

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, APRIL 19, 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

**Newly Elected Officials in Attendance:** Ward III Councilman Geoffrey Horning and Ward VI Councilman Tony Bahr

**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, 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 Rolla Ministerial Alliance to give the invocation. Following the invocation Councilman Don Morris led in the Pledge of Allegiance.

**I. SPECIAL PRESENTATIONS**

**(A) Rolla Community Development Corporation (RCDC):** Mr. Jim Sowers, President of the Rolla Community Development Corporation (RCDC) addressed the Council and provided them with a copy of a memorandum from Mr. Ed Owsley and Mr. Dain Ward, dated November 1994, which gives the history of the first 27 years of the RCDC. Mr. Sowers relayed that the RCDC currently owns approximately 200 acres of land and the incubator building at a value of \$1.6 million, considerably more than the 88 acres given to the RCDC by the City in 1967 at a value of \$634 per acre. Since the industrial park's inception, additional tracts of land have been purchased, the latest being the Cunningham property. Mr. Sowers explained that in 2008 the sale of the Briggs and Stratton building was completed. The total dollars received for the Briggs and Stratton building was \$949,711.46. Mr. Sowers told the Council that RCDC has a strong balance

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**I. SPECIAL PRESENTATIONS (continued)**

**(A) Rolla Community Development Corporation (RCDC) (continued):** sheet with cash and investments of \$1.6 million, land and buildings of \$1.6 million, and a debt of \$626,000. With this balance sheet, he said it allows RCDC to make purchases such as the Cunningham property.

Mr. Sowers indicated the City has been accused of mowing all of the RCDC property. He clarified that the City mows the lagoon park, which is part of the City's property. However, Mr. Maurice Tuttle mows all the pasture ground and Gethsemane Lawn Service and the Rolla Area Sheltered Workshop mow the incubator building property and right-of-ways.

Mr. Sowers entertained questions from the Council following his presentation.

**(B) Bikers Against Child Abuse (BACA):** Mr. Jay McCracken with Bikers Against Child Abuse (BACA) stressed that BACA is not a biker gang or club, rather an international organization. He then read BACA's mission statement as follows: "BACA exists with the intent to create a safer environment for abused children. We exist as a body of bikers to empower children not to feel afraid of the world in which they live. We stand ready to lend support to our wounded friends by involving them with an established united organization. We work in conjunction with local and state officials who are already in place to protect the children. We desire to send a clear message to all involved with the abused child that this child is part of our organization and that we are prepared to lend our physical and emotional support to them by affiliation and our physical presence. We stand up and ready to shield these children from further abuse. We do not condone the use of violence or physical force in any manner. However, if the circumstances arise such that we are the only obstacle preventing the child from further abuse, we stand ready to be the obstacle." Mr. McCracken told the Council that BACA chapters have formed in several states as well as in Europe. He noted that BACA is a not-for-profit organization and any donations received are given to the children. Mr. McCracken concluded that BACA is in the process of starting a Rolla chapter.

**II. OLD BUSINESS (continued)**

**(A) Motion Accepting the April 6, 2010 Certified Election Results:** City Administrator John Butz asked the Council to consider accepting the April 6, 2010, election results. A motion was made by Hicks and seconded by Eudaly to accept the April 6, 2010,

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**II. OLD BUSINESS (continued)**

**(A) Motion Accepting the April 6, 2010 Certified Election Results (continued):** election results as certified by Phelps County Clerk and Election Authority Carol A. Bennett. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**(B) Comments/Recognition:** Councilwoman Hawley recalled that during the Council's last meeting she brought up an issue regarding Rolla Municipal Utilities and asked if anyone had looked through the data she provided and considered it further. She said she could not stress enough that the \$11 million dollars is shared between the households and the businesses. She said every month the Council stalls in acting on this nearly another \$1 million is going to be taken from these households and businesses when it is unnecessary to do it. A motion was made by Hawley and seconded by Barklage to go out for a request for proposals for a consultant to look at rates and the possibility of selling RMU's electric system and how much it might be worth. After discussion, a voice vote on the motion showed one aye, eleven nays, and zero absent. Motion failed.

Councilwoman Eudaly stated that it has been a pleasure serving on the Council. She wished the Council the best of luck in the challenges that are ahead of them.

Mayor Jenks presented retiring Ward III Councilwoman Sue Eudaly and Ward VI Councilwoman Donna Hawley with a plaque in appreciation for their dedicated service to the City of Rolla.

**III. ELECTED OFFICIALS SWEARING-IN CEREMONY:** City Clerk Carol Daniels administered the oath of office to the following newly elected officials: Mayor, William S. Jenks, III, Ward I Councilman Monty Jordan, Ward II Stan Spadoni, Ward III Councilman Geoffrey Horning, Ward IV Councilman Don Morris, Ward V Councilman Jim Williams, and Ward VI Councilman Anthony Bahr. She announced that the oath of office was administered earlier to both Municipal Judge William Hickle and City Attorney Robert J. Stoltz, who were unable to attend tonight's meeting.

Following the swearing-in ceremony, Mayor Jenks congratulated and welcomed Councilman Horning and Councilman Bahr to the City Council. Additionally, he congratulated the incumbents who won their elections. Mayor Jenks then turned the floor over to Police Chief Mark Kearsse who addressed the following item.

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**IV. NEW BUSINESS**

**(A) Ordinance Authorizing MoDOT Traffic Grant for the Rolla Police Department:**

Police Chief Mark Kearse asked the Council to consider the first and final readings of the proposed ordinance, which would authorize the Police Department to apply for a traffic grant through the Missouri Department of Transportation (MoDOT). He pointed out that the grant is funded 100% by MoDOT. He told the Council that some of the items that can be obtained through this grant are overtime, DWI enforcement, checkpoints, hazardous moving violation enforcements, in-car cameras to assist in documentation of violators, radars, trailers and vehicles. He added that in 2009 the Police Department received \$25,200 in grant monies from MoDOT. This year the Police Department requested \$45,000. Next year the Police Department plans to request three police vehicles.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 3953: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE MISSOURI DEPARTMENT OF TRANSPORTATION PERTAINING TO GRANTS.** A motion was made by Hicks and seconded by Jordan to suspend the rules and that the ordinance be read for its final reading by title. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. City Counselor Beger then read the following proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Bahr, Brown, Boeker, Spadoni, Walburg, Barklage, Magdits, Horning, Morris, and Hicks. Nays; None. Absent; None. Motion carried. The ordinance passed.

**(B) Motion to Authorize the Destruction of Certain Records:** Finance Director Steffanie Rogers asked that staff be authorized to destroy the following records, per Chapter 109, Revised Statutes of Missouri (RSMo.):

<b><u>FISCAL YEAR</u></b>	<b><u>CONTENTS</u></b>	<b><u>DESTROY DATE</u></b>
1998-1999	CLOSED MIRMA CLAIMS	2009
2001-2002	AP (N- ½ R)	2009
2001-2002	PAYROLL BATCH, JOURNAL VOUCHER, RE TAXES PD, REC CTR EXP, TRUST STMTS	2009
1999-2004	AP STMTS, BANK STMTS, LANDFILL AP, COURT & BAIL BONDS, DEPOSIT SLIPS	2010
2000-2002	CASH RECEIPTS	
2000-2002	PAYROLL CHECKS (6/13-12/02), 125 INFO (2001), 941'S (2000)	2010

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<u>FISCAL YEAR</u>	<u>CONTENTS</u>	<u>DESTROY DATE</u>
2001-2002	JOURNAL ENTRIES (OCT-AUG)	2010
2001-2002	PAYROLL BOOK (11/1-6/13/02)	2010
2001-2002	SEPT JOURNAL ENTRIES, TRUST STMTS, GRANT/SEC PLEDGES, MOTEL AND LIBRARY TAX, REC CTR EXPENSES	2010
2001-2003	BANK STMTS, GENERAL FUND	2010
2002-2003	ACCOUNTS PAYABLE (MISC N-Z) AND LANDFILL	2010
2002-2003	2002 RE TAXES	2010
2002-2003	AP (A - C)	2010
2002-2003	AP (C - G)	2010
2002-2003	AP (H - M)	2010
2002-2003	AP (M - P)	2010
2002-2003	AP (P - S)	2010
2002-2003	AP (S)	2010
2002-2003	AP (S - W)	2010
MISC	MIRMA REPORTS	2010
MISC	AUDIOCASSETTE TAPES OF OPEN & CLOSED CITY COUNCIL MEETINGS (06/01 THROUGH 10/05)	2010
MISC	BID DOCUMENTS (01/92 THROUGH 12/02)	2010
MISC	SURPLUS VEHICLES & EQUIP RECORDS (01/90 THROUGH 12/04)	2010

A motion was made by Williams and seconded by Boeker to authorize the destruction of the requested records. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. Note - The above-listed records were shredded at the Rolla Recycling Center under the supervision of Finance Director Steffanie Rogers, except for the audiocassette tapes that were crushed with Recycling Center equipment and then discarded with the regular refuse.

**(C) Request for Ordinance for a Smoke-Free Workplace Ordinance:** City Administrator John Butz recalled that the Council has discussed the smoke-free workplace ordinance for about the past three months. After much discussion, the ordinance, contained in the agenda materials, very much mirrors the ordinance that was initially submitted by SAFERolla. Mr. Butz pointed out that the only changes in the proposed version from the original version include the application to private clubs and bingo facilities when manned by paid employees being an exception; a slight clarification for hotel/motels, because there were other sections in the ordinance that provided limited opportunity for smoking rooms; elimination of most of the references for outdoor smoking, although there is still a definition for outdoor service lines; the fine was changed to not to exceed \$500, and the the effective date was extended from one month to six months.

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**IV. NEW BUSINESS (continued)**

**(C) Request for Ordinance for a Smoke-Free Workplace Ordinance (continued):**

After some discussion, a motion as made by Hicks and seconded by Boeker to table the proposed ordinance. A hand count on the motion showed ten ayes, two nays, and zero absent. Motion carried.

Following further discussion, a motion was made by Hicks and seconded by Boeker that a smoke-free workplace ordinance be drafted that would apply to those eating establishments that derive more than one-half of their income from on-site prepared and consumed food. A hand count on the motion showed eight ayes, four nays, and zero absent. Motion carried.

A brief Council discussion followed.

**(D) Motion for a Service Agreement Between the City of Rolla and the Rolla Public Library:**

City Administrator John Butz explained that this issue surfaced a couple of months ago when he was asked to serve on the search committee for the new Rolla Public Library Director. When the search committee was discussing how the Library was operating and funding their compensation and benefits, they were surprised to hear how expensive it was to go out on the market and buy a single insurance policy. Mr. Butz mentioned that the City has similar technical agreements with both the RREC (Rolla Regional Economic Commission) and the Phelps County Landfill Board where they pay all the associated costs and the City includes them in the City's group health plan. Mr. Butz added that since the City has a self-insured plan, the more lives in the plan, the better it is for the City. He said there is really no cost to the City, since the City would be reimbursed for any time and expense incurred by the Finance Department.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1712: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A TECHNICAL ASSISTANCE CONTRACT BY AND BETWEEN THE ROLLA PUBLIC LIBRARY AND THE CITY OF ROLLA. A motion was made by Spadoni and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

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

None.

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**VI. MAYOR/CITY COUNCIL COMMENTS**

**Mayor/Council Appointments:**

**a) Reappointment of Sandra Marsh to the Rolla Housing Authority Board:** A motion was made by Brown and seconded by Barklage to approve the reappointment of Ms. Sandra Marsh to the Rolla Housing Authority Board. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**b) Appointment of Sue Eudaly to the Rolla Board of Adjustment:** A motion was made by Barklage and seconded by Morris to appoint Ms. Sue Eudaly as an alternate to the Rolla Board of Adjustment. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**c) Reappointment of the City of Rolla Audit Committee:** A motion was made by Boeker and seconded by Morris to reappoint Councilmen Hicks, Barklage, and Jordan to the City of Rolla Audit Committee. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**d) Council Appointment of the Mayor Pro-Tem:** A motion was made by Williams and seconded by Spadoni to reappoint Councilman Lou Magdits as Mayor Pro-Tem. No other nominations were made. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**e) Council Appointment of a Planning and Zoning Representative:** A motion was made by Jordan and seconded by Hicks to reappoint Councilman Mark Walburg as the City Council's representative to the Planning and Zoning Commission. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**VII. CITIZEN COMMUNICATION**

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

**(1)** Dr. Tom Sager, 8 Laird Avenue, congratulated Councilmen Horning and Bahr on their election.

Dr. Sager referred to Councilman Magdits' comment he made during the smoke free ordinance discussion, that he could not imagine the Council going against the will of the

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**VII. CITIZEN COMMUNICATION (continued)**

**(1) (continued):** people in an election. He reminded Councilman Magdits that when Mr. Floyd Huffman requested a rezoning, a super majority of Mr. Huffman's neighbors asked the Council not to rezone his property. Dr. Sager pointed out that eight of the Council voted to rezone his property. He said he would not count on the Council following the vote of the people.

Dr. Sager indicated that the Ameren UE integrated resource was mentioned earlier. He said the reason much of it is public is that the Great Rivers Environmental Law Center took them to the Public Service Commission and made them make a great part of that public, which they were trying to hide. Dr. Sager said not to count on Ameren UE publicizing what they are doing.

**(2)** Mr. Floyd Huffman, 1335 Highway 72, reiterated what he said a few meetings ago that he is totally opposed to smoking. He indicated that he did not know it was the City Council's job to look out for our health conditions. Mr. Huffman stated he did not know how smoking could be addressed without addressing alcohol. He noted that alcohol fills up our court system, jails, juvenile detention, increases insurance costs, and the costs of automobile repair and there are ten to one more benefits not to use alcohol than to smoke. Mr. Huffman asked the Council why they would permit alcohol when trying to ban smoking. He said it bothers him that the City is stepping out of its bounds.

No one else present addressed the Council.

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

Councilman Walburg praised Police Chief Mark Kearse for finding grant money to help subsidize the Police Department. He said the grant he brought to the Council was a great idea.

**IX. EXECUTIVE SESSION**

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

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**IX. EXECUTIVE SESSION (continued)**

The Council adjourned into Executive Session at approximately 7:45 p.m.

**X. EXECUTIVE SESSION ACTION**

The Council reconvened into opened session at approximately 8:38 p.m.

City Counselor John Beger reported that during Executive Session the Council was advised of the Council Committee's meeting and discussion of goals and objectives for the City Administrator for Fiscal Year 2008-2009 and a formal list for the coming year to be submitted to Council at a future meeting in open session. No formal action was taken.

Additionally in Executive Session, the Council was advised on the status of negotiations for acquisition of right-of-way for future road development. Without taking formal action, the Council gave Administration guidance on further negotiations.

**XI. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 8:39 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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