

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, OCTOBER 15, 2012; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

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

**Council Members in Attendance:** Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Carrolyn Bolin, Tony Bahr, and Fran Mazanec

**Council Members Absent:** William Lindgren, Jr.

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

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor Carolyn Buschjost, 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.

Following the invocation, Councilman Lou Magdits led in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

None.

**II. SPECIAL PRESENTATIONS**

**(A.1.) MIRMA Presentation:** Mr. Patrick Bonnot, Loss Control Director with the Missouri Intergovernmental Risk Management Association (MIRMA), reported the City of Rolla Police Department received a grant that would pay for one-half of an in-car camera. He noted the grant is for about \$2,500 and the cameras are very valuable in the arena of police liability. On behalf of MIRMA, Mr. Bonnot presented Police Chief Kears with an award for receiving this grant.

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**II. SPECIAL PRESENTATIONS (continued)**

**(A.2.) Featured Business/Organization: My Father's World:** Mr. David Hazell informed the Council that My Father's World, located at 1370 S. Bishop, is an organization that started in about 1998 and moved to Rolla in 2003. He said My Father's World provides home school curriculum from pre-school through high school to about 35,000 families around the world. Mr. Hazell told the Council that My Father's World currently employ 40 employees and 29 families. He indicated Rolla was chosen because it was located in the central part of the country.

**(B) Neighborhood Clean-up Program, Friday, November 2, 2012:** Volunteer in Police Service (VIPS) Director Vince Giacolone, Police Sergeant Jeremy Martens, and Pastor Chris Foster, representing the Rolla Ministerial Alliance, informed the Council the fifth annual Operation Neighborhood Clean-up would be held on Friday, November 2. The clean-up allows citizens to participate in the beautification efforts of neighborhoods and private residences around the city. Officer Giacolone said the approach to Operation Neighborhood Clean-up has slightly changed this year. Rather than selecting one or two neighborhoods, it was decided to let the churches speak with their congregants and determine who might need help within a specific congregation. Working with the Rolla Ministerial Alliance and other churches, a list was developed of approximately 30 individuals who own homes within the city who need some help cleaning around their house. The reason volunteers are needed is to provide a sense of community spirit. Volunteers are asked to meet at the Greentree Christian Church youth facility at 6:30 a.m. on Friday, November 2 for breakfast and the work will be begin at approximately 7 a.m.

**(C) Third Quarter Rolla Regional Economic Commission (RREC) Report:** Rolla Regional Economic Commission (RREC) Executive Director Cyndra Lorey provided an overview of RREC's 2012 Third Quarter Report.

**III. OLD BUSINESS**

None.

**IV. NEW BUSINESS**

**(A) Ordinance to Approve Blue's Lake Plat No. 9 Subdivision (Dietzmann):** Community Development Director John Petersen informed the Council the applicant is requesting that a small piece (about 30,000 square feet) of Lot 1 be split for commercial

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**IV. NEW BUSINESS (continued)**

**(A) Ordinance to Approve Blue's Lake Plat No. 9 Subdivision (Dietzmann) (continued):** development. He added the applicant has requested the Council consider the first and final readings of the subject ordinance be considered at this meeting.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4061: AN ORDINANCE APPROVING BLUE'S LAKE PLAT NO. 9 SUBDIVISION, A RESUBDIVISION OF LOT 1 BLUE'S LAKE PLAT NO. 8, A SUBDIVISION IN ROLLA, MISSOURI (DIETZMANN). A motion was made by Hicks and seconded by Sawyer to suspend the rules and that the ordinance be read for its final reading, by title. After a brief discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Ms. Buschjost 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; Williams, Jordan, Bahr, Hicks, Bolin, Leonard, Mazanec, Sawyer, Magdits, Long, and Morris. Nays; None. Absent; Lindgren. Motion carried. The ordinance passed.

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

**(A) Motion to Award Bid for Parking Control Vehicle:** Police Chief Mark Kearse reported that bids were opened on October 3, 2012, for a new parking control vehicle. Staff is recommending the bid for a 2012 John Deere XUV 825i with power steering be awarded to the low bidder Donald Farm & Lawn, Rolla, Missouri for \$15,954.89. Chief Kearse noted the current vehicle is at least 15 years old and is costing the City a tremendous amount of money each year in repairs. He added the current vehicle would be sold through [www.govdeals.com](http://www.govdeals.com).

A motion was made by Williams and seconded by Morris to award the bid for a new parking control vehicle to the low bidder, Donald Farm & Lawn, Rolla, Missouri, for a 2012 John Deere XUV 825i with power steering for \$15,954.89. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(B) Motion to Award Bid for One, 20 Cubic-Yard Refuse Truck:** Environmental Services Director Brady Wilson explained that the ten sanitation trucks in the City's fleet are on a ten-year rotation and typically one truck will be replaced each year. As outlined in his narrative and the bid tabulation in the agenda materials, Mr. Wilson noted the

**V. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(B) Motion to Award Bid for One, 20 Cubic-Yard Refuse Truck (continued):**

Environmental Services Department has three trucks that actually meet the minimum required specifications. Since the packer bodies on the trucks are all the same, Mr. Wilson said the difference is in the cab and chassis. Mr. Wilson pointed out that in his narrative he was not overcommitted in making a recommendation on the vehicle to purchase because he wanted to discuss a few issues with the Council. He commented on some mechanical difficulties he has experienced with some of the existing fleet. He said if he was in a private company and had his choice, he would spend a little extra money to purchase the Peterbilt unit because of its quality and durability. The City's mechanics have inspected the Peterbilt trucks and say the serviceability of them is much greater than the other two models. In addition, Mr. Wilson mentioned that Peterbilt trucks hold their resale value over time.

Following Council discussion, a motion was made by Bahr and seconded by Long to award the bid for a 20 cubic-yard refuse truck to TCS, Strafford, Missouri for a 2013 Peterbilt 348 with Loadmaster Legacy refuse body for \$140,661. After additional discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(C) Motion to Award Bid for Skid Steer Loader for Recycling Center:**

Environmental Services Director Brady Wilson explained the proposed bid award would be replacing a small skid steer loader that is used at the Recycling Center. This skid steer loader operates almost all day every day and would replace a 1999 model. Mr. Wilson said staff is recommending the bid be awarded to the low bidder, Bobcat of St. Louis for the 2012 Bobcat S205 for \$28,500 with a trade-in allowance of \$7,500 for a net purchase price of \$21,000. A motion was made by Williams and seconded by Morris to award the bid for a skid steer loader to Bobcat of St. Louis, St. Louis, Missouri for a 2012 Bobcat S205 for \$28,500 with a trade-in allowance of \$7,500 for the used skid steer loader, for a net purchase price of \$21,000. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(D) Motion to Award Bid for FY 2013 Asphalt Overlay Project 327:** Public Works Director Steve Hargis reported bids were received for the City's asphalt projects for the next fiscal year. Staff recommends award to the low bidder, Rolla Asphalt, LLC, for \$294,917.50. Mr. Hargis indicated the Council would be asked to consider a contract with Rolla Asphalt for this project during its next meeting.

**V. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(D) Motion to Award Bid for FY 2013 Asphalt Overlay Project 327 (continued):** A motion was made by Williams and seconded by Long to award the bid for the FY 2013 Asphalt Overlay Project 327, to Rolla Asphalt, LLC, Rolla, Missouri, for \$294,917.50. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) Motion to Draft an Ordinance Exempting Certain Businesses from the Smokefree Workplace Ordinance:** Councilman Steve Leonard stated that after learning the raw data that exists for the sales tax did not provide a lot of conclusive evidence on how the smoking ban impacted the industries in Rolla, he said he visited many of the establishments which had previously told him they were negatively impacted by the workplace smoking ban. Among the businesses that had an historic record where the sales from the second quarter of 2011 could be compared with the second quarter of 2012, Mr. Leonard pointed out there was a consensus of a steep downward trend. In addition, he noted there have been other negative secondary consequences the business owners have complained of such as the problem of customers being forced onto dark streets, sidewalks, and parking lots, even after the hours of 1 a.m. Mr. Leonard said he believes this is actually in direct competition with several goals the City has for the downtown area, including residential and commercial. In addition, he pointed out there are safety concerns for these establishments and there is a certain amount of security that the staff at these places can provide, but once you expel customers onto the street, it certainly becomes more difficult to monitor or control. Mr. Leonard explained that bars and nightclubs historically do very well during economic downturns. Comparatively, they are cheaper, local entertainment. He informed the Council some of the bar owners went directly to their books and obtained exact figures for his survey and others provided him estimates. In either case, Mr. Leonard said he believes the numbers he was given and believes their assessment is that their downturn is due directly to the workplace-smoking ban. He said he also believes that while lunches and happy hours might be nice for these types of businesses, the ability for these businesses to hold and maintain customers from 9 p.m. to close is the business that allows these organizations to meet their payroll and pay their bills. Mr. Leonard said he believes the City can correct these negative secondary consequences of the workplace-smoking ban by making a slight adjustment. Some of these types of businesses might not even participate, but by providing an option he said he believes the Council can relieve some of the economic burden that some of these businesses face and can allow them, their staff, and their families to start rebuilding their

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

**(A) Motion to Draft an Ordinance Exempting Certain Businesses from the Smokefree Workplace Ordinance (continued):** businesses and their livelihood. By providing a narrow, limited, and conditional exemption, the Council can maintain the ground that this city has gained by providing safe and clean indoor air, while dealing with an economic reality that does exist in these types of businesses. A motion was made by Leonard and seconded by Williams that an amendment or new ordinance be drafted which would provide a narrow, limited, and conditional exemption to the workplace smoking ban under the following conditions: (1) The business holds a valid Missouri State Liquor License, as well as any other necessary licenses to serve liquor by the drink; (2) The business regularly closes at 1:30 a.m. or Midnight on Sunday; (3) The area designated for smoking after 9 p.m. will be exclusive for those age 21 or up. No minors shall be in that area after 9 p.m., and; (4) the business displays a sign on the entrance, which informs potential patrons that smoking does occur on the premises. After a lengthy discussion, a ~~voice-hand~~ vote on the motion showed four ayes, ~~seven nays, and one absent.~~ Mayor Jenks did not call for the nay votes and determined there was a lack of support for the motion and it failed. ~~Motion failed.~~ (Amended by the City Council during its November 5, 2012, City Council Meeting).

**VII. CITIZEN COMMUNICATION**

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

**(A)** Mr. Michael Greenway, a resident of Ward I, told the Council he has owned the Grotto for over twelve years and knows what the industry looks like from one day to the next. Mr. Greenway told the Council he is here to discuss the damage done to his business due to the smoking ban. Due to the unique nature of his business, Mr. Greenway indicated he compares figures in academic terms rather than quarters. He told the Council that during this last spring semester, his business was down 12% from 2011 and so far this fall his business is down 25%. Mr. Greenway said 25% pretty much puts him in a place where he cannot continue to operate. He pointed out there are always a variety of factors that are working on a business, but the financial ground zero is the smoking ban. Mr. Greenway told the Council he is willing to make himself available to discuss this with Council members, whether individually or collectively. Mr. Greenway said he could not expect the members of the Council to understand the nuts and bolts in the day-to-day operations of his business. He believes he can expect the Council to understand that he does understand those things. Mr. Greenway assured the Council the data he has provided

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**VII. CITIZEN COMMUNICATION (continued)**

**(A) (continued):** is true and it benefits him in no way to stand up here and tell his customers, employees, and competitors how poorly his business is doing. However, if he has to wait 18 to 24 months he will not be able to approach the Council as a business owner.

**(B)** Ms. Jennifer Mayo, representing Bruno's Pub and Grill, informed the Council the smokefree workplace ordinance has affected their business. She said as a business we should have the choice to have it smoking or non-smoking since we pay our taxes and liquor license. Ms. Mayo pointed out it is not just an economic hurt, but it also hurts the pride of our town to take away more choices.

No one else present addressed the Council.

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

**(A) Fire Department Open House:** Councilwoman Fran Mazanec commented how proud she was of the Rolla Fire and Rescue Department this past Saturday. She said the open house they conducted was spectacular and everyone attending appeared to have had a great time.

**IX. ADJOURNMENT**

Having no further business, the meeting adjourned at 8 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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