

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, MARCH 16, 2009  
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, Don Morris, Lou Magdits, Jim Williams, Rick Morris, Donna Hawley, and Mark Walburg

**Council Members Absent:** Terry Ruck and Gary Hicks

**Department Directors in Attendance:** Public Works Director Steve Hargis, Police Chief Mark Kearse, Environmental Services Director Brady Wilson, Fire Chief Robert Williams, Parks and Recreation Director Ken Kwantes, Recreation Center Director Scott Caron, Finance Director Steffanie Rogers, 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 Ministerial Alliance to give the invocation.

Following the invocation, Mayor Jenks asked Councilwoman Susan Eudaly to lead in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

None.

**II. CITIZEN COMMUNICATION**

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

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**III. SPECIAL PRESENTATION**

**(A) Recognition of Former Fire Marshal Larry Seest:** Mayor Jenks presented a plaque and expressed the City's appreciation to former Fire Marshal Larry Seest for his 30 years of diligent service to the City of Rolla Fire and Rescue Department. Mayor Jenks noted that Mr. Seest served the City from November 13, 1978, through February 27, 2009, of which 15 years were served as Fire Marshall.

**IV. OLD BUSINESS**

**(A) Follow-up on Landlord/Tenant Issues:** City Administrator John Butz recalled that during the Council's last meeting a couple of issues regarding landlord/tenant issues were discussed. He referred the Council to a memorandum from City Counselor John Beger, included in the agenda materials, which addresses the issue of assistance with Municipal Court taking over the eviction matter.

City Counselor Beger added that he spoke with Municipal Court Judge Bill Hickle about his opinion and he indicated that he was generally in agreement with him in that Rolla, a third class city, does not have statutory authority to endow the Municipal Court with jurisdiction to handle these types of actions. For that reason, Judge Hickle urged the Council not to do so.

City Administrator Butz mentioned that the second issue that was raised at the last Council meeting pertained to the owner and occupant of the property being held "jointly and severally" liable for water and sewerage systems. He referred the Council to RSMo. Section 250.140 and a copy of Rolla City Code Section 35-35, which holds the owner and the occupant "jointly and severally" liable for the water and sewer services. Mr. Butz added that the most recent copy of the Missouri Municipal League Water Rate Study mentions this provision and indicates that 68% of cities with a population of over 10,000 hold the landlords accountable for delinquent utility accounts.

Councilwoman Hawley noted that another concern, which was mentioned during the last Council meeting, was the utilities of other properties in the same person's name being disconnected if payment was not received on the delinquent account. She said no one had an answer as to under what authority Rolla Municipal Utilities (RMU) was able to do this.

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**IV. OLD BUSINESS (continued)**

**(A) Follow-up on Landlord/Tenant Issues (continued):** Mr. Rodney Bourne, RMU Operations and Public Relations Coordinator, explained this is one of the few ways that RMU has to do a collection. He said that RMU would turn off any meter that is just in the owner's name. As long as a deposit is made, anyone can have the utilities turned on. Mr. Bourne said it is RMU's desire to get accounts made current. He told the Council that it is RMU's policy to disconnect accounts at another location in the same individual's name. However, Mr. Bourne said he is not aware of RMU ever disconnecting the electricity or water at another location in the same owner's name.

Mr. Ed Tenes, owner of the subject property, told the Council that he went to the Phelps County Court to try to collect the rent and utilities owed on the subject property. He informed the Council that he sent a four-page letter to RMU General Manager Dan Watkins explaining the situation and asking him to send a letter to the tenant stating that he is responsible for paying his own utility bill. Mr. Tenes indicated that he did not receive a reply from Mr. Watkins. He said he wasted a lot of time trying to remedy this situation. Mr. Tenes explained that it took him five weeks to get a court date through the Circuit Court. He asked the Council to consider adopting an ordinance making the tenant responsible for utility bills.

Discussion followed with no action taken.

**V. NEW BUSINESS**

**(A) Request for Ordinance to Reconsider "Back to School" Sales Tax Holiday:** City Administrator John Butz indicated that reconsideration of the "Back to School" Sales Tax Holiday surfaced with the recent discussion of the Green Sales Tax Holiday that the legislature approved this year and the Rolla City Council enacted a few weeks ago. He informed the Council that in 2004 the legislature approved the "Back to School" sales tax holiday. At that time, Rolla opted out of participating in that holiday due to the concern of a loss of revenue and the eroding of a taxable sales base. Mr. Butz said his best guesstimate is that the "Back to School" sales tax holiday would cost the City between \$10,000 and \$18,000. He added that this would be a tax savings to the consumer of 2.5% on clothing, school supplies, and personal computers the first weekend in August.

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**V. NEW BUSINESS (continued)**

**(A) Request for Ordinance to Reconsider “Back to School” Sales Tax Holiday (continued):** After some Council discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE TO RESCIND ORDINANCE NO. 3586 AND ENACTING A NEW ORDINANCE TO OPT IN TO THE STATE (BACK TO SCHOOL) SALES TAX HOLIDAY.**

**(B) Request for a Resolution to Authorize the Mayor to Sign an Application for the CDBG Program (Gingerbread House):** Community Development Director John Petersen explained that the subject resolution would authorize the Mayor to execute certain documents in association with an application for Community Development Block Grant funds. These monies are available from the State Department of Economic Development. Mr. Petersen told the Council that the grant would be matched by local funds to support the construction of the new Gingerbread House facility. It is the responsibility of Gingerbread House, Inc., to find the matching funds of \$485,346. Mr. Petersen emphasized that there is no financial obligation on the part of the City. The City is sponsoring the grant, which is a requirement of the State Department of Economic Development.

City Counselor John Beger read the following proposed resolution for one reading, by title. **RESOLUTION NO. 1679: A RESOLUTION OF THE CITY OF ROLLA, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING.** A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

**(C) Request for Ordinance Amending City Codes Pertaining to One-Way Streets:** Public Works Director Steve Hargis explained that the next three ordinances are related. He said the Engineering Department staff has been working with the Traffic Division in making sure that all of the signs in the field match what is in the City Code and this information is being added to the City’s mapping system. Mr. Hargis stated that he is hopeful this will allow the City to do a better job in terms of keeping up with the inventory. The first ordinance relates to one-way traffic designated on certain streets.

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**V. NEW BUSINESS (continued)**

**(C) Request for Ordinance Amending City Codes Pertaining to One-Way Streets (continued):** City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3902: AN ORDINANCE AMENDING SECTION 27-2 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI RELATING TO TRAFFIC. A motion was made by D. 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 ayes, zero nays, and two absent. Motion carried. Mr. Beger then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by D. Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Magdits, Jordan, Williams, Hawley, R. Morris, Eudaly, Walburg, Barklage, D. Morris, and Spadoni. Nays; None. Absent; Hicks and Ruck. Motion carried. The ordinance passed.

**(D) Request for Ordinance Amending the City Code Pertaining to Stop Signs:** Public Works Director Steve Hargis echoed the same comments as the previous item. He added that staff has not completed the parking regulations ordinance and will bring that ordinance to the Council for consideration at a subsequent meeting. Mr. Hargis said the proposed ordinance relates to stop intersections.

Councilman Barklage pointed out that a stop sign currently exists on Holloway Street at Eighteenth Street, but it is not included in the proposed revision.

Based on the omission noted by Mr. Barklage, Mr. Hargis suggested the Council only consider the first reading of the ordinance.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-89 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI RELATING TO TRAFFIC.

**(E) Request for Ordinance Amending City Codes Pertaining to Speed Limits:** Public Works Director Steve Hargis again explained that the Engineering Department staff has been working with the Traffic Division in making sure that all of the signs in the field match what is in the City Code and this information is being added to the City's mapping system. The proposed ordinance pertains to speed limits.

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**V. NEW BUSINESS (continued)**

**(E) Request for Ordinance Amending City Codes Pertaining to Speed Limits (continued):** Councilman Williams mentioned that he received a request for speed limit signs on both ends of Williams Road.

Councilman Don Morris added that he received a request for a pedestrian crossing button at the intersection of Highway 63 and Lanning Lane.

Mr. Hargis indicated that he previously made this request to the State and they conducted a pedestrian count in the winter and told him there were not enough pedestrians to warrant a signal. He said he has asked them to conduct a count when the weather improved.

Mr. Morris said the request was made because of the senior citizens who live across from Wyman Elementary School and the senior citizen housing behind Southside Shoppers World.

Mr. Hargis said he would remind the State of this request.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3903: AN ORDINANCE AMENDING ARTICLE V, REGULATION OF SPEED (SECTIONS 27-66, 27-67, AND 27-68) OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO TRAFFIC. A motion was made by R. 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 ayes, zero nays, and two absent. Motion carried. Mr. Beger then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by D. Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes: Hawley, Spadoni, Jordan, R. Morris, Williams, Walburg, Barklage, Magdits, Eudaly, and D. Morris. Nays; None. Absent; Ruck and Hicks. Motion carried. The ordinance passed.

**(F) Request for Resolution Authorizing the Mayor to Pursue Grant Funding for the "V Highway" Roundabout:** Public Works Director Steve Hargis explained that the subject resolution would authorize the Mayor to pursue a Delta Regional Grant for roundabout improvements at the HyPoint Industrial Park. The grant request would be for \$150,000 to help with the waterline relocation and streetlights. Mr. Hargis said staff

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**V. NEW BUSINESS (continued)**

**(F) Request for Resolution Authorizing the Mayor to Pursue Grant Funding for the “V Highway” Roundabout (continued):** is proposing that \$250,000 in material costs for the roundabout be reimbursed using STP Urban Funds. The labor and equipment would be provided by City personnel (in-kind) valued at \$200,000. Coupled with the water line relocation and lighting, it would bring the total estimated cost to \$600,000. If the City is successful in receiving the grant, Mr. Hargis said the work would be scheduled for the 2010 construction season.

Following discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1680: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, WILLIAM S. JENKS, III, TO SIGN ALL DOCUMENTATION AND PURSUE ALL ACTIVITIES PERTINENT TO DELTA REGIONAL AUTHORITY GRANT FOR THE HYPOINT ROUNDABOUT IMPROVEMENT PROJECT AND TO ATTEMPT TO SECURE FUNDING FOR SAID PROJECT. A motion was made by Williams and seconded by Barklage to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

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

**(A) Request for a Resolution to Consider a Revision to the FY 2008 Budget:** Finance Director Steffanie Rogers reported that during the 2007 audit, Evers & Company, CPA’s, noted that the budgetary procedures did not comply with RSMo. 67, which is the budgetary statute. The statute states that actual expenditures should not exceed budgeted expenditures. Ms. Rogers, noted, however, the Statute does not address revenues exceeding budgeted revenues. She told the Council that the proposed adjustments, included in the agenda materials, are only the reflection of the Statute requirement for expenditures. Ms. Rogers said that after reviewing the Fiscal Year 2008 City-wide financial position, the City-wide revenues exceeded expenditures by \$690,876. The requested entries to reflect the budget amendments are only to make an accounting entry for audit compliance. Ms. Rogers continued by reviewing the three funds that are currently not in budgetary compliance.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1681: A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2007,

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

**(A) Request for a Resolution to Consider a Revision to the FY 2008 Budget (continued):** AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Barklage and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**(B) Motion to Approve the Authorized Financial Institutions for the City of Rolla:** Finance Director Steffanie Rogers told the Council that the list of financial institutions and dealers, contained in the agenda materials, is the same list approved by the City Council several months ago. Since that time the Mid-Missouri Credit Union, Rolla, Missouri, requested that it be added to the list. Staff recommends approval of the proposed list, with the addition of the Mid-Missouri Credit Union.

Councilwoman Hawley recalled that last year, the Council requested that UBS Financial Services be removed from the list. Ms. Rogers indicated that UBS Financial Services was inadvertently included on the proposed list and should be removed.

After discussion regarding how the validity of financial institutions is determined, City Administrator John Butz suggested having City staff contact the State Treasurer's Office to see how they substantiate financial institutions and dealers, and report to the Council.

Following further discussion, a motion was made by Williams and seconded by D. Morris to approve the list of financial institutions and dealers as submitted, with the exception of UBS Financial Services, The Woodlands, Texas. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**(C) Motion to Award the Bid for the Homeland Security Response Team Tent:** Fire Chief Robert Williams reported that recently the City's Homeland Security Response Team underwent an inspection by the State Emergency Management Agency (SEMA). SEMA determined that the City needed another tent for its Homeland Security Response Team. Chief Williams informed the Council that two bids for a tent were received and staff recommends approval to the low bidder, Utilis Tent, for \$13,239.75. He added the City would be reimbursed 100% by SEMA for this purchase. After a brief discussion, a motion was made by Eudaly and seconded by Spadoni to award the bid for the Homeland Security Tent to Utilis Tent for tent model TM36 with the lighting option for a total of \$13,239.75. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

**VII. MAYOR/CITY COUNCIL COMMENTS**

**(A) Councilwoman Hawley – Creation of City Council MoPEP Committee:**

Councilwoman Hawley mentioned that before tonight's meeting, she provided each Council member with a document outlining a proposed charter for the creation of a City Council MoPEP (Missouri Public Energy Pool) Committee, similar to the RMU Advisory Committee. This committee would have the goal of researching the long-term financial commitments for the power plants and power purchase agreements through MoPEP. Additionally, Ms. Hawley said she would like to see reporting requirements made to the Council on various power plant projects, votes that are taken at MoPEP, and updates on cost overruns.

A motion was made by Hawley and seconded by Eudaly to create a City Council MoPEP Committee with the charter as outlined by Councilwoman Hawley. After discussion, a roll call vote on the motion showed the following: Ayes; Hawley. Nays; Spadoni, Walburg, R. Morris, Williams, Magdits, Jordan, D. Morris, Eudaly, and Barklage. Absent; Ruck and Hicks. Motion failed.

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

**(A) Special Executive Session with State Auditor's Office at 6 p.m., Wednesday, March 18 – City Hall Council Chambers:**

Mayor Jenks announced that the City Council would be meeting in a special Executive Session with the State Auditor's Office at 6 p.m., Wednesday, March 18, in the City Council Chambers.

**(B) St. Patrick's Day Festivities:** Councilman Don Morris commended everyone involved in the St. Patrick's Day Parade/festivities. He said he thought it was one of the nicest parades he has ever seen in this community.

**(C) Candidates Forum:** Mayor Jenks announced that a Rolla City Council candidates forum would be held in the Rolla City Council Chambers on Wednesday, April 1 from 5:30 p.m. to 7:30 p.m.

**IX. EXECUTIVE SESSION**

A motion was made by Eudaly and seconded by Williams to adjourn into Executive Session pursuant to 610.021 to discuss personnel and preliminary State Audit Review

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**IX. EXECUTIVE SESSION (continued)**

(Sec. 17). A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Hawley, R. Morris, Spadoni, Walburg, Barklage, Magdits, Eudaly, and D. Morris. Nays; None. Absent; Hicks and Ruck. Motion carried.

The Council adjourned into Executive Session at approximately 8:02 p.m.

**X. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 8:20 p.m.

City Counselor John Beger reported that during Executive Session the City Council was advised on the upcoming process of receiving and responding to the State Audit. The Council took no formal action.

Additionally, Mr. Beger reported the Council reviewed and discussed the City Administrator's evaluation, which entitled him to a 3% raise. However, it was reported to Council that the City Administrator declined the full raise and accepted only a 1% raise. By a unanimous vote of those present, the City Council accepted the City Administrator's response.

**XI. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 8:22 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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