

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 5, 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, Don Barklage, Stan Spadoni, Susan Eudaly, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Ken Boeker, Donna Hawley, and Mark Walburg

Department Directors in Attendance: Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Mark Kears, Environmental Services Director Brady Wilson, Fire Chief Robert Williams, Recreation Center Director Scott Caron, Parks and Recreation Director Ken Kwantes, 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 Councilman Gary Hicks to lead in the Pledge of Allegiance.

Mayor Jenks welcomed to Rolla, Rotarian Ms. Jackie Howard along with the Group Study Exchange (GSE) Team from Korea. Ms. Howard told the Council the Rotary International GSE Team's main mission is to foster peace and goodwill in the world. She went on to explain that this is an educational exchange and the team leader is a Rotarian. Ms. Howard pointed out that the team consists of young professionals who want to learn and share experiences with one another pertaining to their vocations. Ms. Howard told the Council that the GSE team would be in the Rolla area for three days.

I. CONSENT AGENDA

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

The consent agenda consisted of the following:

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I. CONSENT AGENDA (continued)

(A) Approval of the City Council Minutes for the following:

March 1, 2010, City Council Meeting
March 15, 2010, City Council Meeting
March 15, 2010, City Council Executive Session Meeting

II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

None.

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

Mayor Jenks referred the Council to **(A)** the January 2010 and February 2010 Rolla Municipal Utilities Monthly Reports; **(B)** the February 28, 2010, City's Cash Position and Expenditure Report; **(C)** the February 2010, Rolla Municipal Court Report; **(D)** the March 4, 2010, Rolla Board of Adjustment meeting minutes; **(E)** the November 24, 2009, and February 23, 2010, Rolla Channel 6 (RC6) Advisory Committee meeting minutes; **(F)** the March 18, 2010, Rolla Industrial Development Authority meeting minutes; **(G)** the February 17, 2010, Rolla Health and Recreation Center Advisory Committee meeting minutes, and; **(H)** the Centre FY 2010 Financial Analysis.

Councilman Hicks asked if a vacancy exists on the Industrial Development Authority Board.

City Administrator John Butz responded that there is currently a vacancy and the only qualification to serve on the IDA Board is that the individual be a resident of the city of Rolla.

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V. OLD BUSINESS

(A) Discussion Regarding an Ordinance for a Smoke Free Workplace: City Administrator John Butz commented that the Council has been discussing the proposed smoke free workplace ordinance for about the past three months. He said the Council appears to be struggling in arriving at a consensus that they can support. Mr. Butz explained that he has incorporated several discussion items into the draft ordinance that have surfaced over the past few meetings and these items have been separately outlined in the agenda memorandum.

The discussion which followed included Councilman Hicks suggesting the Council might want to consider only banning smoking in food establishments where 50% of the revenue comes from the sale of food. Discussion followed regarding how the 50% of food sales would be determined.

Councilman Brown mentioned that Lake St. Louis' City Attorney indicated that public money could not be spent on a non-binding referendum. Mr. Brown pointed out that the smoking ban in Lake St. Louis was passed and it was not placed on the ballot. He asked City Counselor John Beger if he would research this issue and provide a report to Council.

After Council discussion, City Administrator John Butz recommended the Council could consider either adopting the ordinance as presented; make some modifications to the ordinance; or draft an ordinance that primarily affects only restaurants.

A motion was made by Hawley and seconded by Eudaly to submit the ordinance that is contained in the agenda packet for the Council's consideration during its next meeting.

A motion was made by Hawley and seconded by Jordan to delete the underscored portion of Section 4 of the proposed ordinance, which reads "but does not include fully separated enclosed smoking areas located outside places of employment, specifically provided for smokers." A hand count on the motion showed seven ayes, five nays, and zero absent. Motion carried.

A motion was made by Eudaly and seconded by Morris to amend "Section 17. Effective Date." from 30 days to six months. A hand count on the motion showed eight ayes, four nays, and zero absent. Motion carried.

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V. OLD BUSINESS (continued)

(A) Discussion Regarding an Ordinance for a Smoke Free Workplace (continued):

A motion was made by Jordan and seconded by Morris to add the wording “except as otherwise provided” after the wording “Hotels and motels” in Section 3K of the proposed ordinance. A hand count on the motion showed eight ayes, four nays, and zero absent. Motion carried.

A hand count on the original motion, which is to bring back the ordinance for consideration during the Council’s next meeting, with the approved amendments, showed seven ayes, five nays, and zero absent. Motion carried.

VI. NEW BUSINESS

(A) Discussion/Review of 2nd Quarter Employee Budget Report (General Information):

City Administrator John Butz informed the Council that he promised the City employees that he would keep them apprised of the status of the budget due, in part, to the decline in the sales tax revenue. He explained the the sales tax revenue is down 1.65% compared to last year’s performance. Since a 1% growth was budgeted, Mr. Butz stated that the budget is off about 2.65% or about \$100,000 each in the General and the Street/Capital Improvement Funds, and \$50,000 in the Recreation Center Fund. He pointed out that his memorandum summarizes some of the issues that the City deals with internally and administratively, i.e., travel and training issues, maintenance issues, personnel issues. Mr. Butz announced that the Council would be asked to address the status of the budget during consideration of the mid-year budget adjustments, which will be brought to the Council in May.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award the Bid for a 1-ton Chassis Cab Truck:

Public Works Director Steve Hargis asked the Council to consider approving the purchase of a one-ton, dual rear wheel Ford utility truck for the Street Department from the low bidder, Shawnee Mission Ford for \$28,930.00. He explained that staff delayed the purchase of this vehicle pending a six-month review of the budget. In addition, Mr. Hargis informed the Council that staff was able to save \$23,500 on the replacement of a mower.

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VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion to Award the Bid for a 1-ton Chassis Cab Truck (continued): A motion was made by Magdits and seconded by Hawley to defer consideration of this item until the Council has had an opportunity to examine the six-month budget review. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion to Award the Bid for a Pipe Television Inspection System: Public Works Director Steve Hargis asked the Council to consider awarding the bid for a pipe television inspection system to E.J. Equipment, Inc., Manteno, Illinois for \$20,900. He pointed out that staff is only recommending replacement of the televised equipment and not the 1999 Ford chassis. Mr. Hargis said the current television equipment is currently inoperable and will need to either be repaired or replaced. Repair costs are estimated to exceed \$20,000.

City Administrator John Butz commented that the Sewer Fund is not affected by the sales tax.

A motion was made by Eudaly and seconded by Morris to award the bid for the Pipe Television Inspection System to the low bidder, E.J. Equipment, Inc., of Manteno, Illinois for \$20,900. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VIII. CITIZEN COMMUNICATION

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

Dr. Tom Sager, 8 Laird Avenue, indicated that Councilwoman Hawley would be making a presentation later in the meeting, pertaining to the benefits of selling Rolla Municipal Utilities (RMU) to Ameren UE. Although Ameren UE may have cheap rates now, he told the Council to wait and see what they would be when Ameren manages to purchase all the small municipal utilities. Dr. Sager stated that Ms. Hawley has some excellent data in her presentation and he encouraged the Council to look at it very thoroughly. He stated, however, that he must disagree with her conclusion. Dr. Sager said if local municipal utilities sell to Ameren, rates would skyrocket. He added that there have definitely been some bad decisions made by the RMU Board. However, the solution is not to sell RMU but rather making better decisions. Dr. Sager emphasized that RMU needs to be checking out renewable energy.

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointment/Appointment of Members to the TIF Commission: Mayor Jenks requested the reappointment of Ms. Charlotte Wiggins and Mr. Bill Marshall to the Tax Increment Financing Commission (TIF). Additionally, he requested the appointment of Mr. Terry Harris to the Commission. A motion was made by Brown and seconded by Eudaly to reappoint Ms. Charlotte Wiggins and Mr. Bill Marshall to the Tax Increment Financing Commission (TIF) with their terms expiring in February 2014 and February 2015, respectively, and; the appointment of Mr. Terry Harris to the TIF Commission to replace Ms. Connie Eggert, with his term expiring in February 2015. A voice vote on the motion showed eleven ayes, one nay, zero absent. Motion carried.

(B) Councilwoman Hawley – Feasibility/Benefits of Selling Utilities to Ameren UE: Councilwoman Donna Hawley told the Council that she has been working on this report on and off for about the past three years in an attempt to determine the best solution for the high price of utilities in Rolla. In her presentation, Ms. Hawley pointed out that by selling the electric portion of RMU to Ameren UE the citizens and businesses in Rolla could save \$11.6 million per year. She concluded her presentation by encouraging the Council to take the data she provided and to challenge it. Additionally, Ms. Hawley urged the Council to determine where she might be wrong and what they would do differently.

Mayor Jenks then gave Rolla Municipal Utilities General Manager Rodney Bourne an opportunity to respond to Ms. Hawley's presentation.

Mr. Bourne said he only received a copy of Ms. Hawley's presentation a few hours ago and has not had an opportunity to thoroughly review it. He said he is not going to argue rates, because there is no question that Ameren's rates are lower than RMU's. Mr. Bourne pointed out that since 2007 Ameren has had two successful rate increases and is again before the Public Service Commission (PSC) requesting approval of an 18% rate increase and a decision should be made on this request within the next few months. He told the Council that about two weeks ago, Ameren's CEO announced that they would be seeking another rate increase at the end of 2010. Mr. Bourne recalled that in 2007 he said

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Councilwoman Hawley – Feasibility/Benefits of Selling Utilities to Ameren UE (continued): that RMU's rates would stabilize and they have. RMU has not had an electric rate increase since 2006 and 2007 electric rates have slightly decreased. Mr. Bourne stressed that you cannot compare rates without comparing service because electricity is the same anywhere. He emphasized, however, that RMU's service is what makes them different. In conclusion, Mr. Bourne reiterated that probably nothing he said would change Ms. Hawley's mind about RMU. He asked the Council to consider the total value of what you have in Rolla. Mr. Bourne stated that he would be happy and pleased to participate in that discussion.

Dr. James Stoffer, Rolla Board of Public Works President, said that what is missing from Ms. Hawley's presentation is that RMU's rates are set so that in the coming year costs can be covered. Ameren cannot cover costs until they prove they need it, so they are one to two years out of sync and they will catch up. Dr. Stoffer stated that this would be a significant difference in what is going on.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Enhanced Enterprise Zone Approval: Councilman Don Morris asked if the City had received official word that the State had approved the City's Enhanced Enterprise Zone application.

City Administrator John Butz responded that although a written official notice has not been received, Senator Barnitz's office called to let the City know that approval had been granted.

(B) Councilman Barklage: Councilman Barklage said that although he has been out of town for about three months, he said he does not feel that he has been gone at all. In 2009, the Council was busy bashing Rolla Municipal Utilities (RMU) and now that he has returned, the Council is still bashing them.

(C) Election Day, April 6, 2010: Mayor Jenks encouraged everyone to please exercise their right to vote tomorrow during the General Municipal Election.

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XI. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 8:46 p.m.

XII. EXECUTIVE SESSION ACTION

The Council reconvened into opened session at approximately 8:50 p.m.

City Counselor John Beger reported that during Executive Session the Council was advised on the status of offers to purchase surplus City real estate. By a vote of twelve to nothing, the Council voted to accept an offer to purchase the property at 103 E. 3rd Street with certain conditions of which will be made public upon notification to the offering purchaser.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:51 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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