

Mayor Grenke called the recessed meeting to order at 7:00 p.m.

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

Absent: Alderman Jon Angell

Also present were City Administrator Lynn P. Behrns, City Attorney Merritt Beck, Police Chief Larry Dudgeon

Others present: James Smith with the Centralia Fireside Guard, Water Department Foreman Mike Forsee, Street Department Foreman Phil Hoffman, Electric Department Foreman Mark Mustain, Deputy City Clerk Donna Stephens, Assistant City Clerk Phyllis Brown, Police Sergeant Robert Bias, Sheila Bias, Ryan Russell, Daryl Spauldin, Brenda Magley, Joe Bailey II, Tarese Perry, Greg Grenke, Darin Ford, Nancy Wheeler, John Wheeler, ??? Coach Bennett, Danielle Mathews

Pledge of Allegiance:

Mayor Grenke led everyone in the pledge of allegiance.

Danielle Mathews entered the meeting at 7:02 p.m.

ORDINANCE: Authorizing Five-Month Extension of Wholesale Power Contract with Ameren Energy Marketing

Alderman Sanders presented a bill marked and designated as bill no. 2627 to create an ordinance entitled "AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF CENTRALIA, MISSOURI TO EXECUTE A FIVE-MONTH EXTENSION TO A LONG TERM POWER SUPPLY PURCHASE AGREEMENT." Alderman Sanders 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 Wilkins and motion carried unanimously. The bill was then read by title only. Alderman Sanders moved the bill be placed on its second reading. Motion was seconded by Alderman Magley 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 Sanders moved the final passage of the bill. Alderman Wilkins seconded the motion. The Mayor called for a roll call vote and the ordinance passed with the following vote. Aldermen voting FOR: 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 2697.

COMMENTS FROM CITIZENS:

Mayor Grenke asked board to insert a Comments from Citizens section which was not originally put on the agenda, and Grenke noted that the comments from citizens was limited to 3 minutes per person.

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

Joe Bailey, 506 N Hickman, Centralia

Bailey said that he knows first hand what synthetics are about, and knows the devastation it causes. He said he has seen and worked with people using the stuff and knows trouble it is causing. He is here in support of the ordinance to ban it in Centralia. He said he has spoken to people that have used the substances who wish to remain anonymous, but said they wished they had not used the substance. He said he would like to thank the Council and would like to see the ordinance passed.

Earl Bennett, Centralia High School Coach

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Bennett noted that the problem with synthetics is that they are available to 18 year olds and can't be picked up on a drug test. Consequently, the kids think its ok to use them. The school is dealing with it almost every day, and they are hard to detect. He knows from talking to kids that they are buying it in a certain store in Centralia that is selling it under the counter. He noted that he has confronted the owner. He said that the biggest problem is because it is easy to get.

Alderman Angell entered the meeting at 7:07 p.m.

Sarah Littrell, 124 S Reed, Centralia

Littrell said that the ordinance is the reason she came to the meeting and brought her teenage son. She feels it is a very serious issue, and our duty is to enforce this as needed. She said that it is easy for kids to get, and it is our duty to enforce federal treaty that has been passed. She stated that she wants her son to set a good example for other kids, and feels that we should also set that example as a community. She said it's as bad as any illegal drug out there, and supports the fact that board is trying to do something about this.

Nancy Wheeler, 509 E Tarr

Wheeler stated that she is a Mother and Grandmother to many children in the school district, and she supports the effort to ban this. She also supports Coach Bennett. She feels that we need to support our children and our schools, and thinks board should also support him.

Brenda Magley, 533 S Columbia

Magley stated that after reading ordinance, she doesn't see what happens to person being charged.

Beck noted that there isn't a penalty section in the ordinance, but there is a penalty section is listed in City code which follows State fine maximum of \$500. The section says that each offense is a separate offense, and what the Judge would do is up to the Judge.

Comments from Citizens was closed at 7:13 p.m. by Mayor Grenke.

Discussion amongst Alderman:

Beck introduced the ordinance as the ordinance he was instructed to prepare, setting forth that it is a city ordinance violation. When the State law is amended, then the amended law is enforced on the municipal level as well. All the things illegal in the state statute would be illegal per City ordinance. Beck noted that there is a test to determine if a conflict exists between State Statute and a City ordinance. If a conflict exists, the City ordinance would be considered void. Any amendments to the State law in the future would be covered in City ordinance.

Wilkins questioned if we are confident that this covers what we are referring to. Beck noted that even some of the sample ordinances combined substances that are already banned in state law, and he doesn't know that we could sit there and say that even the sample ordinances cover what is being sold today. Beck noted that this is a valid ordinance that could not be challenged, and he would recommend its adoption.

Angell said that he thinks part of the point of what the other cities did in adopting a different ordinance was that there might be other stuff out there and the state was having trouble keeping up with the chemist. Point being that if should find something and it doesn't make that test, we could add it later. This ordinance is a good first step, but might want to get to a point to list agents that the state hasn't found yet.

Beck stated that the validity of the law if you have an ordinance that prohibits what the State permits, then that city ordinance is void. The best way is to get state statute amended is to go to State Legislature.

There was more discussion regarding the sample ordinance passed by the City of Belle, as well as adding more substances to the City ordinance in the future if needed.

Beck noted that if it's not prohibited in the State law, then it's permitted. The substance that is out there could very well be something already listed in the state law. He noted that we are speculating about what could happen, and should be letting the Police Department enforce this ordinance and test the substances.

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Chief Dugeon presented examples of the substances bought locally, which he described to look like an herb or potpourri.

Dudgeon noted that he had an ordinance drafted by City Prosecutor, April Wilson that is ready to go. He said the Police Sergeant Bias spoke with the City Attorney in Hannibal today, and said they have not had anyone plead not guilty to their ordinance. Dudgeon talked about the next steps the Police Department would take if the ordinance was passed.

Angell questioned if Hannibal has tested their ordinances yet. Dudgeon replied that they have served some people and have yet to get a not guilty plea. There was more discussion regarding what other Cities have been able to do after drafting a City ordinance, and some discussion about people coming into Centralia to purchase these substances.

Beck stated that the ordinance faxed by Wilson is the ordinance that he had prepared and sent to her for review. There was some discussion on the size of the City and the State regulations based on the City's classification.

Alderman Simmons made a motion to adopt the ordinance prepared by Beck that mirrors State law making certain substances illegal. The motion was seconded by Alderman Wilkins.

Alderman Sanders questioned if it could be added to the ordinance that after the 2nd offense you will lose your business license. Beck answer that he is talking about 2 different things, and there are procedures to revoke business license.

There was discussion regarding the implications associated with charges based on this ordinance. Dudgeon noted that if the seller doesn't stop it after the first time, the Police Department would use the next purchase as a probable cause for a search warrant. If they do issue a search warrant, then the matter is taken out of the hands of the municipal court. Beck noted that a state charge could be subject to jail time.

ORDINANCE: Enacting City Code Provision Making Sale or Possession of Certain Substances Unlawful

Alderman Simmons presented a bill marked and designated as bill no. 2628 to create an ordinance entitled "AN ORDINANCE TO ENACT SECTION 20-35.4 OF THE CENTRALIA CITY CODE MAKING IT UNLAWFUL TO POSSESS, HAVE UNDER CONTROL, DISTRIBUTE, DELIVER, MANUFACTURE OR PRODUCE CERTAIN SUBSTANCES." Alderman Simmons 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 Wilkins and motion carried unanimously. The bill was then read by title only. Alderman Simmons moved the bill be placed on its second reading. Motion was seconded by Alderman Wilkins 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 Simmons moved the final passage of the bill. Alderman Wilkins 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 2698.

Chief Dudgeon cut a package open to show audience what the substance looks like.

Grenke noted that an individual selling under the counter is skirting paying sales tax. Beck thought that could be an additional tool, by asking the State of Missouri to audit that business.

Daryl Spauldin

Spauldin noted that he is happy that the ordinance is passed, but is concerned with some issues. He noted that there are over 10 places selling in Columbia, and that it's also sold in Hallsville and Mexico. The substance is packaged as not for human consumption, and he is concerned about other substances. He thinks that kid are going to try to find a way to purchase it. Grenke noted that the City is going to make it as difficult as possible to obtain.

Danielle Mathews asked if this covers the bath salts. Sergeant Bias replied that they have not found bath salts being sold in town, but have found people with them. They can be in a small container, like a lip gloss container with a gram in it of a white powdery substance. Bias noted that some bath salts test positive for cocaine because the chemical make up is so similar.

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There was some discussion about what the bath salts looked like and how they were used.

Sanders questioned what had changed everyone's mind from the last meeting to this meeting to get everyone on board with the ordinance. Beck noted that what Sanders had asked to be voted on was not this ordinance. Grenke stated that there was some confusion at the last meeting, and everyone had now had time to talk to the public and do their own research.

Simmons stated that she wasn't opposed to adopting an ordinance to prohibit this, but she was opposed to Sanders request that Beck write an ordinance to mirror the one in Belle, when it was against State statutes.

Evelyn Roberts, 221 Sunset Lane

Roberts stated that she was here the night it was discussed and was amazed at the 4 men that came in and sat on the front row. Thought the rules had changed because she didn't remember them standing up and introducing them. She said that she was disturbed because they asked the books to be changed or they were going to lose business.

Magley clarified that they were not the same people being discussed tonight, and that those new people are not the same people that are selling this stuff.

MAYOR APPOINTMENTS:

Josh Collum part time officer has moved to Springfield with his family. Mayor Grenke recommended appointing Ryan Russell as a part-time Police Officer with the Centralia Police Department to replace Josh Collum at the recommendation of Chief Dudgeon. Alderman Simmons made a motion to appoint Ryan Russell as a part-time Police Officer with the Centralia Police Department. The motion was seconded by Alderman Wilkins. On a call by the Mayor for ayes and nays, the motion passed unanimously.

As May Arise:

Chief Dudgeon addressed the Council and stated that he would like permission to promote Sergeant Robert Bias to the position of Lieutenant and Assistant Chief.

Mayor Grenke recommended approving the recommendation by Chief Dudgeon to appoint Sergeant Robert Bias to Lieutenant & Assistant Chief. Alderman Simmons made a motion to approve the Mayor's recommendation to appoint Sergeant Robert Bias to the position of Lieutenant & Assistant Chief. The motion was seconded by Alderman Wilkins.

Dudgeon reported that the roof at the Police Department is in such bad shape that won't make it until next spring. It won't survive another winter. He had spoken to Behrns, and Behrns would have liked to tie it into some other work on city hall. However, it is a 24-25 year old roof. Behrns said it is early to make recommendations on what to cut in the budget, but thinks the City is alright financially. Would be looking at around \$5000 labor and materials to do the roof. He suggested putting an ad in the paper for interested, qualified, experienced people to contact and discuss possibilities.

Behrns noted that the City would need to look at a draft memorandum of understanding for EEZ as the county needs the City to adopt parallel legislation. There is a good chance it will be ready next Monday, and the ordinance to adopt should be short.

Sanders asked if the dump truck had sold, and Behrns noted that it was sold at auction.

There being no further business to discuss, Alderman Simmons made the motion to recess the meeting until Monday, September 10, 2012. Alderman Wilkins seconded the motion. On a call by the Mayor for ayes and nays the motion carried unanimously.

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Meeting adjourned at 8:14 p.m.



Heather Lockett, City Clerk