

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, FEBRUARY 6, 2012; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

**Presiding:** Mayor William S. Jenks, III

**Council Members in Attendance:** William Lindgren, Jr., Monty Jordan, Greg Sawyer, Susan Eudaly, Gary Hicks, Don Morris, Jim Williams, Lou Magdits, Carrolyn Bolin, Tony Bahr, and Fran Mazanec

**Council Members Absent:** Stan Spadoni

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

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor Lance Thurman, Communications Director Scott Grahl, and City Clerk Carol Daniels

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

Councilwoman Susan Eudaly then led in the Pledge of Allegiance.

**I. CONSENT AGENDA**

A motion was made by Williams and seconded by Jordan to approve the minutes of the previous meetings, as submitted. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

The consent agenda consisted of the following:

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

- January 4, 2012, Rolla City Council Meeting
- January 17, 2012, Rolla City Council Meeting
- January 17, 2012, Rolla City Council Executive Session

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**II. PUBLIC HEARINGS**

None.

**III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS**

**(A) Recognition of Recently Retired City Employees:** Mayor Jenks stated it is difficult to say goodbye to long, faithful employees who have provided a tremendous service to our community. Since he has been Mayor, he has been humbled many times by the professionalism, determination, and hard work of our City employees. Mayor Jenks indicated he believes we have done a poor job of getting across to our citizens what a blessed community we have because of these hard-working civil servants. Mayor Jenks then recognized and presented each of the following retired employees with a certificate of appreciation: Captain Kevin Leonard (Rolla Fire & Rescue); Rita Duvall, Municipal Court Clerk; Bruce Borgerding, Custodian (Rolla City Hall and The Centre); Marvin Bell, Laborer (Environmental Services); Linda Roberts, Recreation Manager (The Centre); Richard Skaggs, Equipment Operator (Parks and Recreation); and Larry Windle, Laborer (Parks & Recreation). Retired employees who were recognized, but unable to attend were Ken Kwantes, Parks and Recreation Director; George Lewis, Maintenance Manager (The Centre); and Karen Nappier, Custodian (The Centre).

**IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS**

Mayor Jenks referred the Council to **(A)** the November and December 2011, Rolla Municipal Utilities Monthly Reports; **(B)** the November 30, 2011, and January 4, 2012, Rolla Board of Public Works Meeting Minutes; **(C)** the January 10, 2012, Preliminary Minutes of the Planning and Zoning Commission; **(D)** The Centre FY 2012 Financial Analysis, and; **(E)** the December 21, 2011, Health and Recreation Center Advisory Committee Meeting Minutes.

Councilman Hicks asked Rolla Municipal Utilities General Manager Rodney Bourne if some of the \$12,939,138.08 in the electric reserves is pledged to the Alfermann Substation, or is it all reserves.

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**IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS (continued)**

Mr. Bourne responded it is all reserve funds. Since there was a lot of money in available cash, the Rolla Board of Public Works, during its October 2011 meeting, decided to move money into both the water and electric reserves. Mr. Bourne indicated the water reserve is fully funded and the electric reserve target is about \$15 million.

**V. OLD BUSINESS**

**(A) Ordinance to Approve the Final Plat of the Rolla Industrial Park West Subdivision:** Community Development Director John Petersen explained the subject property consists of approximately 133 acres, which was purchased by the City for future development. He noted the property would accommodate the construction of a new, consolidated public services yard and the remaining lots, located along Industrial Park Drive, would be made available for economic development.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4034: AN ORDINANCE APPROVING THE FINAL PLAT OF THE ROLLA INDUSTRIAL PARK WEST SUBDIVISION, A SUBDIVISION IN ROLLA, MISSOURI (ROLLA PUBLIC WORKS DEPARTMENT). A motion was made by Williams and seconded by Sawyer to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Mazanec, Bolin, Williams, Lindgren, Eudaly, Magdits, Jordan, Morris, Sawyer, Hicks, and Bahr. Nays; None. Absent; Spadoni. Motion carried. The ordinance passed.

**VI. NEW BUSINESS**

**(A) Motion to Authorize the Mayor to Sign a Corporation Quit Claim Deed Relinquishing the Library Property:** Finance Director Steffanie Rogers explained that during part of a refinancing project with the Rolla Public Library, it was determined the name on the Library property deed was under the name of the City of Rolla Municipal Library Corporation. When the bank discovered this, they requested a corporation quit claim deed be processed. Following execution of the quit claim deed by the Mayor, the refinancing would be possible and the name would be officially changed to the Rolla Public Library.

**VI. NEW BUSINESS (continued)**

**(A) Motion to Authorize the Mayor to Sign a Corporation Quit Claim Deed Relinquishing the Library Property (continued):** A motion was made by Eudaly and seconded by Lindgren to authorize the Mayor to sign the Corporation Quit Claim Deed relinquishing the Library property. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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

None.

**VIII. CITIZEN COMMUNICATION**

Mayor Jenks opened the floor to anyone wishing to address the Council.

1. Ms. Gerry Hall, 2003 Vichy Road, addressed the Council concerning the excess trash surrounding dumpsters in apartment complexes in the Vichy Road area. She told the Council the excess trash, which is not placed in the dumpster because it is too full, is not picked up and then it creates litter. She suggested the City dispose of all the trash, document it, and have the Environmental Services office send a bill to the property owner for the excess trash pickup. Additionally, Ms. Hall asked why the trash has to stay there ten days until a notice can be sent to the property owner. She said something should be implemented where the Sanitation workers would dispose of all the trash.

Mayor Jenks told Ms. Hall the City would address this issue. He asked her to keep the City informed if this continues.

Councilman Hicks indicated he has been in communication about this problem for several months. He said it seems the property owners, who own four-plexes and larger properties, have numerous single-family dumpsters or a commercial dumpster. Mr. Hicks pointed out the Planned Unit Development (PUD) located further down Vichy Road has three large dumpsters to take care of 96 units, which is woefully inadequate. He indicated he drove through the complex a couple of weeks ago and the dumpsters could not be seen because of the trash piled around them.

**VIII. CITIZEN COMMUNICATION (continued)**

2. Mr. George Howell, 12561 Bay Leaf Lane, Rolla, Missouri, stated he is very interested in improving the health of the citizens by having fluoride eliminated from the City water. He mentioned some Council members have indicated they believe the Federal government takes care of us very well. However, Mr. Howell said he does not agree. He listed several cities that have recently stopped adding fluoride to the water. Mr. Howell then provided Council members with a copy of the book "The Fluoride Deception" and asked them to read it.

3. Mr. Bob Stewart, 1308 Hillview, addressed the Council and pointed out fluoride is in toothpaste and it is available by prescription. He pointed out it is placed in the water for the children's teeth and they constitute about 30% of the population. Mr. Stewart said the remainder of the population, even if they do not have any teeth, must drink the water. Additionally, he pointed out 90% to 95% of the water goes into the sewer system. Since fluoride is so readily available, Mr. Stewart said it does not need to be put into the water.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Appointment of Mr. Dale M. Bleckman to the Library Board to Complete the Unexpired Term of Ms. Marsha Belvo:** A motion was made by Williams and seconded by Eudaly to appoint Mr. Dale M. Bleckman to the Library Board to complete the unexpired term of Ms. Marsha Belvo (May 2012, 1<sup>st</sup> Term). A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(B) Review of Record of 621 Houston Road:** Councilman Gary Hicks said about a couple of years ago he brought to City Administrator John Butz's attention the ongoing business activity at 621 Houston Road. He said he could just look at it and tell it was a salvage operation. The man was bringing in discarded appliances and scrap metals and disassembling the appliances and different materials at his residence, which is zoned R-1 (Single Family District). Mr. Hicks reported he has received several complaints from the folks in the neighborhood. He said he could not figure out how the City could allow a very noxious business to operate in a residential area. Mr. Hicks indicated there has been some report of electronic equipment being disassembled on the site. He asked what the City could do to rectify this situation.

**IX. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(B) Review of Record of 621 Houston Road (continued):** Mr. Butz responded that up until this past month, staff did not know a business license had been issued for this location because it was determined to be a transient business (a scrap hauling operation). The materials would be picked up from a location and then hauled to an end user. Consequently, Mr. Butz explained the business license application was never reviewed by the Community Development Department, which would normally verify whether there were zoning issues or home occupation qualifications. He informed the Council complaints about the condition of the property were received, notices were issued, the nuisance was abated and then the nuisance would resurface again. Mr. Butz said staff first thought the easiest solution would be for the Council to rescind the business license. However, it has proven to be more difficult than first thought. In speaking with our City Counselors, Mr. Butz said the City would need to do an injunctive action or relief.

City Counselor Lance Thurman suggested the Council consider taking injunctive relief for the potential zoning violation, which would be for conducting a business in a residential neighborhood.

After much discussion, a motion was made by Morris and seconded by Williams to authorize the City Counselor to begin the injunctive relief process in this matter. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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

**(A) City Council Special Workshops:** City Administrator John mentioned he recently contacted the Council regarding two special workshops on February 27 and on March 15. Due to a conflict with the Municipal Court using the Council Chambers on March 15, Mr. Butz said staff is suggesting the workshop be moved to Wednesday, March 14. He asked the Council to check their schedules to see if March 14 is satisfactory and pointed out this workshop would pertain to administrative warrants, neighborhoods, injunctions, etc. He said the February 27 workshop would focus on the parks and recreation issues. Since City Counselor Lance Thurman indicated he would be unable to attend on March 14, Mr. Butz said he would contact the Council with alternate dates.

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**XI. EXECUTIVE SESSION**

A motion was made by Williams and seconded by Jordan to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss litigation. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Bahr, Hicks, Bolin, Mazanec, Sawyer, Magdits, Eudaly, Morris, and Lindgren. Nays; None. Absent; Spadoni. Motion carried.

**XII. EXECUTIVE SESSION ACTION**

City Counselor Lance Thurman reported during closed session, the City Council voted to approve the settlement with the Bank of America and potential litigation.

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at 7:37 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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