

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 21, 2013; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Jonathan Hines, Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Susan J. Eudaly, Don Morris, Jim Williams, Brian Woolley, Tony Bahr, and Walt Bowe

Council Members Absent: Lou Magdits

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

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

Councilman Kelly Long then led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

None.

II. SPECIAL PRESENTATIONS

(A) Rolla Police Department SWAT Overview: Police Chief Mark Kearse provided a synopsis of the Rolla Police Department SWAT Team, which included its implementation, training, negotiation team, SWAT officers, weapons and tools, its mission over the past sixteen years, and policies and procedures.

(A.1.) Silverstone Place Skilled Nursing and Rehabilitation Center Update: Mr. Greg Spence of Riley Spence Properties updated the Council on the progress of Silverstone Place, Skilled Nursing and Rehabilitation Center, a 110 bed certificate of need (CON), located on Vichy Road in Rolla. He said construction on the facility is estimated to take about a year. He informed the Council the total project cost is approximately \$10 million. Additionally, the facility will employ between 110 and 120

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II. SPECIAL PRESENTATIONS (continued)

(A.1.) Silverstone Place Skilled Nursing and Rehabilitation Center Update (continued): individuals. Mr. Spence thanked Mayor Jenks, City Administrator John Butz, Senator Dan Brown, Representative Keith Frederick, and Mr. Jack Dietzmann and his late wife for their support in this project.

(B) Parks Department Report – Baseball/Softball Season Analysis & Trail Utilization: Parks and Recreation Director Scott Caron reported on the 2013 baseball/softball season, which runs from April 15 through October 15. Additionally, Mr. Caron commented on the usage of the City's trail system.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Ordinance Repealing Sections 10-20(a) & 12-1 of the Rolla City Code & Enacting New Sections In Lieu Thereof Pertaining to the National Electrical Code and the ICC International Energy Conservation Code: Community Development Director John Petersen informed the Council that City Codes Administrator Steve Flowers recently discovered that Section 10-20 of the Rolla City Code reads ICC 2000 Electrical Code. Mr. Flowers pointed out the ICC does not have an electrical code. Additionally, it was noticed that the 2000 ICC Energy Code was never officially adopted, which is believed to have been an oversight. Mr. Petersen said the proposed change does not affect anything that has occurred in the past and is just a matter of housekeeping.

After some discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4120: AN ORDINANCE REPEALING SECTIONS 10-20(a) AND 12-1 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO THE NATIONAL ELECTRICAL CODE AND THE ICC INTERNATIONAL ENERGY CONSERVATION CODE RESPECTIVELY.** A motion was made by Eudaly and seconded by Sawyer to suspend the rules and 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. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Eudaly to

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IV. NEW BUSINESS (continued)

(A) Ordinance Repealing Sections 10-20(a) & 12-1 of the Rolla City Code & Enacting New Sections In Lieu Thereof Pertaining to the National Electrical Code and the ICC International Energy Conservation Code (continued): approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Leonard, Williams, Hines, Bahr, Long, Morris, Sawyer, Eudaly, and Jordan. Nays; None. Absent; Magdits. Motion carried. The ordinance passed.

(B) Motion to Extend City Counselor Services Through 2014: City Administrator John Butz informed the Council that in December 2010 the City entered into a Personal Services Contract with the law offices of Williams, Robinson, Rigler, and Buschjost, through December 2012. He said that contract provided for two, one-year extensions. Mr. Butz said the firm and City staff recommends approval of the last one-year extension of the contract under the same terms and conditions, through December 2014. He told the Council that staff would rebid professional services for City Counselor services going into 2015. A motion was made by Williams and seconded by Eudaly to approve a one-year extension with the law firm of Williams, Robinson, Rigler, and Buschjost through 2014 at the current terms and conditions. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Consideration to Change City Prosecutor from an Elected to an Appointed Position: City Administrator John Butz recalled the Council, during its last meeting, discussed the issue of whether the City Prosecutor should be an appointed position versus an elected position. In his poll of Missouri cities of which about 25 responded, Mr. Butz noted that over time almost all have changed to an appointed city prosecutor position.

After a lengthy discussion, a motion was made by Bahr and seconded by Williams to draft an ordinance, for consideration at the Council's next meeting, which would change the City prosecutor position from an elected position to an appointed position. A voice vote on the motion showed nine ayes, two nays, and one absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Surplus Outdoor Christmas Tree: City Administrator John Butz told the Council the 20 foot, pre-lit, pine frame Christmas tree has not been erected for about the past two years. He informed the Council the tree was purchased in 2006 with funds remaining in the CDBG Downtown Grant in partnership with the Rolla Area Chamber of Commerce. Mr. Butz said the tree was purchased for about \$5,141. He told

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion to Surplus Outdoor Christmas Tree (continued): the Council the pre-lit lights are no longer working and the Chamber of Commerce would like the tree removed from their storage building. Mr. Butz said the City could either invest and refurbish the tree, purchase new string lights, loan the tree to the Rolla Lions Club this year, or surplus it and sell it.

After a brief discussion, a motion was made by Bahr and seconded by Eudaly to loan the tree to the Lions Club for 2013. Additionally, the Lions Club would be responsible for storing the tree after its use. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion to Reappoint Mr. Dennis Goodman, Mr. Lynn McFarland, and Mr. Larry Thomas to the Parks and Recreation Commission: A motion was made by Long and seconded by Eudaly to reappoint Mr. Dennis Goodman, Mr. Lynn McFarland, and Mr. Larry Thomas to the Parks and Recreation Commission until October 2016. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VII. CITIZEN COMMUNICATION

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

Ms. Wanda Reveal, 703 Salem Avenue, expressed her strong opposition to an appointed prosecutor position. She said the Council is getting ready to take away a right. She said voting is a right that should never be tampered with. Ms. Reveal said the Council is getting ready to tell her and all the Rolla citizens they are not worth voting. She concluded by asking the Council to not try to take her right to vote away from her because she will fight the Council “tooth and nail.”

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Difference in Class of Cities: Councilman Bahr asked City Administrator John Butz what makes the difference in a city's class.

Mr. Butz explained the size of the city primarily determines if it is considered a Third or Fourth Class City.

(B) Former Ransdall Building: Councilman Bahr pointed out the City has a valuable asset on Eighteenth Street (former Ransdall building), which is located across the street from the Phelps County Regional Medical Center ambulance garage. He said he has a couple of great ideas on how to make it pay. However, Mr. Bahr said the building should first be removed. He indicated he would like to begin addressing this issue during the Council's next meeting.

Mayor Jenks commented that Public Works Director Steve Hargis plans to remove the building and reconstruct it to house equipment in the Public Services Yard. However, he has not had the time to remove it.

Mr. Bahr emphasized the City needs to do something with it. He said it is a valuable piece of land.

City Administrator John Butz said this issue would be placed on the next City Council meeting agenda for further discussion.

IX. EXECUTIVE SESSION

A motion was made by Williams and seconded by Eudaly to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss potential litigation and real estate. A roll call vote on the motion showed the following: Ayes; Sawyer, Eudaly, Bahr, Hines, Jordan, Leonard, Bowe, Williams, Long, Morris, and Woolley. Nays; None. Absent; Magdits. Motion carried.

The Council adjourned into Executive Session at approximately 7:47 pm.

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X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:24 p.m.

City Counselor Carolyn Buschjost reported the Council discussed a real estate matter where a vote was taken and approved for the sale of real estate, subject to final ordinance approval. Some action was taken on the matter of potential litigation, but no further action is required by the Council.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 8:25 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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