

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 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: Don Brown, Monty Jordan, Don Barklage, Stan Spadoni, Susan Eudaly, Gary Hicks, Don Morris, Jim Williams, Ken Boeker, Donna Hawley, and Mark Walburg

Council Members Absent: Lou Magdits

Department Directors in Attendance: 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, and Deputy City Clerk Millie Street

Mayor Jenks called the meeting to order at approximately 6:30 p.m., and asked Councilman Don Brown to lead in the Pledge of Allegiance.

Following the Pledge, Mayor Jenks asked Pastor Dennis Husted of the Fort Wyman Baptist Church to give the invocation.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Jordan to approve the consent agenda, with the following amendments. A voice vote on the motion showed eight ayes, three nays, and one absent. Motion carried.

Councilwoman Hawley requested that the June 15, 2009, City Council meeting minutes be amended by adding the following under Item III. (A) Independent Auditors Report for Year Ended September 30, 2008: “Councilwoman Hawley expressed concern that the annual audit does not comply with GASB 14 disclosure requirements for indirect joint ventures of MoPEP.”

JULY 6, 2009

**CITY COUNCIL MEETING MINUTES
JULY 6, 2009
PAGE 2**

I. CONSENT AGENDA (continued)

Additionally, Councilwoman Hawley requested that the June 15, 2009, City Council meeting minutes be amended by adding the following under Item IV. (A) Ordinance Regarding Clarification on the Gross Receipts Fee on the RMU Service Availability Fee (SAF): “Councilwoman Hawley raised concerns of the PILOT (Payment in Lieu of Taxes) charged on power, city, and water customers is a violation of the Missouri Hancock Amendment because it broadens the base of an existing fee.”

The consent agenda consisted of the following:

(A) Approval of the City Council Minutes of:

June 1, 2009, City Council Meeting
June 1, 2009, Executive Session City Council Meeting
June 15, 2009, City Council Meeting

II. PUBLIC HEARINGS

None.

III. CITIZEN COMMUNICATION

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

Dr. Tom Sager, 8 Laird Avenue, addressed the Council and said he would like to take issue with the following statement made by Councilman Don Brown during the June 15, 2009, Council meeting: “I saw Dr. Sager get up and give you (referring to Councilmember Hawley) a note, and that’s unprecedented.” Dr. Sager continued by pointing out several scenarios of what could be deemed “unprecedented.” He said he would not be so smug and self-righteous as to declare any of these acts as “unprecedented.” He suggested to Councilman Brown that he would research these issues and let him know if he can find a precedent for any of them. Dr. Sager indicated that the note he gave to Councilwoman Hawley at the June 15 Council meeting stated, “MoPEP is like the cockroach motel. Roaches check in, but they don’t check out.”

JULY 6, 2009

III. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): Additionally, Dr. Sager said he had a serious request to make to the Council. He stated that he created several cartoons of the June 15 Council meeting and asked the Council's permission to frame them and hang them in the Council Chambers. He added that the cartoons could be viewed on his web site. Dr. Sager concluded by saying that he awaits the Council's decision on hanging the cartoons in the Council Chambers.

No one else present addressed the Council.

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

(A) Rolla Regional Economic Commission Quarterly Report: Ms. Elizabeth Bax, Rolla Regional Economic Commission Executive Director, provided the Council with an overview of the Rolla Regional Economic Commission's (RREC) quarterly report. Ms. Bax noted there are four key result areas and ten objectives in the work plan that she agreed to with the Board of Directors for RREC this year, with input from the City Council. The four result areas are new investment in terms of retention and expansion of business and investment, new investment in terms of recruitment, Rolla West development, and building capacity. Ms. Bax said that in January she stated that her personal focus would be on finding and winning a new employer for the Briggs and Stratton industrial building. Additionally this year, Ms. Bax said there is a key focus in working with the City of Rolla to advance a plan for development of a Rolla West area in the Highway 63 bypass.

Regarding the organization of RREC, Ms. Bax reported that there have been some changes in the makeup of the Board. Due to the resignation of RREC President Randy Johnson, who accepted employment in another community, RREC will consider the nomination of a new president at its July 17 meeting. Additionally, Mr. Ted Day and Ms. Candace Connell have been added to the RREC Board. Ms. Bax also reported that the RREC bylaws were recently amended. The major language change in the bylaws, affecting the City of Rolla, is that the Council will now make nominations to the RREC Board for its representatives rather than appointments. She stated that this is just a legal technicality. If the Council has concerns with this amendment or if it contradicts RREC's agreement with the City, she said she would be happy to discuss it with the Council.

Following her presentation, Ms. Bax entertained questions from the Council.

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

Mayor Jenks referred the Council to (A) the April 2009 and May 2009, Rolla Municipal Utilities Monthly Reports; (B) the June 9, 2009, Preliminary Minutes of the Planning and Zoning Commission Meeting; (C) the May 2009 City's Cash Position and Expenditure Report; (D) the May 26, 2009, Development Review Committee Meeting Minutes; (E) the June 4, 2009, Rolla Board of Adjustment Meeting Minutes; (F) the June 2009, Rolla Regional Economic Commission Report; (G) the May 20, 2009, Rolla Health and Recreation Center Advisory Committee Meeting Minutes; and (H) the Centre/SplashZone FY 2009 Financial Analysis.

VI. OLD BUSINESS

(A) Request for Ordinance to Limit Solicitation of Donations on Public Streets: City Administrator John Butz recalled that the Council discussed the issue of the solicitation of donations on public streets during its June 15, 2009, meeting and mentioned that there was some discussion of possibly imposing some conditions in order to allow it. Mr. Butz told the Council that this practice was eliminated in 1992 at the request of the Missouri Department of Transportation (MoDOT) on State routes. At that time, Police Chief Mike Snavelly suggested the Council completely ban this practice because it would then be moved from State routes to City routes.

A brief Council discussion followed. Based on comments from some of the Council, there appeared to be no interest in again allowing solicitation of donations on public streets. The proposed ordinance was not considered.

(B) Request for Ordinance to Clarify the Policy on Inter-Fund Transfers/General Fund Revenues: City Administrator John Butz explained it was suggested that an ordinance be drafted that would establish the Council's desire for a three-month or 25% reserve balance. He pointed out that this recommendation is outlined in Section 13-21 of the subject ordinance. Mr. Butz stated that the other more substantive issue that has received considerable Council discussion pertains to the transfer of unencumbered funds. This issue is outlined in Section 13-27 of the proposed ordinance. Mr. Butz noted that the State Auditor made it clear that the City needs to shore up a policy in doing it by ordinance. The proposed wording is set up so that it is ultimately brought before the Council as part of the budget process and that the costs are allocated based on an expense model, similar to Alternative 2 (expense model), on Page VI.B.3. of the Council agenda.

VI. OLD BUSINESS (continued)

(B) Request for Ordinance to Clarify the Policy on Inter-Fund Transfers/General Fund Revenues (continued): After much discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE AMENDING SECTIONS 13-21 AND 13-27 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO INTER-FUND TRANSFERS/GENERAL FUND RESERVES.**

VII. NEW BUSINESS

(A) Resolution Authorizing the Veterans Park Committee Memorandum of Understanding (MOU): City Administrator John Butz recalled that in September 2008, the Council approved a resolution that renamed what was referred to as Southview Park to Veterans Memorial Park. Over the last ten months, the City has been diligently working with the various veterans groups on the Veterans Memorial Park plans. Mr. Butz added that the Veterans are now organized to the point to where they are ready to formally begin fundraising. He told the Council that the proposed Memorandum of Understanding (MOU) clarifies the relationship between the City and the South Central Regional Veterans Group (SCRVG). Mr. Butz pointed out the Veterans Memorial Park is a City park and it will remain a City park. The City will control and maintain the park over time. However, the City will use the SCRVG for feedback and input as to the plans, development, phasing, and, most importantly, the fundraising. Mr. Butz said it was made very clear when the Council named the park that there was no available park funding to do this kind of development. He explained that the City has jointly applied for some stimulus funding and is researching grant opportunities to generate interest and support for this project.

City Counselor John Beger read the following proposed resolution for one reading, by title. **RESOLUTION NO. 1690: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF ROLLA AND THE VETERANS MEMORIAL PARK (VMP) COMMITTEE. A motion was made by Williams and seconded by Hicks to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.**

**CITY COUNCIL MEETING MINUTES
JULY 6, 2009
PAGE 6**

VII. NEW BUSINESS (continued)

(B) Motion to Issue RFP for Energy Performance Contracting Services: City Administrator John Butz recalled that during the June 1, 2009 Council Meeting, Siemens Building Technologies gave a presentation on a project with the Environmental Protection Agency (EPA), Department of Natural Resources (DNR) and Missouri S & T on what is called “energy performance contracting.” The project allows the evaluation of all energy systems and functions and, if cost savings can be found, they would be reinvested to cover the capital costs. The City would not be out any money to do these types of efforts and its carbon footprint would be reduced. However, Mr. Butz told the Council that the City might be responsible for the expense of an audit. He said staff recommends the issuance of “Requests for Proposals” (RFP) and that the RFP’s request that the firms bidding providing a quote for the detailed energy audit.

A motion was made by Morris and seconded by Walburg to authorize the issuance of Energy Performance Contracting Services requests for proposals. After some discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Resolution Authorizing the Application for the DREAM Program Through the Missouri Department of Economic Development: Community Development Director John Petersen told the Council that during the last several years the City has submitted applications for participation in the Downtown Revitalization Economic Assistance for Missouri (DREAM). He told the Council that this is not a grant program, but rather an effort where, if the City is selected, a certain amount of resources is dedicated to help the City in its downtown development efforts. Mr. Petersen stated that a resolution, approved by the Council, must be included in the application package.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1691: A RESOLUTION AUTHORIZING THE MAYOR OF TH CITY OF ROLLA, MISSOURI (The “City”) TO SUBMIT AN APPLICATION UNDER THE DOWNTOWN REVITALIZATION ECONOMIC ASSISTANCE FOR MISSOURI (“DREAM”) PROGRAM TO THE MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT (“DED”). A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

JULY 6, 2009

VII. NEW BUSINESS (continued)

(D) Resolution Authorizing the Agreement for the Deible Loop Pedestrian Bike Path Phases I and II:

In the absence of Public Works Director Steve Hargis, City Administrator John Butz explained that the proposed resolution would authorize the Mayor to enter into an agreement with Donald Maggi, Inc., for Phases I and II of the Deible Loop pedestrian bike path. Mr. Butz noted that this path runs from the existing trail at Highway O and extends to the west ultimately to Lions Club Park.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1692: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND DONALD MAGGI, INC., FOR DEIBLE LOOP PEDESTRIAN BIKE PATH, PHASE I, STP 5200 (911) AND DEIBLE LOOP PEDESTRIAN BIKE PATH PHASE II STP 5200 (912). A motion was made by Williams and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS

(A) Motion to Award the Bid for the Tennis Court Resurfacing: Parks and Recreation Director Ken Kwantes recalled that in the summer of 2003, the Council awarded a contract to Gerald Perry Tennis Company, Springfield, Missouri, to resurface the tennis courts for a cost of \$130,000. This resurfacing was a Premier Court resurfacing system that was guaranteed for ten years. Mr. Kwantes explained that in order for the current ten-year warranty to remain in effect, a Premier Court certified installer must resurface the playing surface between warranty years five and six. Mr. Kwantes reported the tennis court resurfacing has proved to be more than satisfactory. He informed the Council that bids were recently requested for the resurfacing of the tennis courts, using the Premier Court resurfacing system and Gerald Perry Tennis Company was the sole bidder. Staff is recommending that the bid be awarded to Gerald Perry Tennis Company for \$14,995. Mr. Kwantes stated that the work on the courts would begin almost immediately and would probably take no longer than ten days to complete. The funds for this project will come from the Park Land Reserve Account. In order to use the funds from the Park Land Reserve Account, a two-thirds majority vote of the City Council is necessary.

VIII. CLAIMS AND/OR FISCAL TRANSACTIONS (continued)

(A) Motion to Award the Bid for the Tennis Court Resurfacing (continued): After a brief discussion, a motion was made by Brown and seconded by Eudaly to award the bid for the resurfacing of the Ber Juan Park tennis courts to Gerald Perry Tennis Company for \$14,995 with funds allocated from the Park Land Reserve Account. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Mayoral Appointments:

(1) Reappointment of the City Audit Committee: Mayor Jenks requested the reappointment of Councilmen Barklage, Jordan, and Hicks to the Audit Committee.

Councilwoman Hawley suggested that each Council member be given an opportunity to serve on the Audit Committee so that they can understand the finances and audits of the City and to have the widest representation.

After discussion, a motion was made by Williams and seconded by Spadoni to approve the reappointment of Councilmen Barklage, Jordan, and Hicks to the Audit Committee. A voice vote on the motion showed ten ayes, one nay, and one absent. Motion carried.

(B) Council Comments:

(1) City Administrator's Review Committee Recommendation: Mayor Jenks stated that the City Administrator's Review Committee consists of Councilmen Brown, Magdits, and himself. He noted that the proposed City Administrator's Goals and Objectives for the period November 2008 through October 2009 are included in the agenda materials.

Following some discussion, a motion was made by Williams and seconded by Morris to accept the City Administrator's Review Committee recommendations as submitted. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(2) Discussion Regarding Section 2-8 of the Rolla City Code Pertaining to Robert's Rules of Order: Councilwoman Hawley pointed out that the City Code only specifies the City Council will be using Robert's Rules of Order. She noted that Robert's

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Council Comments (continued):

(2) Discussion Regarding Section 2-8 of the Rolla City Code Pertaining to Robert's Rules of Order (continued): Rules essentially has two forms. One form is the formal parliamentary style and the second is a more informal style for smaller groups of about twelve people. Councilwoman Hawley stated that she believes the Council is not really following Robert's Rules, rather a modification of it. She said she feels the Council needs to come up with an agreement on which one to follow and try to adhere to it throughout the meeting. The consensus of the remainder of the Council appeared to be that they did not feel there is a problem with the way they have been conducting the meetings.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) July 13, 2009, Council Workshop: Mayor Jenks pointed out that a Council Workshop will be held on Monday, July 13, 2009, beginning at 5:30 p.m. He said he would appreciate everyone trying to attend because the Council will be addressing budget issues.

(B) Sunshine Law Training Session: Mayor Jenks announced that a Sunshine Law Training Session would be held in the Phelps County Courthouse Multipurpose Room at 7:30 p.m. on July 23.

(C) Payment of State Taxes: Before the issuance of a City business license, Councilman Hicks asked if staff determines if the applicant's State taxes have been paid.

Finance Director Steffanie Rogers responded that a "no tax due statement" from the State is required for all new business license applications.

(D) Cemetery Review Committee: Councilwoman Eudaly recalled that last year she served on the Cemetery Review Committee. She said she would like to see the Committee reinstated for future cemetery rules and regulations and other cemetery issues. Councilwoman Eudaly suggested possibly discussing this issue further during the next Council meeting.

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

(E) Robert's Rules of Order: Councilman Barklage said he would like to reopen discussion pertaining to Robert's Rules of Order. He noted that Councilwoman Hawley said she would like a motion pertaining to which form of Robert's Rules to follow. Councilman Barklage said he would recommend that the Council follow the Missouri Municipal League version of Robert's Rules of Order, which is a modified version of the formal rules.

(F) Church Near Russ and Rena's Place: Councilman Brown reported that the church that was located near Russ and Rena's Place on Sixth Street has moved and is now located behind the J.C. Penney store in Southside Shoppers World.

(G) "Thank You" to Lions Club: Councilman Morris commented that the Rolla community is blessed with many great civic organizations. He gave a big thank you to the Lions Club for another great job on their carnival this year. Other Council members echoed Councilman Morris' comment.

(H) Grass Mowing Letter: Councilman Williams addressed his comments to a woman who lives at the Lake of the Ozarks and who wrote him a letter regarding her mother's property in Rolla. He said he appreciated the hateful letter she sent about her mother not being able to mow her grass. Councilman Williams said he wished she had signed her name to the letter because he would like to speak with her and help her resolve the matter. He pointed out the City does not issue tickets for high grass. Councilman Williams said he would be willing to help find someone to mow her mother's grass or mow it himself at no cost to her. He urged the woman to call him at his home.

XI. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 8:14 p.m.

**CITY COUNCIL MEETING MINUTES
JULY 6, 2009
PAGE 11**

XII. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:29 p.m.

City Counselor John Beger reported that during Executive Session the City Council was advised on the status of labor negotiations with SEIU Local 2000. No formal action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:30 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

JULY 6, 2009