

Mayor Grenke called the regular meeting to order at 7:01 p.m.

Roll Call: Aldermen Don Bormann, Landon Magley, Farris Sanders and Catherine Simmons answered roll call.

Absent: Alderman Jon Angell and David Wilkins

Also present were City Administrator Lynn P. Behrns, City Attorney Merritt Beck, James Smith with the Centralia Fireside Guard, and Don Bobbitt

Pledge of Allegiance:

Mayor Grenke led everyone in the pledge of allegiance.

CONSENT AGENDA:

Mayor Grenke asked for approval of the Consent Agenda in its entirety or any items to be pulled for comment or correction.

CONSENT AGENDA:

- A. Minutes of Prior Meeting
 - B. Minutes of Public Works and Public Utilities Committee Meeting
 - C. Minutes of General Government Committee Meeting
 - D. Minutes of Technical Advisory Committee Meeting
- Reports
- 1. Treasurer's & Collector's Reports
 - 2. Activity Reports

Corrections were noted for the PW/PU committee minutes that the wording should be "Central" Street instead of Centralia Street.

Motion was made by Alderman Bormann to accept the consent agenda as amended. Alderman Simmons seconded the motion. On a call by the Mayor for ayes and nays, the motion passed unanimously.

Accounts Payable over \$1250 were presented in the amount of \$456,983.77 as follows:

ACCOUNTS PAYABLE OVER \$1250
AUGUST 20, 2012

Ameren Energy Marketing (Wholesale Electric)	\$ 193,434.72
Ameren Service -MC 1037	\$ 18,724.43
Asplundh (Tree Trimming)	\$ 7,613.38
Boone Electric Cooperative (Lift Station/NW & Ne Pump Stations)	\$ 1,840.70
Cummins Mid South (Annual Inspections)	\$ 2,113.95
ECCO Electric LLC (SCADA Bal on Contract)	\$ 51,894.00
Flynn Drilling (NW Pump house material / labor)	\$ 5,794.00
Hardesty Construction LLC (Cemetery Mowing)	\$ 2,525.00
Metal Culverts (pipes/bands)	\$ 16,309.60
MFA Oil (Fuel)	\$ 9,354.33
Mississippi Lime (Quicklime)	\$ 3,408.75
MJMEUC (Prairie State Energy chgs)	\$ 28,095.60

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S & S Electric (Fountain Rd Lift Station Pump Repairs)	\$	4,683.17
Tri-State Equipment (Track Hoe Rental & Fuel)	\$	3,711.95
Water & Sewer Supply (water dept supplies)	\$	4,464.48
TOTAL	\$	353,968.06

ADDED AFTER GGFC MEETING

Boone Quarries (Rock Miles St Ditch)	\$	6,637.45
Central Concrete (Flowable fill Sims by elementary school)	\$	1,258.91
City of Columbia (July 2012 Charges)	\$	7,180.48
Decker Construction (8" Inserta Valve Lakeview/Miles)	\$	3,420.00
Fletcher Reinhardt (Elec Dept Supplies)	\$	3,691.40
Huber & Associates (Enterpol License /Maintenance agreement)	\$	4,690.00
MISO	\$	6,597.35
UMB Bank (MAMU 08 Elec Substation Lease Payment)	\$	12,679.94
UMB Bank (Park Lease Purchase Payment)	\$	45,004.04
Water & Sewer Supply (Bid items for stock)	\$	3,603.12
Wilkerson Brothers Quarry (Rock for Lagoon)	\$	1,458.32
TOTAL	\$	96,221.01

ADDED TODAY

Asplundh (Tree Trimming)	\$	2,454.70
UMB Bank (Library GB Bond Pmt)	\$	4,340.00
TOTAL	\$	6,794.70
GRAND TOTAL	\$	456,983.77

Alderman Simmons made the motion to approve the Accounts Payable over \$1250 in the amount of \$456,983. 77. Alderman Sanders seconded the motion. On a call by the Mayor for ayes and nays, the motion passed unanimously.

COMMENTS FROM CITIZENS:

Comments from Citizens was opened at 7:03 p.m. by Mayor Grenke.

Hearing no comments, Comments from Citizens was closed at 7:03 p.m. by Mayor Grenke.

PUBLIC HEARING: Setting Property Tax Rates for 2012

Mayor Grenke opened the public hearing at 7:03 p.m.

Hearing no comments, Mayor Grenke closed the public hearing at 7:04 p.m.

ACTION AGENDA:

Finance:

ORDINANCE: Setting Property Tax Rates for 2012

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Alderman Magley presented a bill marked and designated as bill no. 2626 to create an ordinance entitled "AN ORDINANCE FIXING THE ANNUAL RATE OF TAXATION IN THE CITY OF CENTRALIA, MISSOURI, FOR THE YEAR 2012 FOR GENERAL REVENUE PURPOSES, FOR MAINTENANCE AND THE SUPPORT OF THE LIBRARY, FOR DEBT SERVICE OF OUTSTANDING LIBRARY CONSTRUCTION BONDS AND FOR ESTABLISHING AND MAINTAINING FREE PUBLIC PARKS." Alderman Magley moved that it be placed on its first reading by title only. Before the bill was introduced copies of the bill were made available for public inspection. Motion was seconded by Alderman Simmons and motion carried unanimously. The bill was then read by title only. Alderman Magley moved the bill be placed on its second reading. Motion was seconded by Alderman Bormann and motion carried unanimously. The bill was then read the second time by title only. The Mayor then called for discussion on the bill and after some discussion Alderman Magley moved the final passage of the bill. Alderman Simmons seconded the motion. The Mayor called for a roll call vote and the ordinance passed with the following vote. Aldermen voting FOR: Angell, Bormann, Magley, Sanders, Simmons, and Wilkins. Voting AGAINST: None. The Mayor declared the bill passed and thereupon signed the same as passed. The bill was approved by the Mayor and signed by the Mayor as approved and was returned to the City Clerk who attested to the signature of the Mayor, affixed the city seal and the Ordinance was designated as Ordinance 2969.

Permits and Licenses: None Scheduled

Legal: None Scheduled

PURCHASING:

Water Plant Door Replacement

The following quotes were submitted for the water plant door replacement:

LaCrosse Lumber \$ 3,021.00

5 Oaks Associates \$2,487.00

Alderman Bormann made a motion accept the quote from Lacrosse Lumber in the amount of \$3,021.00 for the water plant doors. The motion was seconded by Alderman Simmons. On a call by the Mayor for ayes and nays the motion carried unanimously.

Alderman Bormann made a motion accept the quote from 5 Oaks Associates in the amount of \$2,487.00 for the installation of the doors at the water plant. The motion was seconded by Alderman Simmons. On a call by the Mayor for ayes and nays the motion carried unanimously.

Smith questioned if there were any other bids for the doors.

Behrns noted that the Foreman had tried to get someone else to bid and they did not want to do so.

OLD BUSINESS:

None

NEW BUSINESS:

Mayor:

Appointments:

Mayor Grenke recommended the reappointment of Guy Lee to Planning & Zoning Committee for a 5 year term. Alderman Simmons made a motion to reappoint Guy Lee to the Planning & Zoning Committee for a 5 year term. The motion was seconded by Alderman Bormann. On a call by the Mayor for ayes and nays the motion carried unanimously.

Mayor Grenke recommended the reappointment of Ed Reynolds to the Centralia Industrial Development Authority for a 6 year term beginning September 1, 2012. Alderman Bormann made a motion to reappoint Ed Reynolds to the Centralia Industrial Development Authority for a 6 year term beginning September 1, 2012. The motion was seconded by Alderman Simmons. On a call by the Mayor for ayes and nays the motion carried unanimously.

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Aldermen:

Alderman Magley stated that someone at the Farmer's market had asked what it would take to move the Farmer's Market to City square on Wednesday evenings and Saturday mornings. They currently set up at Breaktime. Behrns said that they would need to talk to the Park Board, and he noted that their monthly meeting would be tomorrow at noon.

City Administrator:

Extension to Wholesale Power Contract

Behrns said that he would be asking to the Board to consider extending the wholesale power contract with Ameren Missouri for 2015-2016 for an additional 5 months. This action would require an ordinance. Behrns gave a description as to how the electric power is purchased by the City. The first amendment to the contract is in the council packet, and Behrns recommends that Council agree to this.

Alderman Jon Angell entered the meeting at 7:20 p.m.

Notice to Property Owner Concerning Building Repairs

Behrns presented a draft of a letter to Clifford Delarosa, and asked the council's opinion regarding the letter asking Mr. Delarosa to speed up progress. There were no disagreements from the Council, and the letter would be sent out the next day.

City Attorney:

Beck presented an update on a previous discussion by the Council regarding synthetic marijuana. Beck stated that no one disagrees that it's a problem, and is significant and serious. One thing that needed to be looked into was status of 2012 legislation adopted by general assembly. He noted that he has researched it & spoken to Mayor, City Prosecutor & Police Chief. State law was amended in 2010 & 2011, but was not amended in 2012. He said that there was no question that it is a serious matter.

Beck discussed that his concern is how to legally address the matter and whether it would be most beneficial to prosecute such cases under State law since the penalty is greater than in municipal court. He believe it would be legal to adopt an ordinance that would be consistent with state law, and he could draft an ordinance to be considered at a recessed meeting. This route would give CPD the option whether to prosecute under state law or City ordinance.

Mayor Grenke questioned if fine money paid through municipal court stays with the City. Beck noted that the fine money for cases through the municipal court does stay with the City.

There was much discussion amongst the Council about creating an ordinance that would be more stringent regarding the use and/or retail sale of a broader range of substances based on their chemical make-up. Beck noted that they could adopt an ordinance that can prohibit more than state law prohibits, but recommended that the City ordinance be consistent with state law regarding possessing and/or selling the substance. The State law may not cover every single substance that is out there currently, but the City could be subjected to a legal challenge by going beyond state law.

Angell asked how the City could restrict how many licenses could be sold for alcohol which is more stringent than state law. Beck noted that many court cases have dealt with that particular issue, and have found that cities have the authority to limit that based on the court rulings because of long standing issues & problems that liquor can present. When dealing with matters about illegal substances, Beck said he would recommend not going beyond state law. Mayor Grenke noted that in all his military/safety training the can always go beyond the most stringent regulation, but need to always follow at least the most stringent regulations. Grenke questioned if we as a municipality can go beyond what the state would allow.

There was much discussion among the Council regarding what other cities are able to do. Beck clarified that there are different classifications of cities with different capabilities according to State Law. Centralia is a 4th class City, whereas larger cities like Columbia are Charter cities. Sometimes the law applies the same no matter what size the city is, but in some cases the laws are different.

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Alderman Angell asked if there is any way we can address the issue legally. He referenced a few sample ordinances that had been given to Beck from other cities and questioned if those ordinances would stand. Mayor Grenke asked how many cities in Missouri have already addressed this issue. Beck responded that those ordinances were passed by very small communities, and noted that just because there is an ordinance that a City has done something doesn't mean it's correct.

Sanders noted that the ordinance would not be totally illegal. Beck questioned why he would want to adopt something to say you're doing something even if it's not legal.

After discussion on the legality of the sample ordinances, Behrns stated that Beck is proposing an ordinance that mirrors the state law, and noted that the Police Department can already arrest under the state law. Beck said that in certain matters the City has adopted ordinances that mirror state law so that gives the Police Department the option to prosecute under state law or municipal level. He suggested drafting an ordinance on synthetic marijuana that mirrors state law.

Behrns stated that he would draft a possible ad to go in the paper to follow up on article to give parents thought on what to look for and how to follow up if they find it.

Angell questioned if the City could require a license for the sale of K2. Sanders said that it is not even called K2, and that the State has fallen behind. Bormann noted that it doesn't matter what the substance is called; State law says that we cannot make laws unless we have the authority to make laws.

Beck noted that there is a process to revoke or suspend a business license, and it is a procedure that the City Clerk is in charge of. One of the grounds is if the person has been convicted of something. If the person happened to be convicted of selling something that is illegal, then the City can start the procedure to revoke the business license.

Beck reiterated that nobody disagrees about the problem, but the question is how to legally address the issue. He would advise against passing an ordinance that goes against all the legal advice. Mayor Grenke recommended that Beck draft an ordinance that mirrors the state law, the Council could start to contact state legislatures about concerns.

Sanders said that he disagrees and would like to see more done about it. Mayor Grenke noted that he would also like to see more done about it, but would like to go about it the right way. He noted that he had worked with the counter drug program with the state highway patrol for several years, and this mind altering substance is dangerous.

City Clerk
None

As May Arise:

There was more discussion about making it economically challenging for a business to sell synthetic marijuana or related substances.

Don Bobbitt stated that he was gratified to read in the paper last week that the Board supports free enterprise.

There was more discussion among the Council regarding the sample ordinances and their legality.

Alderman Sanders made a motion to direct Beck to draft an ordinance similar to Belle's that the Centralia Chief of Police had suggested which would be against the retail sale of certain chemical substances, and that goes beyond what the State law prohibits on the subject.

The motion was seconded by Alderman Magley.

Behrns – depends on if the Chief of Police & the City Prosecutor can simultaneously prosecute the case. Is it possible to have 2 ordinances.

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There was more discussion as to whether or not a case based on Sanders' suggested ordinance would hold up in court, and whether or not a person being tried for the distribution or sale of this substance based on that ordinance would be able to conduct the same business while the court case was pending.

Mayor Grenke noted that there was a motion and a second on the floor AND called for a roll call vote. The motion failed with the following vote. Aldermen voting FOR: Magley and Sanders. Voting AGAINST: Alderman Angell, Bormann and Simmons.

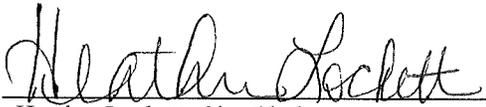
Beck said that he would draft an ordinance that mirrors state law.

Simmons noted that she was not trying to hinder what is being accomplished here, she just wants to make sure we are doing it under the parameters of the State law.

Angell questioned if Wilson had been able to lend any information during her conversations with Beck. Beck stated that her thought about it, because of the seriousness of it, she believes that the people who are guilty of this need state prosecution which can be more strict than municipal prosecution.

There being no further business to discuss, Alderman Simmons made the motion to recess the meeting until 7:00 p.m. on Tuesday, September 4, 2012. Alderman Bormann seconded the motion. On a call by the Mayor for ayes and nays the motion carried unanimously.

Meeting adjourned at 8:22 p.m.



Heather Lockett, City Clerk