

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, AUGUST 20, 2007  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET  
6:30 P.M.**

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

**Council Members in Attendance:** Terry Ruck, Monty Jordan, Donald Barklage, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Judy Jepsen, Lou Magdits, Jim Williams, Richard Morris, and Mark Walburg

**Council Members Absent:** Terry Ruck and Richard Sibley

**Department Directors in Attendance:** Public Works Director Steve Hargis, Police Chief Mark Kearse, Parks and Recreation Director Ken Kwantes, Fire Chief Robert Williams, Solid Waste Director Brady Wilson, and Community Development Director John Petersen

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor John Beger, Communications Coordinator 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 Councilmember Judy Jepsen to lead in the Pledge of Allegiance.

In memory of Mr. Lee Bushie, who recently passed away, Mayor Jenks asked that a moment of silence be observed.

Mayor Jenks announced that he has decided not to accept public comment during the City Council's second monthly meeting. However, public comment will still be accepted during the City Council's first monthly meeting. Mayor Jenks asked the Councilmembers to let him know if they have any objections to this change. He added that he is trying to initiate more interaction between the citizens and their Council representatives. Citizens who have an issue they feel needs to come before the Council at the second meeting are encouraged to contact their respective Council representative and their request will be considered.

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**I. PUBLIC HEARINGS**

**(A) Request for Ordinance to Set the 2007 Tax Rate:** City Administrator John Butz noted that there has been some attention on the assessments that have been going on throughout Phelps County, partly due to the State's requirement that there be a better equalization of the assessments. He noted the 2006 valuation was \$167,789,991 and the proposed 2007 valuation is \$229,945,054 – a growth of 37%. He informed the Council that there is a law that limits the amount of growth in taxation. Mr. Butz told the Council that Rolla's tax rate would decrease from \$1.04 per \$100 valuation in 2006 to approximately \$0.74 per \$100 valuation in 2007. However, the 2007 taxes are projected to net an increase of about \$37,000 in the General Fund, \$15,400 in the Library Fund, and \$9,000 in the Park Fund.

Since State law requires that the tax rates be certified to the County Clerk by September 1, 2007, Mr. Butz requested that the proposed ordinance be read for its first and final readings at this meeting.

Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the proposed 2007 property tax rate. No one present addressed the Council. Mayor Jenks closed the public hearing.

City Counselor John Beger read the proposed ordinance for its first reading, by title. **ORDINANCE NO. 3819: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI FOR THE YEAR 2007.** A motion was made by Jordan and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed ten (10) ayes, zero (0) nays and two (2) absent. Motion carried. City Counselor John Beger then read the proposed ordinance for its final reading, by title. A motion was made by Jordan and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes: Magdits, Hicks, Morris, Spadoni, Walburg, Barklage, Eudaly, Jordan, Jepsen, and Williams. Nays: None. Absent: Sibley and Ruck. Motion carried. The ordinance passed.

**(B) Request for Ordinance to Rezone 7.41 Acres South of Martin Springs Drive from R-1, C-2, and PUD to C-3 Zoning (Dietzmann):** Community Development Director John Petersen pointed out the three tracts of property requested for rezoning to C-3 (Highway Commercial District). He told the Council that the same individual owns all three tracts. The applicant feels the property would be more marketable if the proper

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**I. PUBLIC HEARINGS (continued)**

**(B) Request for Ordinance to Rezone 7.41 Acres South of Martin Springs Drive from R-1, C-2, and PUD to C-3 Zoning (Dietzmann) (continued):** zoning is in place. Mr. Petersen called the Council's attention to a letter from the applicant requesting the first and final readings of the proposed ordinance at this meeting because he has some prospects for the property. The Planning and Zoning Commission recommend approval of this rezoning request.

After a brief discussion, Mayor Jenks opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present addressed the Council. Mayor Jenks closed the public hearing.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3820: AN ORDINANCE AMENDING THE BASIC ZONING ORDINANCE NO. 3414, CHAPTER 42 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, AFFECTING THE REAL ESTATE KNOWN AS 7.41 ACRES SOUTH OF MARTIN SPRINGS DRIVE (DIETZMANN). A motion was made by Williams and seconded by Morris to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed nine (9) ayes, one (1) nay, and two (2) absent. Motion carried. A motion was made by Williams and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Spadoni, Hicks, Morris, Jordan, Jepsen, Walburg, Williams, Magdits. Nays; Barklage. Absent; Ruck and Sibley. Motion carried. The ordinance passed.

**II. SPECIAL PRESENTATIONS**

**(A) Rolla Area Chamber of Commerce Second Quarter 2007 Tourism Quarterly Report:** Ms. Stevie Kears, Executive Director of the Rolla Area Chamber of Commerce, expanded on the Rolla Area Chamber of Commerce's second quarter 2007 tourism report, which was included the agenda packets.

**(B) Rolla Regional Economic Commission Quarterly Report:** Rolla Regional Economic Commission (RREC) Executive Director Elizabeth Bax thanked and commended the City staff for their assistance to RREC. She also thanked the Council for the use of the park in the HyPoint Industrial Park. Ms. Bax told the Council that instead of doing a groundbreaking for the park, a tree planting ceremony was conducted.

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**II. SPECIAL PRESENTATIONS (continued)**

**(B) Rolla Regional Economic Commission Quarterly Report (continued):** Fourteen trees were donated at the outset and more are anticipated. Additionally, one local company has donated some benches. Ms. Bax said she believes the park will be something with which the City can be proud. It is a very significant issue with regard to business retention in HyPoint Industrial Park.

Ms. Bax referred the Council to a document she provided to the Council before the meeting. She said she would like to briefly review what RREC is all about and what is different about the way RREC is approaching economic development. Ms. Bax stated that the mission of RREC is to increase the prosperity for everyone in the region. This is primarily accomplished by bringing in and expanding the number of jobs, providing good benefits, and paying above average wages. She added that the strategy is to frame and build Rolla as a center for solutions.

Ms. Bax told the Council that she and Mr. Keith Strassner, from the University of Missouri-Rolla, have built an excellent partnership. In fact, she noted that she and Mr. Strassner have been visiting with a multi-national corporation that has an interest in the area.

Ms. Bax informed the Council that she has received seventeen requests for information, not including several requests from retail developers. Of the seventeen, twelve are solidly in the high technology category. She added there is a very good prospect that would be a perfect fit for the Briggs and Stratton building.

**III. OLD BUSINESS**

**(A) Ordinance to Change the Name of a Portion of El Bosa Nova Lane to Collegiate Boulevard (UMR):** Using visual aids, Community Development Director John Petersen pointed out the portion of the street that is being requested to be renamed from El Bosa Nova Lane to Collegiate Boulevard. He reported that the Planning and Zoning Commission's recommendation is to approve the requested name change.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3821: AN ORDINANCE TO CHANGE THE STREET NAME OF A PORTION OF EL BOSA NOVA LANE TO COLLEGIATE BOULEVARD (UMR).

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**III. OLD BUSINESS (continued)**

**(A) Ordinance to Change the Name of a Portion of El Bosa Nova Lane to Collegiate Boulevard (UMR) (continued):** A motion was made by Williams and seconded by Jepsen to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Williams, Morris, Spadoni, Walburg, Barklage, Magdits, Eudaly, Jepsen, and Hicks. Nays; None. Absent; Sibley and Ruck. Motion carried. The ordinance passed.

**(B) Resolution to Approve the Purchase and Sale Agreement with the Forest Service:** City Administrator John Butz recalled that on June 18, 2006, the Council approved the resolution that authorized the execution of the agreement with the Forest Service. However, the City had not received the Forest Service's concurrence. The documentation was submitted to the Council for consideration, subject to the Forest Service's legal review, which took approximately fourteen months to complete. Mr. Butz explained that part of the delay was because the individual at the Forest Service, who was responsible for this project, since retired. Mr. Butz continued by highlighting the changes to the purchase and sales agreement since the Council's last review. Despite all the past delays, the City has a limited window to finalize this transaction. Failure to approve this agreement at this meeting would likely jeopardize the City's ability to get Forest Service signatures before the October 1 deadline and could trigger a new appraisal process.

Ms. Janet Fraley with the Forest Service addressed the Council and said she feels we are close to a conclusion of this process and the desire of the Forest Service is to finish this transaction. To prevent the appraisal from expiring, Ms. Fraley said the documents need to be submitted as soon as possible. After the documents have been officially recorded, the City would begin making annual payments of \$25,550 for 20 years. Ms. Fraley pointed out that the City cannot place any encumbrances against the property until after the 20 years.

After some discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1641: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, THE AMENDED CONTRACT BETWEEN THE CITY OF ROLLA AND THE MARK TWAIN NATIONAL FOREST. A motion was made by Barklage and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried. The resolution passed.

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**IV. NEW BUSINESS**

**(A) Request for Ordinance to Approve the Resubdivision of Lot 1, Heritage Heights Addition (Coverdell):** Community Development Director John Petersen explained that the subject request is to split Lot 1 in the Heritage Heights Addition into two lots. The Development Review Committee and the Planning and Zoning Commission recommend approval of the subdivision. Because the applicant has someone interested in purchasing the property, he is asking the Council to consider the first and final readings of the proposed ordinance.

Following a brief discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 3822: AN ORDINANCE APPROVING THE RESUBDIVISION OF LOT 1, HERITAGE HEIGHTS ADDITION, A SUBDIVISION IN ROLLA, MISSOURI (COVERDELL).** A motion was made by Hicks and seconded by Spadoni to suspend the rules and that the ordinance be read for its final reading. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried. City Counselor John Beger read the following proposed ordinance for its final reading, by title. A motion was made by Hicks and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Morris, Walburg, Spadoni, Williams, Magdits, Eudaly, Jepsen, Barklage, Hicks, and Jordan. Nays; None. Absent; Ruck and Sibley. Motion carried. The ordinance passed.

**(B) Request for Ordinance to Renew the Cable Franchise with Fidelity Cable Television:** City Administrator John Butz noted that the City's fifteen-year cable franchise with Fidelity Cable Television expired in February 2007. A Blue Ribbon Committee, chaired by Councilmember Monty Jordan, worked on many of the issues contained in the proposed franchise. Mr. Butz referred the Council to a letter from Mr. Kenneth Heinz, the City's special counsel on the franchise process, wherein he summarized the substantial elements of the franchise. Mr. Butz told the Council the franchise provides for two PEG (public, educational, and government) channels.

After discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE REPEALING SECTIONS 16-31 THROUGH 16-40 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO THE FIDELITY CABLEVISION, INC. CONTRACT, AND ENACTING NEW SECTIONS IN LIEU THEREOF.**

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**IV. NEW BUSINESS (continued)**

**(C) Resolution to Authorize a Grant Agreement/Satellite Hazardous Waste Facility:**

Solid Waste Director Brady Wilson told the Council that for the past five years the Solid Waste Department has co-hosted annual Household Hazardous Waste (HHW) collection events that have been very successful. The next progression to recovering these types of pollutants from our waste stream would be to set up something more permanent where folks would not need to accumulate these materials and wait for the next HHW collection. Mr. Wilson recommended establishing a satellite collection facility where HHW materials can be accepted year-round. He explained that the Ozark Rivers Solid Waste Management District is willing to support the establishment of such a facility using available grant funds. He proposed entering into an agreement with the District for the establishment and operation of a turnkey satellite HHW facility to be located behind the Recycling Center. Mr. Wilson said he did not anticipate charging residents for this service, but would be happy to accept donations.

After Council discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1642: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A GRANT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE OZARK RIVERS SOLID WASTE MANAGEMENT DISTRICT FOR THE ESTABLISHMENT AND OPERATION OF A TURN-KEY SATELLITE HOUSEHOLD HAZARDOUS WASTE FACILITY. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed ten (10) ayes, zero (0) nays and two (2) absent. Motion carried. The resolution passed.

**(D) Rental Housing Inspection Committee Report:** Councilmember Jim Williams, chair of the Rental Housing Inspection Committee, reported the Committee considered the following four primary alternative recommendations pertaining to rental housing inspections: (a) Full mandatory rental inspection every three years; (b) Full mandatory rental inspection upon change of occupancy; (c) Voluntary rental inspection with a "Good Housekeeping Seal of Approval," and; (d) Voluntary rental inspection based on complaints (status quo). Councilmember Williams announced that the Committee voted to continue with a voluntary rental inspection program based on complaints, with continuing education presentations from the City Fire and Community Development Departments. Councilmember Williams stated that if any of the other recommendations were selected, it would cost the City \$100,000 for the salary of an inspector and secretary, in addition to office equipment and supplies.

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**IV. NEW BUSINESS (continued)**

**(D) Rental Housing Inspection Committee Report (continued):** Councilmember Hicks said that his main concern is with the safety of the citizens who rent in Rolla. It is estimated that there are over 5,000 rental units in Rolla and some of the renters are at the mercy of unscrupulous landlords. Councilmember Hicks stressed that not all are unscrupulous, there are a lot of good rental units in Rolla, and there are a lot of good renters. He said there probably needs to be more education for the renters to let them know what their rights are. After all, they are paying for a service and they need to know what the landlords are obligated to give them. On the other hand, Councilmember Hicks said there are some tenants that seem to be prone to tear up the property.

Councilmember Williams encouraged all Councilmembers to drive through their respective wards and note areas of concern. He said we want to make Rolla a clean and presentable city.

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

**(A) Resolution Authorizing the City to Enter Into a DNR Loan Agreement for Energy Conservation Measures:** Public Works Director Steve Hargis reported that the City applied and received approval for a low interest loan application from the Department of Natural Resources (DNR) for \$26,377 at an interest rate of 3.75%. The money will be used to replace the incandescent bulbs in the traffic signals with LED lights. LED lights use about a tenth of the power that a regular incandescent bulb uses and lasts five times longer. Mr. Hargis told the Council that the City is exploring the possibility, with Rolla Municipal Utilities (RMU), to provide battery backup for our signals, in the event of power outages. It is estimated that this can be provided for about \$1,000 a signal. Mr. Hargis said he believes the City can use STP funds through the State to purchase the battery backups. Mr. Hargis asked the Council to consider approving the proposed resolution that will authorize the Mayor to execute the loan agreement with DNR.

Following some discussion, City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1643: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO PARTICIPATE IN THE ENERGY LEVERAGED LOAN PROGRAM OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES AND THE STATE

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

**(A) Resolution Authorizing the City to Enter Into a DNR Loan Agreement for Energy Conservation Measures:** ENVIRONMENTAL IMPROVEMENT AND ENERGY RESOURCES AUTHORITY AND THE EXECUTION OF A LOAN AGREEMENT AND PROMISSORY NOTE TO PROVIDE FUNDS TO FINANCE THE INSTALLATION OR CONSTRUCTION OF ENERGY CONSERVATION MEASURES; SUCH FUNDS TO BE REPAID FROM ENERGY COST SAVINGS REALIZED BY THE PUBLIC ENTITY AS A RESULT OF IMPLEMENTATION OF SUCH ENERGY CONSERVATION MEASURES. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried. The resolution passed.

**(B) Resolution to Execute the Contract for Project 169 for Box Culvert at Dutro Carter Creek:** Public Works Director Steve Hargis recalled the Council recently awarded the bid to Don Maggi, Inc., for the Rolla Street bridge improvements. The Missouri Department of Transportation (MoDOT) has since approved the bid and staff is requesting that the Mayor be authorized to execute the contract.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1644: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI, INC., FOR PROJECT 169, FEDERAL AID PROJECT NUMBER BRM-5201(901), NEW BOX CULVERT AT DUTRO CARTER CREEK AND ROLLA STREET CROSSING. A motion was made by Williams and seconded by Barklage to approve the proposed resolution. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried. The resolution passed.

**VI. MAYOR/CITY COUNCIL COMMENTS**

**(A) Airport Committee – Reappointment of Larry Sherrell and Ed Schmidt:** Mayor Jenks requested the reappointment of Mr. Larry Sherrell and Mr. Ed Schmidt to the Airport Committee. A motion was made by Jepsen and seconded by Hicks to approve the

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

**(A) Airport Committee – Reappointment of Larry Sherrell and Ed Schmidt (continued):** reappointments of Mr. Larry Sherrell and Mr. Ed Schmidt to the Airport Committee for two-year terms each. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried.

**(B) Board of Adjustment – Appointment of Frank Bridges and William Lindgren:** Mayor Jenks requested the appointment of Mr. Frank Bridges and Mr. William Lindgren to the Board of Adjustment. A motion was made by Eudaly and seconded by Spadoni to approve the appointments of Mr. Frank Bridges and Mr. William Lindgren to the Board of Adjustment to fill the vacancies created by Mr. Larry Thornhill and Ms. Fran Mazanec. A voice vote on the motion showed ten (10) ayes, zero (0) nays, and two (2) absent. Motion carried.

**(C) Discussion Regarding Park Restrooms – Councilmember Ruck:** On behalf of Councilmember Ruck, Councilmember Hicks said he is concerned about the restrooms at Buehler Park, since it has been determined the City must continue to maintain it as a park. Councilmember Ruck felt that perhaps the City should construct permanent restrooms.

Mayor Jenks suggested discussing this issue during the budget workshops next week.

**VII. EXECUTIVE SESSION**

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

The Council adjourned into Executive Session at approximately 8:25 p.m.

**VIII. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 9:10 p.m.

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**VIII. EXECUTIVE SESSION ACTION (continued)**

City Counselor John Beger reported that during Executive Session the City Council was advised on the status of pending litigation. By a vote of nine to one, the Council authorized Administration to enter into a resolution of this pending litigation, which will be made public upon settlement.

By a unanimous vote, City Counselor John Beger announced the Council decided to take no further action in appeal of the Buehler Park decision.

City Counselor John Beger reported that on a matter of potential litigation and without a formal vote, the Council discussed with Administration on how to proceed without initiating suit.

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

**(A) Vichy Road Traffic:** Councilmember Walburg mentioned that he has received comments from residents that traffic is traveling too fast down the hill on Vichy Road and it is difficult to see traffic to the right at the corner of Meadowbrook and Brook Drives. Councilmember Walburg suggested replacing the yield sign with a stop sign at this location.

**(B) Vichy Road Parking:** Councilmember Walburg recalled that during the Council's consideration of the new subdivision along Vichy Road, the Council discussed eliminating parking on one side of Vichy Road to alleviate some of the traffic concerns. Councilmember Walburg said he believes this is necessary with the amount of traffic, particularly during specific times of the day. He said it is narrow through this area with cars parked along the street.

City Administrator John Butz said staff would be conducting traffic counts in this area. He added that cars parked along Vichy Road tend to slow the traffic and as more cars use the area because of the development, we believe it will cause a positive effect, because the speeding is primarily from the traffic coming into town on Vichy Road.

**(C) National Night Out:** Councilmember Morris commended the Police Department on the National Night Out events. He said it was a great community effort and the Police Department did a great job.

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**IX. COMMENTS FOR THE GOOD OF THE ORDER (continued)**

**(D) Highway 63 Stop Lights:** Councilmember Hicks said he has received several comments regarding the traffic lights along Highway 63. He asked if there is anyway the traffic lights along Highway 63 can be synchronized so that eighteen-wheelers and dump trucks can make it through town in less than 25 minutes. Councilmember Hicks said he is aware that the Missouri Department of Transportation (MoDOT) has control of these traffic lights.

City Administrator John Butz responded that MoDOT's goal is to synchronize the lights when they can. However, the struggle they have had is the turning movements coming off both Kingshighway and Highway 72.

Public Works Director Steve Hargis said the signals at Interstate 44 and Highway 63, Kingshighway and Highway 63, and Highways 72 and 63 are side street dominated. In order to keep the traffic flowing in both directions, MoDOT needs to address that. The cycles change throughout the day to address the side street needs. Mr. Hargis said if they were synchronized, there would be backups on Interstate 44, Highway 72, and at Kingshighway, particularly during the lunch hours.

Councilmember Williams noted that part of the problem is at University Drive and Highway 63. He said everybody tries to get in the right-hand lane because you have one lane traveling north and two left turn lanes. He suggested erecting more signs directing the traffic to Interstate 44.

**X. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 9:17 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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