ROLLA, MISSOURI AFFECTING THE REAL ESTATE KNOWN AS 2000 FARRAR DRIVE (BROWN).

**III. CITIZEN COMMUNICATIONS**

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

Mr. Wayne Davis, Rolla, Missouri, asked if any progress has been made in removing the yellow clothing donation boxes throughout Rolla. Mr. Davis told the Council that he spoke with the three not-for-profit thrift stores in Rolla and they told him they could always use more clothing. Mr. Davis encouraged the City to do everything it can to get rid of these boxes.

**III. CITIZEN COMMUNICATION (continued)**

**(A) Open Citizen Communication (continued):** Secondly, Mr. Davis indicated that he recently learned about bad water around the country. He pointed out that he has obtained articles regarding prescription drugs found in water. Mr. Davis encouraged the City to ask the State to test Rolla's water for pharmaceuticals, obtain a written report, and let the citizens of Rolla know how dangerous the water may be.

Regarding the yellow clothing donation boxes, Mayor Jenks reported that he and City Administrator John Butz met with representatives from the company that owns the yellow donation boxes. Mayor Jenks informed the Council that the boxes are not in violation of any municipal ordinance. They meet the setback requirements for commercial property and the company has obtained a business license. Mayor Jenks told the Council that according to the company's statistics, the month of February was a poor month for them, as it was for local thrift stores. Because of the meeting, Mayor Jenks indicated the company plans to share 4% of the proceeds that will result in a revenue stream for a benevolent agency in Rolla. However, approval of this donation must first be obtained from the board of the company that owns the yellow donation boxes. Mayor Jenks added the company does not object to other donation boxes from other thrift stores being placed by their donation boxes. Council discussion followed.

No one else present addressed the Council.

**IV. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS**

**(A) Presentation on Public Transportation Needs for Rolla Area:** Mayor Jenks announced that this item has been postponed until another meeting.

**(B) RMU Customer Satisfaction Survey (Missouri Enterprise):** Mr. Jim Devereaux of Missouri Enterprise told the Council that a customer satisfaction survey was conducted for Rolla Municipal Utilities (RMU) in 2005. Again in late 2007 a similar survey was performed. Mr. Devereaux continued by presenting the results of the 2007 Customer Satisfaction Survey. Following his presentation, Mr. Devereaux addressed comments from the Council.

**(C) Rolla Board of Public Works President, Dr. James Stoffer:** Dr. James Stoffer, President of the Rolla Board of Public Works, stated that he would like to address the

**IV. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)**

**(C) Rolla Board of Public Works President, Dr. James Stoffer (continued):** Council regarding the recent newspaper article pertaining to the \$1 million surplus. Dr. Stoffer stated that energy costs last year from the Missouri Public Energy Pool (MoPEP) were roughly \$1 million less than budgeted. He noted that this calculates to about \$4 or \$5 per household per month. Energy costs for October through January have averaged \$100,000 per month more than anticipated. Dr. Stoffer said the Board of Public Works had two choices as to what to do with the \$1 million. One option would be to let the rates remain the same and let the access go toward the \$100,000 per month unanticipated increase in costs. The second option would be to refund the money immediately and then increase the rates to offset the cost. Dr. Stoffer reported the Board decided to leave the rates as they now are.

Dr. Stoffer noted that some comments have been made regarding the generators purchased by Rolla Municipal Utilities (RMU). He recalled that seven years ago storms damaged the power lines coming to the Phelps County substation and Rolla was without power on two different occasions for about 10 to 14 hours. Dr. Stoffer pointed out that when Rolla loses power, water is also lost. When water is lost, fire protection is lost. Dr. Stoffer pointed out that when the water storage capacity is depleted (approximately one-day's activity), there is no fire protection. From the best information RMU could obtain, it was determined that diesel-fired generators were the most viable option. Dr. Stoffer reported that Rolla has 17 generators of 2 megawatt each available for emergency purposes. Dr. Stoffer informed the Council that MoPEP pays Rolla real dollars for having the generators on stand-by capacity. Last year, 97% of the costs of the generators were returned to RMU.

**CITY COUNCIL MEETING MINUTES**

**MARCH 17, 2008**

**PAGE 5**

**V. REPORT OF MAYOR AND COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS**

Mayor Jenks referred the Council to (A) the January 2008 Rolla Municipal Utilities Monthly Report; (B) the January 2008 City's Cash Position and Expenditures Report; (C) the January and February 2008 Rolla Municipal Court Reports; (D) the March 6, 2008 Rolla Board of Adjustment Meeting Minutes; (E) the January 15 and February 20, 2008, Rolla Cemetery Ad Hoc Committee Meeting Minutes; (F) the February 26, 2008, Development Review Committee Meeting Minutes; (G) the February 28, 2008 Building

**V. REPORT OF MAYOR AND COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS (continued)**

Code Review Committee; (H) the January 23, 2008, Rolla Health & Recreation Center Advisory Committee Meeting Minutes; and (I) the FY 2008 CENTRE Financial Analysis.

**VI. OLD BUSINESS**

None.

**VII. NEW BUSINESS**

**(A) Request for Ordinance Authorizing the Supplemental Agreement with MoDOT for the 10<sup>th</sup> Street Bike Path:** City Administrator John Butz explained that the subject ordinance authorizes the Mayor to enter into a supplemental agreement that ties the timeline in the original grant agreement to the construction timeline of the Tenth Street bike path.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3850: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION TRANSPORTATION ENHANCEMENT FUNDS PROGRAM AGREEMENT PROVIDING FOR BICYCLE TRAIL IMPROVEMENT PROJECT NUMBER STP-5200 (909). A motion was made by

**MARCH 17, 2008**

## CITY COUNCIL MEETING MINUTES

MARCH 17, 2008

PAGE 6

Magdits and seconded by Williams to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried. City Counselor John Beger read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Jepsen to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Hicks, Morris, Spadoni, Walburg, Magdits, Eudaly, Jepsen, and Ruck. Nays; None. Absent; Sibley and Barklage. Motion carried. The ordinance passed.

### **VII. NEW BUSINESS (continued)**

**(B) Request for MoDOT Agreement Amendment for Improvements at the Rolla National Airport:** City Administrator John Butz explained that the subject agreement pertains to a sealing project on Runway 13/31 at the Rolla National Airport and the project has been budgeted. The City will receive 95% grant funding and the City's portion is 5%.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3851: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT AMENDMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION STATE BLOCK GRANT PROGRAM. A motion was made by Morris and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried. City Counselor John Beger then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Walburg, Morris, Spadoni, Williams, Ruck, Eudaly, Magdits, Jordan, Jepsen, and Hicks. Nays; None. Absent; Barklage and Sibley. Motion carried. The ordinance passed.

**(C) Request for Ordinance to Approve the Estey Subdivision (Brown & Estey):** Community Development Director John Petersen explained the developer wishes to construct multi-family units on Lots 1 and 2 and has submitted a rezoning request along with a subdivision. The Planning and Zoning Commission recommend approval of the proposed subdivision.

MARCH 17, 2008

**CITY COUNCIL MEETING MINUTES**

**MARCH 17, 2008**

**PAGE 7**

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING ESTEY SUBDIVISION, A SUBDIVISION IN ROLLA, MISSOURI (BROWN & ESTEY).

**(D) Request for Ordinance to Approve Jordan Subdivision (Jordan):** Community Development Director John Petersen told the Council that the subject property is located on South Highway 63 and currently has one structure on it that is being used as an office for a used car dealership. The owner has requested the resubdivision of the property into

**VII. NEW BUSINESS (continued)**

**(D) Request for Ordinance to Approve Jordan Subdivision (Jordan) (continued):** three lots. The intent is to construct a small commercial center on Lot 1 and storage units on Lot 3. Mr. Petersen reported the Planning and Zoning Commission recommend approval of the proposed subdivision.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING JORDAN SUBDIVISION, A SUBDIVISION IN ROLLA, MISSOURI (JORDAN).

**(E) Request for Ordinance to Approve Waterman Heights Subdivision (Waterman/Skyles):** Community Development Director John Petersen pointed out that the subject property is located on the west side of Rolla Street and the north side of Lanning Lane. The subdivision of this property will make a more rational lot layout in anticipation of commercial development. Mr. Petersen indicated the property is zoned C-2 (General Retail District). The Planning and Zoning Commission recommend approval of the plat as submitted.

City Administrator John Butz added that since preparation of the proposed ordinance, the petitioners have requested that Section 2 of the proposed ordinance be modified with language that would split the storm water detention fee among the five lots when a building permit is issued to each lot. The ordinance will be amended before its final reading.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE APPROVING WATERMAN HEIGHTS, A SUBDIVISION IN ROLLA, MISSOURI (WATERMAN/SKYLES).

**(F) Request for Ordinance to Approve ROJO Properties Subdivision (ROJO Properties, LLC):** Community Development Director John Petersen mentioned that the

**MARCH 17, 2008**

## **CITY COUNCIL MEETING MINUTES**

**MARCH 17, 2008**

**PAGE 8**

subject property is located on Bishop Avenue and adjoins Wal-Mart to the south. Since the applicant purchased a piece of a lot, the splitting of the lot necessitated a subdivision. Mr. Petersen reported that the Planning and Zoning Commission recommend approval of the proposed subdivision. He added the applicant has requested the first and final readings of the subject ordinance.

### **VII. NEW BUSINESS (continued)**

**(F) Request for Ordinance to Approve ROJO Properties Subdivision (ROJO Properties, LLC) (continued):** City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 3852: AN ORDINANCE APPROVING ROJO PROPERTIES, A SUBDIVISION IN ROLLA, MISSOURI (ROJO PROPERTIES, LLC).** A motion was made by Williams and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried. City Counselor John Beger 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; Magdits, Hicks, Ruck, Morris, Spadoni, Walburg, Eudaly, Jordan, Jepsen, and Williams. Nays; None. Absent; Sibley and Barklage. Motion carried. The ordinance passed.

**(G) Discussion on the Final Draft of the Cable Services Agreement (RC6):** City Administrator John Butz said he believes that staff is to the point where the final cable services agreement can be brought to the Council in April for final consideration. Mr. Butz continued by outlining the amendments made to the subject agreement since the Council's previous review. He stated that this is a very different approach than what the City has done for the last twelve years or so with Channel 16, which the Council awarded as a public access channel. Mr. Butz explained the City has been without a contract on the running of Channel 16 since February 2007 and payment for rent of the office space on Pine Street has not been received since that time. The City has had an understanding with Mr. Steven Leonard (who owns and operates Channel 16), since he was looking to get out of the business, that he would continue to televise City Council meetings. Mr. Butz indicated that during the past six months he has been approached by two churches who have expressed an interest in acquiring Channel 16. He said he gave them information about the Fidelity franchise, which allows for one public access channel and up to a second channel if there is enough use on the first channel. Mr. Butz concluded by stating that staff is proposing a partnership among Rolla Public Schools, Fidelity Cablevision and the City of Rolla to equally split the costs of running the educational,

**MARCH 17, 2008**

## **CITY COUNCIL MEETING MINUTES**

**MARCH 17, 2008**

**PAGE 9**

governmental channel. Rather than taking one of the City's public, educational, and governmental (PEG) channels, this would be done on a commercial channel, Rolla Channel 6 (RC6) that is owned by Fidelity Cablevision.

Following some Council discussion, Mr. Steven Leonard, 1005 Condo Drive, Rolla, Missouri, addressed the Council and read from the attached prepared statement.

### **VIII. CLAIMS and/or FISCAL TRANSACTIONS**

**(A) Motion to Award the Bid for the Purchase of a ¾ Ton 4x4 Crew Cab Pickup Truck:** Parks and Recreation Director Ken Kwantes reported that bids were recently opened for a ¾ ton 4x4 pickup truck. This truck will replace the ¾ ton 4x4, 2000 Dodge pickup truck, which is not mechanically sound for day-to-day operations. Mr. Kwantes stated that staff is recommending that the bid be awarded to the low bidder (State bid), Dave Sinclair Ford for a 2008 Ford F250 ¾ ton 4x4 pickup truck for \$18,170. The 2000 Dodge pickup truck will be transferred to the Police Department for use on a limited, light use basis. Following discussion, a motion was made by Williams and seconded by Eudaly to award the bid for a 2008 Ford F250 ¾ ton 4x4 pickup truck to Dave Sinclair Ford (State bid) for \$18,170. A voice vote on the motion showed nine (9) ayes, one (1) nay, and two (2) absent. Motion carried.

**(B) Motion to Award the Bid for the Demolition of 200 South Spilman:** City Administrator John Butz recalled that in January the Council awarded the bid for the demolition of a house at 406 West Highway 72 to Maggi Construction. However, at the last minute, the property owner razed the home. Mr. Butz noted, however, that the City had signed a contract with Maggi Construction for demolition of this structure. At the same time, the City knew that the house on Spilman Avenue was going to be demolished. In discussions with Mr. Dennis Spurgeon of Maggi Construction, Mr. Butz said it was suggested to ask the Council to reassign the initial demolition contract for 406 West Highway 72 to 200 S. Spilman. After some discussion, a motion was made by Williams and seconded by Eudaly to authorize the reassignment of the demolition contract with Maggi Construction from 406 West Highway 72 to 200 S. Spilman. A hand count on the motion showed five (5) ayes, five (5) nays, and two (2) absent. Mayor Jenks broke the tie by voting in favor of the motion. Motion carried.

**(C) Motion to Award the Bid for the 2008 Asphalt Overlay Project No. 253:** City Administrator John Butz reported that bids were recently received for the 2008 Asphalt Overlay Project No. 253. He pointed out that the streets included in the project are listed in the agenda materials. Mr. Butz noted that bids were received from Willard Asphalt Paving, Inc. (formerly Jefferson Asphalt), Pierce Asphalt, and West Contracting. Staff is

**MARCH 17, 2008**

**CITY COUNCIL MEETING MINUTES**  
**MARCH 17, 2008**  
**PAGE 10**

recommending that the bid be awarded to the low bidder, Willard Asphalt Paving, Inc., for \$608,200. Mr. Butz pointed out that Willard Asphalt Paving's bid is 5.26% less than the next lowest bid from Pierce Asphalt.

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

**(C) Motion to Award the Bid for the 2008 Asphalt Overlay Project No. 253 (continued):** Mr. Darrin Morris, 12850 County Road 7140, Rolla, Missouri, and Mr. Tom Pierce, 19619 County Road 7300, Newburg, Missouri, of Pierce Asphalt addressed questions from the Council and commented on the services they provided to the City last year. Mr. Morris said they came to the meeting to ask the Council to clarify with the lowest bid to be sure the City will get the same service that was provided by Pierce Asphalt last year. Mr. Morris explained that although Pierce Asphalt's contract had a 3,000-ton minimum requirement before they were required to do the asphalt work in the city, they usually came in when the City called, even though it did not meet the 3,000-ton minimum.

After discussion, City Administrator John Butz reiterated that Public Works Director Steve Hargis' recommendation is the low bidder. He added, however, Mr. Hargis would have no problem if the Council decided to go with the second low bidder. His concern is if the Council decided to rebid the project, it would take another month and it is now getting into the season where asphalt is being purchased and he believes the price will increase.

A motion was made by Williams and seconded by Jordan to award the bid to the low bidder, Willard Asphalt Paving, Inc, Lebanon, Missouri, for \$608,200. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Councilman Morris – Discussion on Veterans Park (Exploring ways to fund basic infrastructures/access):** Councilmember Morris recalled that last Memorial Day the City dedicated Veterans Memorial Park, one of the City's 32 parks. Mr. Morris emphasized that the park could not be accessed without getting across the creek. He said veterans from all generations are waiting for a park. Mr. Morris said if we wait on the Ten-Year Capital Improvement Plan, he said he believes it is an injustice to our city, community, and our veterans. Mr. Morris said this park should be the City's priority to

**MARCH 17, 2008**

## **CITY COUNCIL MEETING MINUTES**

**MARCH 17, 2008**

**PAGE 11**

explore funding opportunities to get across the creek. He noted there is about \$3 million in The Centre's reserve account. Mr. Morris asked City Counselor John Beger if he would provide a legal opinion on the use of these monies to fund just the access to the park.

### **IX. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(A) Councilman Morris – Discussion on Veterans Park (Exploring ways to fund basic infrastructures/access) (continued):** A motion was made by Morris and seconded by Spadoni that the City obtain a legal opinion on the ballot language of The Centre tax and obtain a cost estimate to construct the handicapped-accessible bridge across the creek. After a lengthy discussion, a hand count on the motion showed seven (7) ayes, three (3) nays, and two (2) absent. Motion carried.

### **X. COMMENTS FOR THE GOOD OF THE ORDER**

**(A) Fire Department Grant:** Councilmember Ruck asked about the status of the grant for the Fire Department.

City Administrator John Butz responded that staff is struggling with trying to figure out how to commit to the grant today and how the City will be assured of being able to maintain that staffing level for future years. He said the City was officially notified of the grant award through U.S. Representative Jo Ann Emerson's office. Consideration of this item will probably be brought to the Council sometime in April. Staff is trying to see if there are other available revenues sources. Mr. Butz added that if the Council accepts the grant, Fire Department staff would need to be hired by May 30.

**(B) Girls Softball Team and Schuman Park:** Councilmember Williams said it is his understanding that this year the City is charging the girls softball team to use Schuman Park.

Parks and Recreation Director Ken Kwantes explained that the girls' softball team has been charged every year for use of the park.

Councilmember Williams asked why only the girls' softball team is being charged and other teams are not being charged to use the fields.

Mr. Kwantes responded the fee is being charged because of the new fee schedule adopted a couple of years ago by the City Council.

**MARCH 17, 2008**

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

**(B) Girls Softball Team and Schuman Park (continued):** Councilmember Williams pointed out the girls softball team raised the funds for the sign and dugouts; painted the benches; and constructed the storage shed at no cost to the City.

Mr. Kwantes noted that Rolla Youth Baseball and Softball, the City, and the school worked together to do these projects equally. He added that each of the entities contributed about \$9,000 to do this work. Mr. Kwantes recalled that the project was completed about five years ago and the Council adopted the fees about two years ago.

City Administrator John Butz recalled the Council imposed user fees for ages 16 and above.

**(C) Motel Fire:** Mayor Jenks reported that a demolition permit has been acquired for the motel, American Motor Inn on Highway 63 North that burned earlier this year.

**(D) Mayor Jenks:** Mayor Jenks told the Council that a member of the United States Geological Survey (USGS) recently gave him a document that dates back to the 1800's. He noted the document indicates that, at that time, Rolla was named "Webbers." Mayor Jenks suggested possibly memorializing Highway 72 as "Webbers Avenue" or "Webbers Expressway." He said he would furnish this documentation to the Council for their review.

**(E) Community Cleanup:** As the weather improves, Mayor Jenks said he would like to schedule a cleanup for the community and perhaps include some of the scouting organizations to assist the City with these endeavors.

**(F) Demolition Bond:** Councilmember Ruck asked if the City could require that a bond be deposited with the City by business establishments as an incentive to cleanup the site in the event of a fire.

City Administrator John Butz stated that he has received an ordinance from another city, which requires that 25% of the insurance settlement be placed into a bond that would give the City more control. Currently, staff is trying to determine whether a third class city can adopt this type of ordinance.

**CITY COUNCIL MEETING MINUTES  
MARCH 17, 2008  
PAGE 13**

Councilmember Morris added the City requires inhabitable houses to either be boarded up or fenced in. He asked at what point this is required for other safety hazards.

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

**(F) Demolition Bond (continued):** City Administrator John Butz said the draw back is if the property owner does not board it up, etc., the City would declare it a nuisance and secure the structure. In this case, the property owner applied for a demolition permit. Mr. Butz said the City needs to consider an ordinance that specifically addresses burnouts and someway of securing those facilities.

**XI. EXECUTIVE SESSION**

A motion was made by Eudaly and seconded by Jepsen to adjourn into Executive Session to discuss litigation and real estate. A roll call vote on the motion showed the following: Ayes; Eudaly, Spadoni, Hicks, Ruck, Morris, Jordan, Jepsen, Walburg, Williams, and Magdits. Nays; None. Absent; Barklage and Sibley. Motion carried.

The Council adjourned into Executive Session at approximately 9:11 p.m.

**XII. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 9:20 p.m.

City Counselor John Beger reported that in Executive Session the Council was advised on a pending matter pertaining to litigation and real estate and took no formal action thereon.

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 9:21 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

---

CITY CLERK

---

MAYOR

**MARCH 17, 2008**