

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

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

**Council Members in Attendance:** Monty Jordan, Donald Barklage, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Don Morris, Lou Magdits, Jim Williams, and Mark Walburg

**Council Members Absent:** Terry Ruck, Rick Morris, and Donna Hawley

**Department Directors in Attendance:** Public Works Director Steve Hargis, Police Chief Mark Kearse, Finance Director Steffanie Rogers, Solid Waste Director Brady Wilson, Fire Chief Robert Williams, Parks and Recreation Director Ken Kwantes, Recreation Center Director Scott Caron, 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 Pastor Dennis Husted of the Fort Wyman Baptist Church to give the invocation.

Following the invocation, Mayor Jenks asked Councilman Don Morris to lead in the Pledge of Allegiance.

**I. CONSENT AGENDA**

A motion was made by Williams and seconded by Spadoni to approve the consent agenda, as submitted. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

The consent agenda consisted of the following:

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**I. CONSENT AGENDA (continued)**

**(A) Approval of the City Council Minutes of:**

- 1) September 2, 2008, City Council Meeting
- 2) September 2, 2008 City Council Executive Session Meeting
- 3) September 15, 2008, City Council Meeting
- 4) September 15, 2008, City Council Executive Session Meeting

**II. PUBLIC HEARINGS**

None.

**III. CITIZEN COMMUNICATIONS**

**(A) Open Citizen Communication:** Mr. Floyd Huffman, 1335 Highway 72, and representing the Huffman family, stated that he does not believe his family is being treated fairly. He noted the latest example is the recent rezoning of the property adjacent to the Busy Bee Laundry. Mr. Huffman pointed out that this is not commercial property and it is not located near commercial property. He said, however, the Council did the right thing and zoned it commercial, although there is nothing commercial about it other than the business. Mr. Huffman also expressed the unfairness of the rezoning of the former Benton School (400 E. 6<sup>th</sup> Street), which was rezoned commercial the first meeting it was presented to the Council. He stated the Council did the right thing in rezoning the property to commercial, but it is obviously not commercial. Mr. Huffman described it as a block surrounded by City streets with no highway. On the other hand, Mr. Huffman said the Huffman property, located adjacent to Highway 72 and Pinetree Road, with 15,000 and 9,000 vehicles a day respectively, “you say, oh, no, that’s not commercial.” He stressed that this is telling him it is personal. Mr. Huffman asked the Council what the Huffman family has done to anyone that they would want to gang up on them and destroy them. He told the Council the Huffmans would like to market their property and he needs C-3 (Highway Commercial District) zoning to leave the business as it is and market it. Mr. Huffman informed the Council that the Huffman business was there before the Johnson-Laird Addition and he added that this would not affect the residents of the Johnson-Laird Addition one iota. Mr. Huffman said the bottom line is that he and his family are getting older and it is not fair the way they have been treated.

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**III. CITIZEN COMMUNICATIONS (continued)**

**(A) Open Citizen Communication (continued):** He said it is not fair for the Council to zone property that is obviously not commercial. Mr. Huffman stressed that his property is obviously commercial. He said if any of the Council has a problem with him, he is ready to make it right.

No one else present addressed the Council.

**IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS**

None.

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

Mayor Jenks referred the Council to **(A)** the August 2008 Rolla Municipal Utilities Monthly Report; **(B)** the September 9, 2008, Preliminary Minutes of the Planning and Zoning Commission Meeting; **(C)** the City's Cash Position and Expenditure Report for August 2008; **(D)** the August 2008 Rolla Municipal Court Report; **(E)** the August 26, 2008, Development Review Committee Meeting Minutes; **(F)** the August 25, 2008, Draft Minutes of the Rolla Board of Public Works meeting; **(G)** the August 20, 2008 Rolla Health and Recreation Center Advisory Committee Meeting Minutes; **(H)** The Centre FY 2008 Financial Analysis, and; **(I)** the SplashZone FY 2008 Financial Analysis.

Councilman Hicks asked Rolla Municipal Utilities General Manager Dan Watkins if the question about the personal use of Rolla Municipal Utilities (RMU) vehicles, as mentioned in the August 25, 2008, Rolla Board of Public Works meeting minutes, was rectified.

Mr. Watkins explained that the Rolla Board of Public Works adopted a policy that is in conformance with the Internal Revenue Service (IRS) standards. He added the issue pertaining to paying taxes on the commuting portion of using the vehicle.

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

Councilman Magdits noted that the Board of Public Works meeting minutes reflect conversation about how citizens interact with RMU, i.e., e-mail, regular mail. He mentioned that this has been an issue for a while. Councilman Magdits asked Mr. Watkins if he would explain the issue with RMU having an e-mail address where citizens could send requests or make an inquiry.

Mr. Watkins responded that anytime rates or policies are changed by RMU, there is likely to be an enormous reaction or response from the entire customer base. He noted that the staff at the front desk interact with the public, speak with them on the telephone, and direct them to the individuals who can help them. Mr. Watkins added that he would view it as a great deal of an increased overhead in trying to set up an e-mail account for that purpose.

Councilman Magdits said he does not agree that e-mail would increase overhead because if someone writes a letter or telephones RMU, it still takes someone to read the letter, review it, send it to the correct person for a response and then write a response or return a call. Councilman Magdits said he does not know how e-mail would be any different. He pointed out that he is just trying to understand why e-mail is not used and he is not making an accusation.

Mr. Watkins said he does not know if he has an answer that would be acceptable. He said he believes that he and Councilman Magdits disagree on how effective e-mail would be and the amount of time it would take to address it. Mr. Watkins added that today, there is a certain amount of abuse that goes on regarding e-mails and this is an open door invitation to exploit it.

Councilman Magdits asked if it is really the mechanism being the e-mail or is it the fear of the nonsense that is going to be received.

Mr. Watkins said responses with e-mail are very impersonal when you try to answer someone's questions. He said he could envision it taking three, four, or five times as long with e-mails as opposed to one phone call. Mr. Watkins added that what makes RMU grossly different is the fact they are billing 14,000 accounts every month.

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**VI. OLD BUSINESS**

**(A) Ordinance to Vacate an Easement in Heritage Heights Subdivision (Gingerbread House):** Community Development Director John Petersen told the Council that the Gingerbread House is requesting the vacation of a 15-foot easement on their property in the Heritage Heights Subdivision. He added the easement vacation is requested to allow for future development. Mr. Petersen reported that the Planning and Zoning Commission's recommendation is to approve the request.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3880: AN ORDINANCE VACATING A 15 FOOT WIDE UTILITY EASEMENT LOCATED ON TRACT 3, IN HERITAGE HEIGHTS SUBDIVISION (GINGERBREAD HOUSE INC.). 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; D. Morris, Spadoni, Williams, Magdits, Jordan, Walburg, Barklage, Hicks, and Eudaly. Nays; None. Absent; R. Morris, Ruck, and Hawley. Motion carried. The ordinance passed.

**VII. NEW BUSINESS**

**(A) Resolution Authorizing the Renewal of the Administrative Services Agreement with the Phelps County Landfill Board:** Solid Waste Director Brady Wilson explained that the proposed resolution would allow the City to continue a long-standing arrangement with the Phelps County Landfill Board. The arrangement allows the City to provide administrative support through the City's Solid Waste and Finance Departments.

After a brief discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1673: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE CONTRACT BETWEEN THE CITY OF ROLLA AND THE PHELPS COUNTY LANDFILL BOARD. A motion was made by Williams and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**VII. NEW BUSINESS (continued)**

**(B) Consider Ordinance for the Proposed 2008-2009 Sewer Rates:** Public Works Director Steve Hargis explained to the Council that the proposed ordinance would

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increase the current sewer user fee by 30 cents per 1000 gallons of water, as provided in the FY 2009 annual budget. This would increase the rate from \$2.70 per 1,000 gallons to \$3.00 per 1000 gallons. For an average user of 6,000 gallons per month, Mr. Hargis noted the monthly bill would be \$18.00 per month or a monthly increase of \$1.80.

After a brief discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE AMENDING CHAPTER 35 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO SEWERS AND WATER.**

**(C) Motion to Accept the Proposed LAGERS Benefit Increase:** City Administrator John Butz recalled that the proposed LAGERS (Local Government Employees Retirement System) benefit level increase from LT-8(65) to LT-14(65) was discussed during the recent budget workshops. Mr. Butz informed the Council that about fifteen years ago the Council elected to refund the contributions that employees were making toward their retirement plan. The contributions were equivalent to 4% of their salary and they had been paying it for several years. When the Council voted to go non-contributory, it meant the City would reimburse those employees who had contributed. Mr. Butz reported that the 15-year funding expired this year and the City was going to see a 2% decrease in its LAGERS expense, which is virtually the same as 2% of the total payroll. The City was able to go to the LT-14(65) benefit level at essentially the same cost as the LT-8(65) benefit level. Mr. Butz added that the process for adoption of the increased benefit level is that the Supplemental Actuarial Valuation report be made available for public inspection for at least 45 days. After the 45-day inspection period, the ordinance to consider the benefit change will be brought to Council for consideration.

Following some discussion, a motion was made by Williams and seconded by Eudaly to approve the Supplemental Actuarial Valuation report. A voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried.

**(D) Ordinance to Consider Termination of the Highway 63 & 72 Redevelopment Area:** City Administrator John Butz recalled that about a year ago the Council discussed what to do with the Tax Increment Financing (TIF) redevelopment area. He noted there

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

**(D) Ordinance to Consider Termination of the Highway 63 & 72 Redevelopment Area (continued):** were no compelling arguments whether to reverse or rescind the ordinance, which declared the area at Highways 63 and 72 as blighted. In the event there

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was another opportunity for another development, the Council decided not to rescind the ordinance. Mr. Butz reported that Mayor Jenks has raised the issue and asked the Council to reconsider its action. He added there is no requirement on how long is reasonable to wait on an action before the Council reconsiders. Mr. Butz requested the Council consider the first reading of the proposed ordinance.

Following some discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. AN ORDINANCE TERMINATING THE DESIGNATION OF A PORTION OF THE CITY OF ROLLA, MISSOURI, AS A REDEVELOPMENT AREA AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO.

**VIII. CLAIMS AND/OR FISCAL TRANSACTIONS**

**(A) Motion to Award the Bids for the City of Rolla Surplus Vehicles/Equipment:**

City Administrator John Butz referred the Council to the tabulation, contained in the agenda materials, of the surplus property recently offered for bid. He pointed out that the City's procurement policy requires the City Council to authorize the release of items receiving a bid of over \$500. Mr. Butz noted that those items are listed separately in the agenda. He mentioned that there was some confusion regarding the 1995 Ford pickup. Mr. Bob Tyler, the high bidder for this vehicle, came in after the bids were opened and indicated that he did not want the vehicle. Ultimately, the second high bidder, who was very interested in the vehicle, was contacted. Mr. Tyler later returned and said he wanted the vehicle. Since nothing was received in writing and no bid bond was required, staff is recommending that the vehicles/equipment be awarded to the high bidders across the board.

Councilman Magdits noted that the bid tabulation shows the 1991 Chevrolet Kodiak Dump truck receiving a bid of \$2,478 instead of the 1991 Oldsmobile Cutlass as outlined on the agenda sheet.

**VIII. CLAIMS AND/OR FISCAL TRANSACTIONS (continued)**

**(A) Motion to Award the Bids for the City of Rolla Surplus Vehicles/Equipment (continued):** A motion was made by Williams and seconded by Eudaly to award the bids to the highest bidders. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

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**(B) Motion to Award the Bid for the 10-Cubic-Yard Refuse Truck:** Solid Waste Director Brady Wilson informed the Council that staff begins soliciting bids for its refuse trucks well before October in anticipation of the new fiscal year. He explained this is done because it usually takes eight to ten months before the vehicles are delivered and so they can be paid within the same fiscal year in which they are approved.

Mr. Wilson explained that the 10-cubic-yard refuse truck would be used within the Recycling Division and would replace an existing 10-year-old model. He recommended that the bid for the 10-cubic-yard refuse truck be awarded to the low bidder, Armor Equipment, Arnold, Missouri for a 2009 Sterling Acterra for \$108,142 with a trade-in allowance of \$15,500 for a total purchase price of \$92,642. After a brief discussion, a motion was made by Williams and seconded by Eudaly to award the bid for a 10-cubic-yard refuse truck to Armor Equipment, Arnold, Missouri, for a 2009 Sterling Acterra Heil 4000 for \$108,142, (\$92,642 with trade-in). A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**(C) Motion to Award the Bid for the 20-Cubic-Yard Refuse Truck:** Solid Waste Director Brady Wilson indicated that since he prepared the agenda tabulation for the 20-cubic-yard refuse truck, he has done some additional research on some areas of concern. He stated that he would like to change his recommendation to accept the low bid that meets the specifications, to Downing Sales, Phillipsburg, Missouri, for a 2009 International 7300 Loadmaster Legacy for a bid price of \$132,217 less a \$10,500 trade-in allowance for a total price of \$121,717. Mr. Wilson mentioned that he believes he can obtain a better price for the used trucks by selling them outright. However, since it will be eight to ten months before the new vehicles arrive, he indicated that he would prefer to advertise the used trucks for sale about two months before the new ones arrive.

Following a brief discussion, a motion was made by Williams and seconded by Eudaly to award the bid for 2009 International 7300 Loadmaster Legacy to Downing Sales, Phillipsburg, Missouri for \$132,217 (\$121,717 with trade-in). A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**VIII. CLAIMS AND/OR FISCAL TRANSACTIONS (continued)**

**(D) Motion to Award the Purchase of a Three-Quarter Ton Four-Wheel Drive Pickup:** Parks and Recreation Director Ken Kwantes reported that bids were opened today for a three-quarter ton four-wheel drive pickup. He noted that the State bid price was extended through October 31, 2008 on three-quarter ton trucks and 2009-model year trucks are being awarded using the 2008 State bid price. Mr. Kwantes informed the

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Council that based on the bid opening today, the State bid remains the lowest bid. Staff is recommending that the bid for the three-quarter ton four-wheel drive pickup be awarded to Dave Sinclair Ford (State bid) for a 2009 F250 pickup for \$18,170.

A motion was made by Williams and seconded by Eudaly to award the bid for a 2009 three-quarter ton four-wheel drive pickup for the Parks Department to Dave Sinclair Ford (State bid) for \$18,170. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

Note: "New Business" continued following Item "XII. Executive Session Action" below.

### **IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Reappointment of Dr. William Moorkamp and Mr. William Lindgren to the Rolla Health and Recreation Center Committee:** A motion was made by Barklage and seconded by Eudaly to appoint Dr. William Moorkamp and Mr. William Lindgren to a three-year term each on the Rolla Health and Recreation Center Advisory Committee. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

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

**(A) Shepherd Crooks at Rolla Cemetery:** Councilman Jim Williams reported that he received a call about shepherd crooks being removed from a cemetery plot. The caller told Councilman Williams that shepherd crooks were placed on other cemetery lots.

Parks and Recreation Director Ken Kwantes stated that last year the City enacted rules that pertained to the clearing of all the cemetery lots at the end of October. Subsequently, Mayor Jenks formed a committee and the cemetery rules were reviewed. In June 2008,

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

**(A) Shepherd Crooks at Rolla Cemetery (continued):** the cemetery rules were amended to include leaving all items on the stone, such as flowers and trinkets. As long as the shepherd crooks are in line with the headstones, Mr. Kwantes said they should not be disturbed.

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**(B) Ber Juan Park Lake Aeration:** Councilman Barklage indicated that he thought an aeration system had been installed in the Ber Juan Park Lake in order to reduce some of the aquatic growth. He noted that he has not seen the aeration system operating this year, yet there is aquatic growth.

Parks and Recreation Director Ken Kwantes explained that there is no aeration system in the Ber Juan Lake. However, one has been included in the FY 2009 budget. Mr. Kwantes indicated that a marked difference should be seen at the end of next year.

**(C) Floyd Huffman Rezoning Request:** Councilman Don Morris asked Councilman Gary Hicks if he had met with Mr. Huffman regarding his rezoning issue and if he would report on the outcome.

Councilman Hicks reported that he met with Mr. Huffman for several hours and presented him with what he thought was a good plan for rezoning his property. Mr. Huffman apparently did not seem to like the plan. Councilman Hicks indicated the discussion did not go any further.

**(D) LAGERS Benefit Increase:** Councilman Barklage stated that he wanted to emphasize that he was not against the LAGERS increase discussed earlier. He said that with the tight budget the City has been wrestling with for the past two or three months, this would be an opportunity to not increase the benefit now, but consider it in next year's budget.

**(E) Update on Ozark Memorial Gardens:** Councilman Spadoni asked if there was any new information to report regarding the Ozark Memorial Gardens Cemetery.

City Administrator John Butz indicated that he received an e-mail from the Attorney General's Office about four weeks ago and they had been in prolonged discussions with a buyer; however, it all fell through about a month ago. Mr. Butz said he expressed to the

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

**(E) Update on Ozark Memorial Gardens:** Attorney General's Office the City's reluctance to take over Ozark Memorial Gardens. He told the Council the Attorney General's Office was going to review their files for other contacts they have had who have expressed an interest in purchasing the cemetery.

**(F) IRS Regulations Pertaining to City Vehicles:** In light of the recent action taken by

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the Rolla Municipal Utilities regarding the use of City vehicles for commuting to and from work, Councilman Hicks asked if the City complies with the Internal Revenue Service (IRS) regulations.

City Administrator John Butz responded that the City is taxing it appropriately, but may be taxing it too much. He added that the City currently does not have a written policy.

**(G) City Council Retreat Survey Results:** Councilwoman Eudaly asked City Administrator John Butz if the survey results for the Council retreat had been compiled.

Mr. Butz indicated that about six surveys have been returned. He encouraged the Council to return the surveys as soon as possible. Extra copies of the surveys may be obtained from the City Clerk at the end of tonight's meeting.

**XI. EXECUTIVE SESSION**

A motion was made by Hicks and seconded by Eudaly to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss real estate. A roll call vote on the motion showed the following: Ayes; Eudaly, Williams, Jordan, Spadoni, Hicks, Barklage, Magdits, D. Morris, and Walburg. Nays; None. Absent; Ruck, Hawley, and R. Morris. Motion carried.

The Council adjourned into Executive Session at approximately 7:44 p.m., following a brief recess.

**XII. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 7:46 p.m.

**XII. EXECUTIVE SESSION ACTION(continued)**

Mayor Jenks reported that after the Council adjourned into Executive Session it was determined that this item could be discussed in open session.

**VII. NEW BUSINESS (continued)**

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**(D) Discussion to Remove Liens from 107 W. Third Street (Pogue Property); 100 E. Third Street (Bullock Property), and; 103 S. Walnut Street (Rayle Property):** City Administrator John Butz explained that Mr. Dale Wands acquired the properties at 107 W. Third Street, 100 E. Third Street, and 103 S. Walnut Street on the Courthouse steps on August 27, 2007. Recently, the City received a letter from Mr. Wands notifying the City of his intent to pay the back taxes on the properties and that there are outstanding liens the City has on the properties.

Finance Director Steffanie Rogers explained that after a property is sold on the Courthouse steps, the original owner(s) has one year to satisfy the back taxes. She indicated the City could redeem the properties on behalf of the owner because of the City's outstanding liens that are accumulating 8% interest annually. Ms. Rogers told the Council that if the City redeems the properties, the City becomes the owner. Otherwise, Mr. Wands will own them.

After much discussion, a motion was made by D. Morris and seconded by Eudaly to release the property at 107 W. Third Street to Mr. Dale Wands. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

A motion was made by Hicks and seconded by Magdits that the City redeem the property at 103 E. Third Street from Mr. Dale Wands at a cost of \$714.62. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

A motion was made by Hicks and seconded by Barklage to release the property at 103 S. Walnut Street to Mr. Dale Wands. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 8:12 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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