

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 15, 2010
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, Stan Spadoni, Susan Eudaly, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Ken Boeker, Donna Hawley, and Mark Walburg

Council Members Absent: Don Barklage

Department Directors in Attendance: Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Mark Kearse, Environmental Services Director Brady Wilson, Fire Chief Robert Williams, Recreation Center Director Scott Caron, and Community Development Director John Petersen

Other City Officials in Attendance: City Administrator John Butz, City Counselor John Beger, and City Clerk Carol Daniels

Mayor Jenks called the meeting to order at approximately 6:30 p.m., and asked a member of the Rolla Ministerial Alliance to give the invocation.

Following the invocation, Councilwoman Susan Eudaly led in the Pledge of Allegiance.

Since Dr. Aaron Zalis, Deputy Superintendent of the Rolla Public Schools has another commitment this evening, Mayor Jenks asked him to give his presentation at this point in the meeting.

II. SPECIAL PRESENTATIONS

(A) Rolla Public Schools Update: Dr. Aaron Zalis addressed the Council regarding the Rolla School District's Bond Proposal, which will appear on the the April 2010 election ballot. He then outlined three proposed projects that would be funded through the bond/debt service levy proposition. Dr. Zalis pointed out that this is a no tax rate increase issue, which means the rate for the debt service levy will remain at \$0.25.

MARCH 15, 2010

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 2**

I. PUBLIC HEARINGS

(A) Smoke Free Workplace Ordinance (Draft): Mayor Jenks opened the public hearing to anyone wishing to address the Council in favor of the proposed smoke free workplace ordinance.

Mr. Jason Sharp of the SAFERolla Coalition called the Council's attention to a list of approximately 800 individuals who have expressed their support of a smoke-free ordinance. He noted that the Coalition has shown the Council the statistics and air quality studies and are asking the Council to review that material and do what they can.

Ms. Cheryl Hoerr, 300 W. Christy, told the Council that she has been a respiratory therapist at the Phelps County Regional Medical Center for 30 years. She continued by providing the Council with the statistics and the effects of secondhand smoke. Ms. Hoerr stated that there are no good results from secondhand smoke and she urged the Council to approve the proposed ordinance.

Ms. Adrienne P. Schmadeke, 1709 Forest Place, informed the Council that she is a nurse and a stay at home mom. She asked the Council why people should be allowed to smoke in an enclosed space where non-smokers work and dine. She said there is solid, unbiased data that inhaling smoke has numerous short-term and long-term consequences for the innocent bystanders. Ms. Schmadeke stated that according to the September 2009 issue of the Journal of the American College of Cardiology, public smoking bans appear to significantly reduce the risk of heart attacks, especially among the young and non-smokers. She said that smoking should not be allowed when it directly affects the health of others. Ms. Schmadeke concluded by saying that the proposed ordinance would protect our community from harmful second-hand smoke. She urged the Council to pass the proposed ordinance for the health of Rolla.

Mr. Jamie Myers, P.O. Box 584, Rolla, Missouri, relayed that he has been working for nearly 20 years with children, parents, and families regarding alcohol, tobacco, and other drug prevention. He told the Council that the more children perceive a behavior as unacceptable, the less likely they are to do that behavior. Mr. Myers said he strongly believes that this ordinance will send a message that smoking is an unaccepted public behavior.

Mr. Dean Anderson told the Council that he has been working with the SAFERolla Coalition in addition to working on the Columbia, Missouri smoking ban ordinance. He stated that smoking is not a moral issue, but rather a health issue. According to the

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 3**

I. PUBLIC HEARINGS (continued)

(A) Smoke Free Workplace Ordinance (Draft) (continued): Center for Disease Control, Mr. Anderson pointed out that over 50,000 non-smoking Americans die every year from secondhand smoke exposure. He said an ordinance like the one proposed is an effort to reduce those statistics and protect people's health for those that must work in areas where they have to breathe secondhand smoke, which is a Class A carcinogen. Mr. Anderson pointed out that there are many people who will argue that these types of ordinances will hurt businesses. However, he emphasized that the tobacco industry has a long history of lying. Mr. Anderson indicated that data shows that these kinds of ordinances, when they are broad and comprehensive like the one proposed, do not hurt business. He mentioned that there are many smokers who support these kinds of ordinances because it makes it easier for them to quit.

Ms. Lonna Sowers, 10450 Vineyard Drive, read a letter from the owners of Room 38 Restaurant and Lounge in Columbia, Missouri. The letter stated that with respect to the smoke free ordinance not only has the smoking ban passed and become widely accepted in Columbia, Missouri, it has proven to be the same in every county and city that has passed it as well. Based on its overwhelming success and general acceptance, it will make its way through the entire country. The letter also stated that the owner of Room 38 previously managed an establishment in Columbia, Missouri that was open prior to the ban. After the ordinance passed, no significant change or decrease in local business was realized after the ordinance passed. The letter went on to say that a smoking ban in Rolla would in no way negatively affect business. If anything changes, business will increase allowing more families and non-smokers to enjoy Rolla's establishments. The letter ended by saying that from personal experience, the smoking ban in Columbia, Missouri has only helped the city of Columbia and the Room 38 business directly.

Dr. Tom Sager, 8 Laird Avenue, recalled that he mentioned during the Council's last meeting that he felt it was unwise to remove the reference to outdoor smoking from the ordinance. Based on that, he told the Council that he has come up with the following suggested wording: "Section 7: Prohibition of smoking in outdoor areas. Smoking is prohibited in serving lines, crowds and in any outdoor location within 20 feet of where non smokers are or are likely to be stationary for more than one minute." Dr. Sager also read from one of his grandson's school papers regarding pollution. He said if Rolla's students are taught that breathing smoke is bad for you, the least we can do is ban smoking in places where our children will be breathing it. Dr. Sager added that he thinks the ordinance should also prohibit burnout contests, where car tires are burned, just for fun, and which occur in Rolla every summer.

MARCH 15, 2010

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 4**

I. PUBLIC HEARINGS (continued)

(A) Smoke Free Workplace Ordinance (Draft) (continued): Mr. Kent Davis, 1700 McCutchen, indicated that he is grateful he works in a smoke free environment at Phelps County Regional Medical Center. He said he is thankful for the opportunity to work there, because he has worked where smoking is allowed. Additionally, Mr. Davis told the Council that he is a victim of second hand smoke.

Mr. Johnny Jones, 206 Brookridge, stated that he is very much in favor of the proposed ordinance. He relayed that he has a two-year old son and would like to be able to go to restaurants where smoking is not allowed. Mr. Jones said he sees it as a choice for the smokers and it should be a choice for the non-smokers. He indicated that he supports the ordinance and has been a non-smoker all his life and believes our children should have a chance to grow up and be as strong as they possibly can. Mr. Jones added that he does not feel they can if they have to be around smoking.

Mr. Steven Scholz, co-developer of the Benton Square project, informed the Council that with the opening of the new restaurant at Benton Square, he said he has been asked from both smokers and non-smokers whether smoking will be permitted. He indicated that it has been a difficult decision for him deciding which way to go. Mr. Scholz said he believes smoking does not belong indoors. He relayed to the Council that he has a similar business located in Scottsdale, Arizona where a smoking ban went into effect two or three years ago. He reported that they have not observed any decrease in business since the ban went into effect. For the health of everyone and so he will not have to make the decision whether to allow or disallow smoking, Mr. Scholz asked the Council to approve the ordinance.

No one else present addressed the Council in favor of the proposed ordinance. Mayor Jenks then opened the floor to anyone wishing to address the Council in opposition to the ordinance.

Mr. Floyd Huffman, Highway 72, stated that he is not a smoker, is against smoking, and wishes it could be eliminated. Additionally, he said he does not drink and wishes the Council could eliminate it. Mr. Huffman, however, questioned whether it is the City Council's responsibility to make this type of decision. Additionally, Mr. Huffman asked if this ordinance includes smoking in a vehicle. He said it makes him sick to see three little children in the backseat of a vehicle with their mom and dad smoking and the vehicle windows closed. In conclusion, Mr. Huffman asked the Council if it is their responsibility to start down this road of deciding what we are going to do individually concerning our health.

MARCH 15, 2010

I. PUBLIC HEARINGS (continued)

(A) Smoke Free Workplace Ordinance (Draft) (continued): Mr. Harold Fite, 16965 Lakewood Drive, read a letter from Dr. Steven Lammlein, owner of Coachlite Lanes bowling alley, Rolla, Missouri. In the letter, Mr. Lammlein said that should the Council pass a smoking ban for Rolla, he is petitioning for exemptions for Coachlite Lanes and for Rolla's bars, as a matter of urgent business necessity. Contrary to the claims of ban proponents that municipal smoking bans turn smokers into non-smokers, they just turn them into non-customers. Smokers take their business to establishments outside the ban area or change their recreation habits to activities and venues that allow them to smoke. Mr. Lammlein stated that his concerns about business loss to Coachlite Lanes and area bars are very real, and these losses would be devastating to our businesses on top of the economic impact they have already experienced with the current recession. Coachlite Lanes is an important asset to Rolla, and their viability will be significantly threatened by a smoking ban. Mr. Lammlein petitioned the Council for exemptions for both bowling centers and bars.

Mr. Don Rowland, Pershing Place, addressed the Council and said he wished to speak against the proposed ordinance. He agreed that smoking is one of the worst things one could possibly do. However, Mr. Rowland stated that he believes the business owner should have the right to decide the conditions he is going to operate his business. People have the right to go to public places, but he said he does not feel they have the right to set the terms of how that person does business and does not think the Council should be doing this.

Mr. Mike Greenway, 1210 N. Oak Street, explained that in his research he found that smoking bans do hurt various types of businesses. Most of the studies done do not include bars or bowling alleys, but rather restaurants and establishments like McDonald's and Wendy's that originally did not allow smoking. The studies that do contain bars and restaurants do not show the same kind of picture. Mr. Greenway also mentioned his concern about the enforceability of the proposed ordinance. He said it was his understanding that the Mayor of Jefferson City vetoed a smoking ban that was passed by the Council after reviewing Columbia, Missouri's sales tax data. Mr. Greenway pointed out that many people have used the term "rights." He explained that "rights" are afforded us by the first ten amendments of the constitution. "Liberties" are afforded us often by the ninth amendment of the constitution, but not always. Regarding commercial vehicles, Mr. Greenway asked the Council if tickets are going to be given for smoking or should commercial vehicles be exempted if Rolla is not their origin.

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 6**

I. PUBLIC HEARINGS (continued)

(A) Smoke Free Workplace Ordinance (Draft) (continued): Ms. Kathy Wolford, P.O. Box 564, said that she is not a smoker and does not like to be around smoke because she has many allergies and when she is around it, it bothers her. However, she told the Council that she is speaking for a group of people who cannot speak for themselves. Ms. Wolford relayed that she has been a Special Olympics coach since 1995 and many businesses have supported Special Olympics. She told the Council that Coachlite Lanes is the only bowling alley the Special Olympics have in Rolla. Of the last 16 bowling alleys that have banned smoking, six have closed. Ms. Wolford said if their bowling alley in Rolla closes, Special Olympics would not have anywhere else to go. On behalf of the Special Olympics' athletes, Ms. Wolford, asked the Council to consider exempting the bowling alley from the ordinance.

Ms. Avian Chu, stated that she owns a business in Rolla and is originally from Vermont. She told the Council that she worked in the bar business in Vermont and a smoking ban was implement across the state and she witnessed the effects of it. Ms. Chu said that she and her co-workers were forced to find other jobs because they were not making the money they were accustomed to making. The smoking ban had a negative effect. Ms. Chu also expressed her concern that it has become a City Council issue. As a business owner, she pointed out that she pays her taxes, licenses, and monthly fees. She asked the Council at what point do you make the decision how she runs her business. Ms. Chu said it should be the business owner's decision whether to allow smoking.

Mr. Matt Williams, 701 Lariat Lane, and representing the Rolla Lions Club Bingo Committee, alluded to a letter the Rolla Lions Club Bingo Committee sent to the Council expressing a couple of concerns, primarily from a competitive standpoint. He informed the Council that the Lions Club Bingo game raises about one-third of its funds that are used throughout the year to support community activities. All of the Lions Club competitors are located outside of the Rolla city limits. If Rolla Lions Club became the only non-smoking facility, Mr. Williams said they fear they would lose a substantial number of players to force them to discontinue the game. Mr. Williams also expressed concern with banning smoking in playgrounds. He questioned if this includes parks or just playgrounds and how do you distinguish between the two. Additionally, Mr. Williams noted that the ordinance states that if violators were fined, the operator or manager would be fined. Since no management is on site at the Lions Club Park, Mr. Williams asked if the Rolla Lions Club would be mailed a bill when someone is found smoking in the park.

MARCH 15, 2010

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 7**

I. PUBLIC HEARINGS (continued)

(A) Smoke Free Workplace Ordinance (Draft) (continued): Mr. John Powell said he sees the problem is with a business's rights. He compared the smoking ban issue to the health care issue. Mr. Powell indicated that he feels the City Council is cramming this down people's throats and said he believes the City Council is overstepping the boundaries on rights.

Mr. Geoffrey Horning, 1207 Elliott, stated that he has three main problems with the proposed ordinance. He first stated that he believes this is an unenforceable ordinance. He explained that police officers are not going to be responding to 911 calls regarding smoking spotted in a bar and there is not going to be a real punishment for a bar owner, restaurant owner, or a business owner making money off of patrons allowed to smoke. There is no real incentive with a simple fine on the line to force out smokers. Secondly, Mr. Horning said he believes the City is placing an unreasonable restriction on business. He said restrictions are placed on businesses for the health of people. Mr. Horning stated that he believes this restriction is unreasonable. He commented that this ordinance benefits some and hurts others. Due to the availability of some businesses to build outdoor facilities, this ordinance places those businesses at an advantage to other businesses. If this ordinance is truly about health and not about enlightened versus ignorant citizens, Mr. Horning said he then believes a compromise could be reached between the two groups in which rather than pass a ban, encouragement is used. Additionally, the City could issue a statement to the effect that we all accept that smoking is dangerous to the community and to those around us; and dangerous to ourselves; and that Rolla encourages a healthy working, living and playing environment and we encourage businesses to be smoke free. Mr. Horning suggested that the Chamber of Commerce print a page annually, highlighting smoke free businesses in Rolla. This would draw attention to these businesses and would give business owners the time to decide whether they want to relocate to a place where an outdoor facility can be built or become completely smoke free and cater to a slightly different clientele. If a ban is not passed and no positive changes are noticed, Mr. Horning said the issue could be represented later. He said he does not believe the ordinance, as written, is the ordinance that should be passed. If it is passed, Mr. Horning said that some businesses must be given time to react and relocate to a place where they can build an outdoor facility for smokers.

Mr. Michael Dowdy, 1502 Martin, indicated that he worked in the nursing field for 20 years and understands the health risks. He said adults do not need to be reminded of the dangers of smoking. Mr. Dowdy said it comes down to a choice and the proposed

MARCH 15, 2010

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 8**

I. PUBLIC HEARINGS (continued)

(A) Smoke Free Workplace Ordinance (Draft) (continued): ordinance would be placing burdens on the businesses that are paying taxes. The City Council is taking on the decision-making, which should be in the hands of the people. He suggested phasing in the smoking ban to protect everyone's rights.

No one else present addressed the Council in opposition to the proposed ordinance. Mayor Jenks closed the public hearing and thanked everyone for their participation.

City Administrator John Butz highlighted the modifications to the proposed ordinance that surfaced during the past two meetings.

After a lengthy Council dialogue, a motion was made by Spadoni and seconded by Morris to tweak the proposed ordinance based on the comments received during the public hearing and to bring it back to the Council for consideration at its next meeting. A hand count on the motion showed ten ayes, one nay, and one absent. Motion carried.

Although the Council talked about some possible changes, City Administrator Butz said he did not hear any real consensus on them. Based on the comments from the Council and the public during this meeting, he said he would outline the additional comments and the Council would need to discuss them individually at the next Council meeting.

II. SPECIAL PRESENTATIONS

(A) Rolla Public Schools Update: This item was considered at the onset of the meeting.

(B) Feral Cat Committee Report: Animal Control Supervisor Inge Wilson reported that the Ad Hoc Committee on Feral Cats met several times and concluded that there is a large population of feral and stray cats in Rolla. She noted that the Committee recommends the following steps: (1) Committing to provide funding for a low-cost spay/neuter program for owned pets within Rolla and Phelps County as soon as the City's finances will allow, by entering into a service contract between the City of Rolla and the Phelps County Animal Welfare League (PCAWL). Such cooperation will aid in reducing the number of animals entering the Rolla Animal Shelter and prevent an increase in abandoned animals, especially cats, which once abandoned, will become feral cats. (2) The enactment of an ordinance managing the care of domesticated cats specifying the definition of ownership for a stray animal, the spaying/neutering of pet felines above the

MARCH 15, 2010

II. SPECIAL PRESENTATIONS (continued)

(B) Feral Cat Committee Report (continued): age of six months, if they are permitted by their owner to roam free within the city limits, and; permitting and regulating trap/neuter/return (TNR) of feral cats within the city limits. (3) During implementation of the above-mentioned programs, Rolla Animal Control would continue to trap feral cats upon a citizen's request and make animal live traps available for TNR groups. For this purpose, Animal Control would need to purchase an additional ten animal live traps at a cost of \$80 per trap. Some Council discussion followed, with no action taken.

III. OLD BUSINESS

(A) Resolution to Amend the Agricultural Lease with Russell Adams: City Administrator John Butz recalled that during the Council's last meeting, Mr. Russell Adams exercised his option for a five-year extension, from 2010 to 2015, to the agricultural lease at the Rolla National Airport. Mr. Adams also asked the Council to extend the lease an additional five years, which the Council granted. Mr. Butz explained that the proposed resolution amends the original lease and adds the additional five years that would go through 2020 with a \$1,000 additional rental per year. Staff recommends passage of the resolution.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1710: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA TO EXECUTE THE AMENDMENT TO THE AGRICULTURAL LEASE DATED MARCH 7, 2005 BY AND BETWEEN THE CITY OF ROLLA, MISSOURI (LESSOR) AND RUSSELL C. ADAMS (LESSEE), ST. JAMES, MISSOURI. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

IV. NEW BUSINESS

(A) Motion to Allow Missouri S&T Interfraternity Council to Use the Old Extravaganza Site at the Rolla National Airport for Greek Week Games: City Administrator John Butz stated that the Missouri S & T Interfraternity Council has used the Rolla National Airport for the past several years for its Greek Week games, which are held for two weekends in September. The Greek Week games would be conducted from

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 10**

IV. NEW BUSINESS (continued)

(A) Motion to Allow Missouri S&T Interfraternity Council to Use the Old Extravaganza Site at the Rolla National Airport for Greek Week Games (continued): 7 a.m. to 5 p.m. and would include a beer garden. Mr. Butz noted that law enforcement is required to be present at the event and participants are required to use buses for transportation to and from the event. A motion was made by Williams and seconded by Spadoni to allow the Missouri S & T Interfraternity Council to use the Old Extravaganza site at the Rolla National Airport for its Greek Week Games in September 2010, and to authorize the sale of beer. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Resolution to Approve the Agreement between the City of Rolla and Phelps County for Assessment Service: Finance Director Steffanie Rogers explained that the proposed agreement is between the City of Rolla and the Phelps County Commission/Assessor. The subject contract would terminate the contract that was signed in 2003. Ms. Rogers pointed out that the only change in the contract is the increase in the assessment fee from 1% to 3%, plus one-half the cost of the protested tax appeal process. All other contractual language would remain the same. Mr. Rogers noted that the subject contract would not change the contract that is in existence with the Phelps County Collector.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1711: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE COUNTY OF PHELPS FOR PROPERTY ASSESSMENT SERVICES. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. After some discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

Councilman Hicks left the meeting at approximately 9 p.m.

(C) Motion for Agreement for the Arts & Entertainment District Parking Lots: Public Works Director Steve Hargis recalled that during the January 19, 2010, Council meeting, staff obtained permission to draft a lease for two proposed public parking lots adjacent to the newly established Arts and Entertainment District. One parking lot is located adjacent to the First Baptist Church and the other lot is located adjacent to the Benton Square project. Mr. Hargis told the Council that the proposed leases have been

MARCH 15, 2010

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 11**

IV. NEW BUSINESS (continued)

(C) Motion for Agreement for the Arts & Entertainment District Parking Lots (continued): presented to the property owners. The First Baptist Church is still considering the lease; however, the owners of Benton Square have reviewed the lease and have indicated their willingness to sign it. Mr. Hargis said the estimated cost of these improvements is \$78,316 and he pointed out that this is not a budgeted item and the budget would need to be adjusted. Mr. Hargis explained that the proposed lease agreement is for 20 years and would provide roughly 100 parking spaces. The parking lot would be located on Cedar Street between Fifth and Fourth Streets and parking would be allowed for up to ten hours and would be enforced as part of the normal parking lot enforcement.

A motion was made by Eudaly and seconded by Brown to authorize the Mayor to enter into the proposed lease agreement with Daniel Klinski and Steven Scholz for the public parking lot adjacent to Cedar Street between Fourth and Fifth Streets.

The concerns expressed during the discussion that followed pertained to using money from the Street Fund reserves and whether it was legal to use funds from the Street Fund for parking lots.

A hand count on the motion showed eight ayes, two nays, and two absent. Motion carried.

Councilwoman Eudaly left the meeting at approximately 9:17 p.m.

(D) Motion to Approve the Wastewater and Water Treatment Efficiency Grant: Public Works Director Steve Hargis referred the Council to a letter from the Missouri Department of Natural Resources that has awarded a Wastewater and Water Treatment Efficiency Grant to the City of Rolla through the 2009 American Recovery and Reinvestment Act (ARRA) monies. The grant is for \$337,067.61 and is part of a \$456,862.74 project that staff is proposing for energy efficiency improvements at the Southeast Wastewater Treatment Plant, specifically a more efficient blower system. This includes \$16,443 of in-kind costs with a cash match from the City of \$103,352.06. Mr. Hargis told the Council that this project is estimated to save approximately \$52,000 a year in electric costs resulting in a simple payback of 8.7 years. Since the \$337,067.61 is a grant, it means the project would be paid back in just over two years. Mr. Hargis noted that this is part of the project the City has been working on with Siemens Building Technologies during the last several months. Since the grant agreement deadline was

MARCH 15, 2010

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 12**

IV. NEW BUSINESS (continued)

(D) Motion to Approve the Wastewater and Water Treatment Efficiency Grant (continued): March 15, 2010, it has already been sent to the Missouri Department of Natural Resources. However, Council approval is needed before proceeding further. Mr. Hargis informed the Council that he plans to bring this project, along with several others totaling about \$2 million, to the Council for consideration in April.

A motion was made by Morris and seconded by Jordan to approve the American Recovery and Reinvestment Act (ARRA) grant as outlined by Public Works Director Steve Hargis. After discussion, a voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Approve Sale of Surplus Vehicles and Equipment: City Administrator John Butz recalled that last year the City conducted a trial experiment with a company called GovDeals where the City was selling its surplus equipment. He reported that using GovDeals has worked well for the City. When the City modified its procurement policy, it was decided that the transactions would be reported to the Council. Because the sale is done as a bid basis by computer, Mr. Butz indicated that it would be difficult to notify the Council before the sale or as part of an award. He noted that the City has probably had about eight transactions since December 2009 and two are pending. For good record keeping, staff is asking the Council to approve the disposition of the items listed in the agenda materials. A motion was made by Williams and seconded by Boeker to approve, retroactively, the sale of the surplus items listed in the agenda materials. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Industrial Development Authority (IDA) Board Appointments/Reappointments: A motion was made by Williams and seconded by Spadoni to reappoint Ms. Janece Martin and Mr. Mike Estey to the Industrial Development Authority (IDA) with their terms expiring September 2014. Additionally, the appointment of Mr. Matt Williams, and Mr. Bob Stoltz to the IDA with their terms expiring, March 2015. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

MARCH 15, 2010

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 13**

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) City Sales Tax: Councilman Brown mentioned that he was unable to attend the Council's last meeting and the Rolla Candidate's Forum held on March 8, 2010. However, he said he saw or heard during the Candidate's Forum a reference to Rolla's sales tax being the highest in the state. Mr. Brown indicated that Rolla's sales tax is not one of the highest in the state, and it is currently 7.6%. He suggested checking the Missouri Department of Revenue web site (www.dor.mo.gov) for a listing of the sales taxes for every city in Missouri.

VII. COMMENTS FOR THE GOOD OF THE ORDER

None.

VIII. CITIZEN COMMUNICATION

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

Mr. Steven Scholz, co-owner of the Benton Square development, thanked the Council for their vote on the public parking lot lease. He said the Council minutes should show that from the beginning they have promised to make Rolla proud.

Councilwoman Hawley left the meeting at approximately 9:33 p.m.

Mr. Scholz indicated that Benton Square's marketing efforts would bring folks to Rolla who would not normally come here. While visitors are here, Mr. Scholz said he wants to funnel them to the downtown district. Mr. Scholz said his thoughts have always been, from day one, where will the people park for this Arts District, which he knows will become a success? He said he would like to think of Benton Square as an anchor and a hub for the downtown area.

MARCH 15, 2010

**CITY COUNCIL MEETING MINUTES
MARCH 15, 2010
PAGE 14**

IX. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 9:43 p.m., following a brief recess.

X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 9:59 p.m.

City Counselor John Beger reported that during Executive Session the City Council was advised of an offer made to purchase a surplus lot. In response, by a vote of eight to nothing, the Council voted to reduce the asking price on the property at 100 E. 3rd Street to \$19,900.

On other matters, the Council by votes of eight to nothing, approved of making offers on certain parcels of property, which were needed to be purchased for street improvements. The amounts will be made public after acquisition.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 10:00 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

MARCH 15, 2010