

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 17, 2010
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET
6:30 P.M.**

Presiding: Mayor Pro-Tempore Lou Magdits

Council Members in Attendance: Don Brown, Monty Jordan, Don Barklage, Stan Spadoni, Geoffrey Horning, Gary Hicks, Don Morris, Lou Magdits (Presiding), Jim Williams, Tony Bahr, and Mark Walburg

Council Members Absent: Ken Boeker

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

Other City Officials in Attendance: City Administrator John Butz, Assistant City Counselor Brendon Fox, Communications Coordinator Scott Grahl, and City Clerk Carol Daniels

Mayor Pro-Tempore Magdits 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 Jim Williams led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Request for Ordinance to Rezone Property at 101 Fairgrounds Road from GI to C-2 Zoning (Gingerbread House/Woessner): Community Development Director John Petersen mentioned that the Gingerbread House recently constructed new facilities in the east part of the city and they are now actively in the process of selling some of their holdings. In order for the property to be sold, the applicant is requesting a C-2 (General Retail District) zoning. Mr. Petersen reported that the Planning and Zoning Commission unanimously recommend approval of the requested rezoning.

Mayor Pro-Tempore Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Pro-Tempore Magdits closed the public hearing.

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I. PUBLIC HEARINGS (continued)

(A) Request for Ordinance to Rezone Property at 101 Fairgrounds Road from GI to C-2 Zoning (Gingerbread House/Woessner) (continued): Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3954: AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NO. 3414, CHAPTER 42 OF THE CODE OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AFFECTING THE REAL ESTATE KNOWN AS LOT 119, RAILROAD ADDITION (101 FAIRGROUNDS ROAD) FROM GI (GOVERNMENT/INSTITUTIONAL DISTRICT) TO C-2 (GENERAL RETAIL DISTRICT) ZONING (GINGERBREAD HOUSE/WOESSNER). A motion was made by Hicks and seconded by Williams to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Assistant City Counselor Fox then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hicks, Magdits, Jordan, Williams, Brown, Bahr, Horning, Walburg, Barklage, Morris, and Spadoni. Nays; None. Absent; Boeker. Motion carried. The ordinance passed.

(B) Request for Ordinance to Annex a One Acre Tract South of and Adjoining Martin Springs Drive and Zone the Property to C-3 Zoning (Dietzmann): Community Development Director John Petersen explained that the subject-property consists of approximately one acre and is located adjacent to the Baymont Inn, located along Martin Springs Drive. The applicant has asked that the one-acre parcel be annexed into the city. Mr. Petersen added the applicant is requesting that the property also be zoned C-3 (Highway Commercial District). The Planning and Zoning Commission recommend approval of the proposed annexation and zoning request.

Mayor Pro-Tempore Magdits opened the public hearing to anyone wishing to address the Council concerning the requested annexation and zoning. No one present addressed the Council. Mayor Pro-Tempore Magdits closed the public hearing.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO ANNEX A ONE ACRE TRACT SOUTH OF AND ADJOINING MARTIN SPRINGS DRIVE AND WEST OF BLUES LAKE PARKWAY (1811 MARTIN SPRINGS DRIVE) INTO THE CITY PURSUANT TO THE PROVISIONS OF SECTION 71.012 RSMo. AND ZONE THE PROPERTY TO C-3 (HIGHWAY COMMERCIAL DISTRICT) ZONING (DIETZMANN).

II. SPECIAL PRESENTATIONS

(A) Rolla Area Chamber of Commerce Motel Tax Fund Audited Financial Statements: Mr. Mark Kean of Kean & Company, LLC, Certified Public Accountant, provided an overview of the Rolla Area Chamber of Commerce's Motel Tax Fund Audit for the period ending December 31, 2009 and 2008. He told the Council that no findings were noted during the audit.

(B) Rolla Municipal Utilities 2010 Fiscal Year 2nd Quarter Report: Rolla Municipal Utilities (RMU) General Manager Rodney Bourne provided an overview of RMU's fiscal year 2010 Second Quarter Report. He pointed out that a complete copy of the report would be available on the RMU website at www.rollamunicipalutilities.org. Mr. Bourne entertained questions from the Council following his presentation.

(C) PGA Price Adjustment Clause: Mr. Jim Massmann with Ameren U.E. recalled that last year he addressed the Council regarding the PGA rate increase for the natural gas service in Rolla, Owensville, and Salem, Missouri, from \$1.09 per 100 cubic feet to \$1.30 per 100 cubic feet. He explained that the PGA rate is the commodity cost of gas or the cost of the molecules, and shipping it to your city. Mr. Massmann stated that the Federal Energy Regulatory Commission (FERC) regulates the PGA rate. Because of the rate increase, Ameren met with the Public Service Commission of Missouri with several other municipalities in the area (Cuba, St. James, and St. Robert) and intervened in the case in Washington, D.C., and was very successful in the intervention. Mr. Massmann reported that on May 1, the rates decreased to \$0.87 per 100 cubic foot. Although Ameren has not received the FERC order, the Judge has ruled that it is good and all of the other parties have agreed to it, so Ameren has reduced its rates. Following his presentation, Mr. Massmann entertained questions and comments from the Council.

Mayor Pro-Tempore Magdits suggested that Item IV. C. be considered at this time.

IV. NEW BUSINESS

(C) Motion to Close Certain Streets in the City of Rolla for the September 18, 2010 "Celebration of Nations" Parade: Public Works Director Steve Hargis reported that on September 18, 2010, Missouri S & T will kick off its "Celebration of Nations" with a parade beginning at 11 a.m. The parade will start at the Havener Center, go through the downtown area and end at the Downtown Festival Lot. Mr. Hargis referred the Council to the parade route map and documentation about the event that has been included in the agenda materials. He then introduced Ms. Erin Stamp and Mr. Stephane Menand from

IV. NEW BUSINESS (continued)

(C) Motion to Close Certain Streets in the City of Rolla for the September 18, 2010 “Celebration of Nations” Parade (continued): Missouri S & T, who told the Council that the mission statement of the “Celebration of Nations” is to promote awareness, understanding, and the celebration of the ways cultural diversity enriches Rolla, Missouri S & T, and the world. They explained that thus far, 65 countries would represent the different nationalities on campus and in the community on September 18.

After some discussion, a motion was made by Williams and seconded by Morris to close the requested streets for the parade and to offer assistance for traffic control from the Rolla Police Department and the Public Works Department. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

III. OLD BUSINESS

(A) Ordinance for a Smoke-Free Restaurant Policy: City Administrator John Butz referred the Council to a list of businesses that the City has registered as restaurants in Rolla. Unless the Council wishes to make an amendment, these businesses would need to comply with the proposed ordinance.

After some discussion, a motion was made by Morris and seconded by Hicks to amend the “Restaurant” definition by replacing the word “or” with the word “and” and to remove the words “restaurant bar” in Section 4 of the proposed ordinance. A voice vote on the motion showed seven ayes, four nays, and one absent. Motion carried.

Following additional discussion, Assistant City Counselor Brendon Fox then read the following proposed ordinance, as amended, for its final reading, by title. ORDINANCE: AN ORDINANCE ESTABLISHING A SMOKE-FREE RESTAURANT POLICY. A motion was made by Spadoni and seconded by Morris to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Spadoni, Magdits, Hicks, and Morris. Nays; Bahr, Jordan, Brown, Williams, Walburg, Barklage, and Horning. Absent; Boeker. Motion failed. The ordinance failed.

IV. NEW BUSINESS

(A) Request for Ordinance to Approve the Subdivision Plat of Belotta Trails Rolla, Phelps County, Missouri (Woessner): Community Development John Petersen recalled that in March 2010, the Council approved the rezoning of the subject property from RR (Rural Residential) to R-3 (Multi-Family) District zoning with a site plan. He informed the Council that according to Rolla City Code, 7% of the area must be set aside for open space or a parkland dedication fee paid. The 7% dedication would equal about \$5,800 or about .48 acres. Mr. Petersen reported that Parks and Recreation Director Ken Kwantes recommends that parkland be accepted. Since the tract to be dedicated is significantly larger than required for parkland, Public Works Director Steve Hargis is recommending acceptance of the balance of the land as payment for storm water management. Mr. Petersen reported that the Planning and Zoning Commission recommend approval of the subdivision.

Much of the discussion that followed pertained to accepting payment in lieu of parkland.

Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3955: AN ORDINANCE APPROVING BELOTTA TRAILS ROLLA, PHELPS COUNTY, MISSOURI, A SUBDIVISION IN ROLLA, MISSOURI (WOESSNER). A motion was made by Hicks and seconded by Morris to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, two nays, and one absent. Motion carried. Assistant City Counselor Fox then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Williams, Brown, Bahr, Magdits, Jordan, Morris, Horning, Hicks, and Barklage. Nays; Walburg. Absent; Boeker. Motion carried. The ordinance passed.

(B) Request Ordinance for a Service Agreement Between the County of Phelps and the City of Rolla for Animal Control Services: Police Chief Mark Kearse asked the Council to consider entering into an agreement with the Phelps County Commission to provide emergency animal control services for the Phelps County Sheriff's Department, in the event a dangerous or aggressive animal needs to be picked up outside the Rolla city limits. He pointed out that this is the renewal of a previous agreement, with some changes associated to the costs and term of the agreement. Chief Kearse informed the Council that Phelps County was billed five times for a total of \$875. He stated that staff recommends approval of the agreement.

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Councilman Barklage briefly left the meeting, just before consideration of the proposed ordinance.

IV. NEW BUSINESS (continued)

(B) Request Ordinance for a Service Agreement Between the County of Phelps and the City of Rolla for Animal Control Services (continued): Assistant City Counselor Brendon Fox read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3956: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A SERVICE AGREEMENT BETWEEN THE COUNTY OF PHELPS AND THE CITY OF ROLLA, MISSOURI FOR ANIMAL CONTROL SERVICES. A motion was made by Jordan and seconded by Hicks to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. Assistant City Counselor Fox then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Bahr, Hicks, Spadoni, Walburg, Magdits, Horning, Morris, and Brown. Nays; None. Absent; Boeker and Barklage. Motion carried. The ordinance passed.

(C) Motion to Close Certain Streets in the City of Rolla for the September 18, 2010 “Celebration of Nations” Parade: This item was considered earlier, immediately following Item II. C., above.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Resolution to Consider a Revision to the FY 2010 Budget: Finance Director Steffanie Rogers provided an overview of the status of the FY 2010 budget. She called Council’s attention to the proposed budget adjustments, contained in the agenda materials, and asked the Council to consider a resolution approving the proposed adjustments.

After some discussion, Assistant City Counselor Brendon Fox read the following proposed ordinance for one reading, by title. RESOLUTION NO. 1713: A RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND APPROPRIATING FUNDS

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V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Resolution to Consider a Revision to the FY 2010 Budget (continued): PURSUANT THERETO. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

(B) Motion to Award the Low Bid for the One-Ton Dual Rear Wheel Ford Pickup: Public Works Director Steve Hargis called Council's attention to the bids received for a one-ton utility pickup. He told the Council that this is the scheduled replacement of a 1997 Chevrolet pickup. Mr. Hargis recalled that the purchase of the proposed vehicle was delayed, pending a six month review of the budget. During the delay, he explained that staff was able to offset the cost of the pickup by realizing about \$23,500 in savings on a replacement mower for a tractor unit. Additionally, one of the dump trucks that was on loan to the Parks Department was surplusd for \$10,500 for a net of \$34,000. Mr. Hargis said that staff is recommending that the low bid be awarded to Shawnee Mission Ford for \$28,930. Following discussion, a motion was made by Brown and seconded by Hicks to award the bid for a 2011 Ford, one-ton chassis cab truck to Shawnee Mission Ford, Shawnee, Kansas, for \$28,930. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointments to the Library Board: A motion was made by Brown and seconded by Spadoni to approve the reappointments of Ms. Helen Hoertel and Mr. Gery Armaly to three-year terms each to the Library Board with their terms expiring in May 2013. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Dangerous Animals: Councilman Morris noted that within the past month, there was an incident involving two pit bulls. He asked Chief Kearsse if he would relay what occurred with these dogs.

Chief Kearsse explained that in one instance two pit bulls attacked a dog that was chained in a yard. Animal Control arrived and then called an officer for assistance. When the first officer arrived on the scene, every time the chained dog would move, the pit bulls would attack the chained dog. An officer shot and killed one pit bull, which caused the other pit bull to calm down. Chief Kearsse told the Council that the victim dog later died

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VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Dangerous Animals (continued): of its injuries and the owner of the two pit bulls turned over the surviving pit bull to Animal Control and it was euthanized seven days later.

Councilman Morris asked Chief Kearshe if a penalty was assessed to the owners of the pit bulls.

Chief Kearshe said he would need to verify whether a citation was issued.

City Administrator John Butz said he would be shocked if a citation had not been issued. He added that City Code is clear that it allows the issuance of citations. However, it is considered a misdemeanor offense when it goes through Municipal Court and it can include a fine of up to \$500 and 30 days in jail.

Chief Kearshe indicated that the City does not have a breed-specific dangerous animal ordinance. He said that once a written complaint is received from a citizen saying that an animal is dangerous or if an animal control officer states an animal is dangerous, a committee consisting of the Mayor, City Administrator, and Police Chief have five days to conduct a hearing. If the Committee determines that an animal is dangerous, the animal's owner must pay a \$50 licensing fee, provide two photos of the animal, \$100,000 insurance policy, etc., or remove the dangerous animal from Rolla.

Following discussion, the Council suggested that staff bring back the dangerous animal ordinance to Council for further review.

City Administrator Butz said the City is aware there are dangerous dogs in Rolla. When an animal approaches anyone in a "menacing fashion" a report needs to be made. Although the animal may not be declared dangerous at the time, there will at least be some documentation on the animal should it occur again. Mr. Butz said the ordinance is only going to be effective if complaints are filed early in the process instead of waiting until after an attack has been made.

VII. CITIZEN COMMUNICATION

(A) Draft Ordinance Submitted by Jim Fisher Regarding the Prohibition of Smoking Indoors in Local Businesses: Mr. Jim Fisher, 100 N. Oak Street, suggested that the Council compromise by considering the ordinance he drafted which would

VII. CITIZEN COMMUNICATION (continued)

(A) Draft Ordinance Submitted by Jim Fisher Regarding the Prohibition of Smoking Indoors in Local Businesses (continued): prohibit indoor smoking in any business, unless a specified, conspicuous sign stipulates that smoking is allowed. He urged the Council to consider his ordinance because he believes it will work.

(B) Open Citizen Communication: Mayor Pro-Tempore Magdits opened the floor to anyone wishing to address the Council.

Mr. Dean Anderson, a member of the SAFERolla Coalition, said he feels he must address some of the concerns that the Council's decision brought up for members of the Coalition. He noted that there are other individuals who want to do the same and each would be representing approximately 100 people of the Coalition. Mr. Anderson reminded the Council that second hand smoke is a Class A carcinogen and only 16 chemicals are designated by the government as Class A carcinogens, which are substances known to cause cancer. He pointed out that 800 people in Rolla have signed papers asking the Council to consider the ordinance that was presented. Rolla citizens deserve a City Council that puts health before profit although research shows that this would not hurt businesses economically. Mr. Anderson stated that SAFERolla is not going to go away and this is an issue they will continue to pursue. People need to know the dangers of secondhand smoke.

Mr. Stan Cowan said he is the primary author of the air quality study that was conducted in January. For the benefit of the new Councilmembers, he noted that according to EPA (Environmental Protection Agency) standards, the air quality was good in places that were smoke free. On average, in the places that allowed smoking the air was considered hazardous by EPA standards. Mr. Cowan reported that there are plenty of studies showing, on average, hospitalizations for heart attacks will go down about 17% in the first year when indoor smoking is prohibited. He said that Phelps County averages about 178 hospitalizations per year for heart attacks.

Ms. Elaine Grover, psychologist and resident of this area for over 30 years, said she is in support of the comprehensive smoke free workplace ordinance from a different perspective – that of economic considerations and as a taxpayer. According to the Department of Health and Senior Services, as pointed out by Mr. Anderson, Missouri Times New spends \$2.4 billion per year on health care costs and lost productivity due to smoking. Smokers are much more likely to develop long-term chronic illnesses and these are a drain on the healthcare system. Ms. Grover pointed out that the leading preventable

VII. CITIZEN COMMUNICATION (continued)

(B) Open Citizen Communication (continued): cause of death and disease is smoking. Smoke free workplace ordinances not only protect the health of workers, they also reduce smoking rates. Lower smoking rates mean lower incidents of smoking-related illnesses, which means lower health insurance rates and a savings in tax dollars. Ms. Grover said a smoke free workplace ordinance is no more of an infringement on personal rights than this. As politicians, you must consider fiscal responsibility issues for the whole community and for taxpayers.

Ms. Cheryl Hoerr, 300 W. Christy, Director of Respiratory Services at Phelps County Regional Medical Center, and President-elect of the Missouri Society for Respiratory Care, addressed the Council and stated that second hand smoke contains 4,000 chemicals of which over 50 are known carcinogens. Second hand smoke causes lung disease, heart disease, and cancer. Ms. Hoerr said she is somewhat at a loss to understand why such a dangerous practice is allowed to continue in public places. Ms. Hoerr told the Council that the World Health Organization pulled together a group of independent, well-known, well-educated scientists who were not funded by any company, but were asked to evaluate the studies on the economic impact of a second hand smoke ban. The Organization found that the best-designed studies show no economic impact to businesses when a smoking ban is in place. They also stated that all the studies showing a negative impact were funded or supported by big tobacco. Ms. Grover said it is government's role to protect the citizens. By putting a piecemeal plan in place, the lives of workers in bars are being devalued. She encouraged the Council to put in a strong, no smoking workplace ban for Rolla.

Ms. Renee Getz, a member of SAFERolla, and citizen of Rolla, read from a letter written by Dr. Mary Graham, Radiation Oncologist for the Phelps County Regional Medical Center. In the letter, Dr. Graham voiced her strong support for the smoke-free workplace ordinance in all public places and places of business. She said the reason she is so strongly in favor of the smoke-free workplace ordinance is that it is the right thing to do. The negative effects of smoking have been well documented and known for many years. Dr. Graham indicated that she unfortunately continues to see about a third of her patients with smoking-related cancers. Missouri has one of the worst records concerning people who continue to smoke and the results are smoking-related diseases. Dr. Graham said the only way she knows to reduce smoking in our community is to make it harder to smoke. Dr. Graham said we need to be proactive and set an example to the rest of Missouri. We

VII. CITIZEN COMMUNICATION (continued)

(B) Open Citizen Communication (continued): need to pass this law for the health and wealth of our community. Ms. Getz said she agrees with Dr. Graham that a smoke-free workplace ordinance is the right thing to do.

Ms. Jodi Waltman, Administrator of the Phelps/Maries County Health Department, informed the Council that she is tasked with implementing the food safety ordinance for the City of Rolla. She said she believes it is the role of government to protect the health of their citizens and it has been a long history in the United States to do that. Ms. Waltman indicated that we have a history of protecting citizens from other toxins like mercury, asbestos and lead as they were found to be a danger to the public. With the food safety code, restrictions are placed on business owners to make sure the food that is served to the public does not cause food-borne illness and protects the public. Ms. Waltman stated that second hand smoke puts the patrons and workers at a public workplace at risk. She said there are many ordinances and laws in this country to protect workers. Ms. Waltman indicated that second hand smoke is a newly known risk. As we know of new risks to safety, we change the laws. Now that we have scientific evidence of second hand smoke as a public risk and a high-level carcinogen, it is government's responsibility to protect their citizens and make sure that citizens are not exposed to second hand smoke in public places. She pointed out that the data from Columbia shows that their smoking rates dropped by 4% one year after the passage of their smoking ban ordinance.

Mr. Richard Kampus, Missouri S & T, Student Council representative, explained that the Student Council annually sends a student interest survey to its students. This year, 1,266 students responded to the survey. One question on the survey was "Would you support a City ordinance which banned the acts of smoking tobacco in bars in Rolla?" Mr. Kampus told the Council that 676 students or 53.4% answered "yes" and 342 students or 27% answered "no", and 248 students or 19.6% did not have an opinion on the question. Mr. Kampus said the second question was "Would you support a City ordinance which banned the acts of smoking tobacco in restaurants in Rolla?" He noted that 935 students or 73.9% answered "yes" and 217 or 17.1% answered "no" and 114 or 9% did not have an opinion on the question.

Ms. Lonna Sowers said that those who know her, know she is for business and is passionate about bringing business to Rolla, particularly small, independent stores and businesses because they run this country and make a difference. She asked the Council to

VII. CITIZEN COMMUNICATION (continued)

(B) Open Citizen Communication (continued): revisit the packet of information that SAFERolla provided to them. Ms. Sowers stated that professionals around the world have done independent studies, about both the affects of business and the affects on your lungs. She concluded by pointing out that second hand smoke causes lung cancer, bladder cancer, colon cancer, heart attacks and heart disease.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Contract for Sale of 100 E. 3rd Street: City Administrator John Butz referred the Council to the “Amendment to Contract for Sale of Real Estate” for 100 E. 3rd Street. He recalled that the City had executed an agreement with Mr. Stephen Daniels about four weeks ago for the sale of this property. Mr. Butz reported that it was discovered the City could not deliver an insurable title, but could deliver a marketable title, because the property was sold on the Courthouse steps for taxes and a process called a “Quiet Title” is needed to clear it. City Counselor John Beger and Assistant City Counselor Brendon Fox are working to process the Quiet Title, which will take about four to six weeks to complete. Mr. Butz said it was suggested that the “Amendment to Contract for Sale of Real Estate” be executed to give Mr. Daniels the right to access the property under a \$1.00 lease so he may begin, at his risk, the site work on preparation of the building on that property. Mr. Butz added that there is no indication that the City will have any problem getting the Quiet Title. A motion was made by Williams and seconded by Morris to authorize the Mayor to execute the “Amendment to Contract for Sale of Real Estate” and that it be amended to include a “hold harmless” provision. After some discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Trench on New Parking Lot: Councilman Bahr asked Public Works Director Steve Hargis if he could tell him the purpose of the trench on the new parking lot.

Mr. Hargis indicated that it is used for storm water detention and to promote plant growth.

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IX. EXECUTIVE SESSION

None.

X. ADJOURNMENT

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

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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