

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 6, 2009
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, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Don Morris, Lou Magdits, Jim Williams, and Rick Morris

Council Members Absent: Monty Jordan, Donald Barklage, Donna Hawley, and Mark Walburg

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, 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 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 eight ayes, zero nays, and four absent. Motion carried.

The consent agenda consisted of the following:

(A) Approval of the City Council Minutes of:

March 2, 2009, Regular and Executive Session Meetings
March 16, 2009, Regular and Executive Session Meetings
March 25, 2009, Special and Executive Session Meetings

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II. PUBLIC HEARINGS

None.

III. CITIZEN COMMUNICATION

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

(1) Mr. Johnny Jones, 206 Brookridge, provided the Council with a petition from about 30 residents in the Brookridge Drive area urging the City Council to act now to allocate funding to repair the storm water drainage problem along Brookridge Drive. In addition, Mr. Jones showed the Council several photos of the storm water problems recently caused by the heavy rain on March 24, 2009. He told the Council that a few of his neighbors have told him that the water has done damage to their homes and they are not able to store items in their garages and basements because of the water problems. Mr. Jones said he and his neighbors want something done to alleviate this problem.

Public Works Director Steve Hargis indicated that the Brookridge area needs another storm sewer. However, it will be several years before it can be installed. He said there are 35 other areas in Rolla with the same problem and the cost to improve all these areas is estimated at approximately \$10 million.

Mayor Jenks said this issue would be discussed during the FY 2010 budget discussions.

After Council discussion, Public Works Director Steve Hargis was requested to submit a report to the Council at its next meeting, outlining both temporary and permanent solutions to the Brookridge area drainage problems, along with cost estimates.

(2) Mr. Joseph Leavitt, 1607 Farrar Drive, informed the Council that a pit bull terrier bit his wife's right leg last Friday evening. In speaking with Police Chief Mark Kearse before the Council meeting, Mr. Leavitt said he plans to sign a complaint against the owner of the animal. He told the Council he is asking that the animal be destroyed. Mr. Leavitt told the Council that the owner of the pit bull resides at 802 E. 11th Street.

No one else present addressed the Council.

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IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

(A) RREC Quarterly Report: Ms. Elizabeth Bax, Executive Director of the Rolla Regional Economic Commission (RREC), presented RREC's 2009 first quarter report to the Council. Following that presentation, Ms. Bax addressed the Enhanced Enterprise Zone (EEZ). She explained that the EEZ is the next generation of the existing Enterprise Zone. Ms. Bax noted that the current Enterprise Zone has afforded some folks with breaks on property tax, but has not been very well utilized as far as some of the other benefits that come along with it. She noted that the EEZ is an area in which certain kinds of businesses can receive benefits for new investment and job creation. Ms. Bax said the difference between EEZ and the old Enterprise Zone is that the community actually can select what types of businesses receive incentives. She indicated the EEZ would level the playing field with other communities in Missouri. She stated that it is the only incentive that would be available for new investment. Ms. Bax said the Council could begin consideration of the EEZ as soon as it desires.

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

Mayor Pro-Tem Magdits referred the Council to **(A)** the February 2009 Rolla Municipal Utilities (RMU) Monthly Report; **(B)** the February, 2009, City's Cash Position and Revenue/Expenditure Report; **(C)** the February 2009, Rolla Municipal Court Report; **(D)** the February 18, 2009, Rolla Health and Recreation Center Advisory Committee Meeting Minutes; **(E)** the Centre FY-08 Financial Analysis; **(F)** Senior Citizen Services Ad Hoc Committee Minutes of February 2, February 17, and March 3, 2009, **(G)** the March 2009 Rolla Regional Economic Commission News, and; **(H)** the March 31, 2009, Development Review Committee Meeting Minutes.

VI. OLD BUSINESS

(A) Ordinance Amending Rolla City Code Pertaining to Stop Signs: Public Works Director Steve Hargis recalled that at its last meeting the Council conducted the first reading of the subject ordinance relating to stop signs. Additionally, Councilman Barklage also noticed an error in the ordinance that has since been amended. Mr. Hargis told the Council that staff is in the process of updating the traffic regulations in its Geographic Information System (G.I.S.) so that it coincides with the City Code.

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VI. OLD BUSINESS (continued)

(A) Ordinance Amending Rolla City Code Pertaining to Stop Signs (continued):

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3904: 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. A motion was made by Williams and seconded by R. Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hicks, Ruck, Spadoni, Williams, Magdits, Eudaly, D. Morris, and R. Morris. Nays; None. Absent; Barklage, Hawley, Jordan, and Walburg. Motion carried. The ordinance passed.

(B) Ordinance to Reconsider “Back to School” Sales Tax Holiday:

City Administrator John Butz noted that the subject ordinance would reconsider action taken by the Council in about 2005 when the Council voted to “opt out” of participation of the “Back to School” sales tax holiday. He indicated that the proposed ordinance would exempt the sales tax on clothing, shoes, computers, and school supplies for families. Based on his best guess, Mr. Butz estimated the holiday could cost the City between \$10,000 and \$18,000 in lost sales tax. He pointed out that the Rolla Area Chamber of Commerce, as well as the Missouri Chamber of Commerce, is supportive of the sales tax holiday. Since there are only eight Council members present, Mr. Butz informed the Council that it would take seven affirmative votes to approve the ordinance.

Ms. Faith Ann Barnes, who approached the Council a year ago regarding the sales tax holiday, asked the Council to consider approval of the ordinance because it would encourage Rolla residents to shop in Rolla.

After a brief discussion, City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3905: AN ORDINANCE TO RESCIND ORDINANCE NO. 3586 AND ENACTING A NEW ORDINANCE TO OPT IN TO THE STATE (BACK TO SCHOOL) SALES TAX HOLIDAY. A motion was made by Hicks and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; D. Morris, R. Morris, Spadoni, Williams, Ruck, Hicks, and Eudaly. Nays; Magdits. Absent; Hawley, Jordan, Walburg, and Barklage. Motion carried. The ordinance passed.

VII. NEW BUSINESS

(A) Motion for Approval to Apply for CHRP Federal Grant for Police Officers:

Police Chief Mark Kearse provided an overview of the 2009 COPS (Community Oriented Policing Service (COPS) Hiring Recovery Program (CHRP) grant. He told the Council that the Rolla Police Department has a history of using the COPS grants to increase officers and equipment. Chief Kearse said the subject grant would be used to hire additional officers. The grant covers 100% of the salary and fringe benefits for the officers for a three-year period and the funded officers must be retained for at least twelve months after the three-year period. Chief Kearse informed the Council that the subject grant deadline is April 14, 2009, and the grant would be awarded in September 2009. He requested that the Council authorize him to make application, through the CHRP federal grant, for up to six new police officers.

After a lengthy discussion, a motion was made by D. Morris and seconded by R. Morris to authorize Police Chief Mark Kearse to apply for up to six new officers through the CHRP federal grant with the understanding that the Council would make final decision upon official grant award. After further discussion, a hand count on the motion showed eight ayes, zero nays, and four absent. Motion carried.

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS

(A) Motion to Authorize the Continued Use of GovDeals for City Surplus Sales: City Administrator John Butz recalled that a few months ago the Council approved trying a new option through a company called GovDeals for selling some of the City's surplus property. He told the Council that GovDeals specializes in municipal and state surplus property. Mr. Butz explained that GovDeals process is comparable to E-bay and the City received considerably higher bids on its equipment through GovDeals than through local surplus sales. He explained that the City pays a fee of 7% to GovDeals for their service and the City netted \$10,770 from the sale of the four items. Mr. Butz pointed out the City probably would have made a total of about \$5,000 on a typical local sale. He told the Council that this experience was very good in that the City did not have to stockpile the equipment/vehicles over six to nine months, and staff recommends the continued use of GovDeals and other similar methods. If the Council is agreeable to using this method, staff will return with some suggested wording that would build some flexibility into the procurement policy.

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS (continued)

(A) Motion to Authorize the Continued Use of GovDeals for City Surplus Sales (continued): A motion was made by D. Morris and seconded by Walburg to authorize the continued use of GovDeals or other comparable on-line networks (i.e., E-bay) subject to a formal policy revision of the procurement code. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Appointment of Joseph Rigler to the Police Personnel Board (unexpired term 2/2010): A motion was made by Williams and seconded by Ruck to appoint Mr. Joseph Rigler to the Police Personnel Board to complete an unexpired term until February 2010. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(B) Appointment of Maria Kardon to the City of Rolla Personnel Board (Three-Year Term) and the Reappointment of J. Kent Robinson to the City of Rolla Personnel Board (Three-Year Term): A motion was made by Williams and seconded by Eudaly to approve the appointment of Ms. Maria Kardon to the Personnel Board and the reappointment of Mr. J. Kent Robinson to the Personnel Board, each for three year terms. A voice vote on the motion showed eight ayes, zero nays, and four absent. Motion carried.

(C) Letter of Thanks from City of Kennett for Fire Services: Mayor Jenks called the Council's attention to a letter from Mayor Roger Wheeler, Sr. of Kennett Missouri, thanking the City of Rolla Fire Department for its assistance during Kennett's recent ice storm.

(D) RMU Committee Report (Preliminary) – Councilman Lou Magdits: Councilman Lou Magdits, Chair of the Rolla City Council Rolla Municipal Utilities (RMU) Review Committee, thanked the following individuals for their service: Councilmembers Monty Jordan, Don Morris, Sue Eudaly, and Donna Hawley; Rolla Board of Public Works members Judge John Wiggins and Mark Rolufs; RMU staff General Manager Dan Watkins and Operations and Public Relations Coordinator Rodney Bourne, and; City staff members City Administrator John Butz and Executive Assistant Millie Street.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) RMU Committee Report (Preliminary) – Councilman Lou Magdits (continued):

Councilman Magdits indicated the Committee was asked to review State Statutes and to determine compliance, review the relationship between RMU and the City Council, review the relationship between RMU and the citizens, and review the compensation packages of RMU and City workers for equality. Mr. Magdits continued by highlighting the preliminary report of the Committee, as outlined in the agenda materials.

Regarding the compensation related issues portion of the report, City Administrator John Butz added that the City's self-insured plan consultant has offered to conduct an analysis of the City's health insurance plan against the RMU health insurance plan. He said it should be completed within a few months.

Councilman Magdits said the next step is that each Board will review the recommendations of the Committee. If agreeable by both sides, City staff and City Counselor John Beger would prepare the document, along with an ordinance for subsequent action by the City Council. Councilman Magdits pointed out that the recommendations by those that were there to vote were unanimous. He noted that a couple of the members were not in attendance during the final vote. Therefore, the Committee is representing these recommendations as a consensus and not necessarily a unanimous vote. Councilman Magdits added that this is the Committee's recommendation recognizing that neither Board had reviewed nor approved it.

Rolla Board of Public Works member Mark Rolufs addressed the Council and said that RMU feels good about the recommendations. With the proposed recommendations and with videotaping the RMU Board meetings for rebroadcast on Rolla Channel 6, RMU should be able to provide the Council and the citizens with enough oversight that everyone should be pleased.

City Administrator John Butz added that the Committee also agreed to send a copy of the proposed ordinance and recommendations to the Attorney General's Office for a review of compliance with State Statutes. He said there is no guarantee they will review the ordinance. The Attorney General's Office typically addresses specific questions.

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X. COMMENTS FOR THE GOOD OF THE ORDER

(A) April 7, 2009 Election: Mayor Jenks reminded everyone that there is an election tomorrow and the polls are open from 6 a.m. to 7 p.m.

(B) Rolla Board of Public Works Meeting: Councilman Don Morris commended the Rolla Board of Public Works and Rolla Municipal Utilities for helping the individuals who approached the Board, during its last meeting, for assistance.

XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:37 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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