

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 5, 2008
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET
6:30 P.M.**

Presiding: President Pro-Tempore Lou Magdits

Council Members in Attendance: Terry Ruck (left meeting at approximately 9:31 p.m.), Donald Barklage, Stan Spadoni, Susan Eudaly, Gary W. Hicks, Don Morris, Lou Magdits, Jim Williams, and Donna Hawley

Council Members Absent: Monty Jordan, Rick Morris, and Mark Walburg

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Mark Kearse, Recreation Center Director Scott Caron, Finance Director Steffanie Rogers, Fire Chief Robert Williams, 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

President Pro-Tempore Magdits called the meeting to order at approximately 6:30 p.m. and then asked Rev. Bill Winch to give the invocation.

Following the invocation, Councilmember Stan Spadoni led in the Pledge of Allegiance.

I. MAYOR/CITY COUNCIL

(A) Council Appointments:

(1) Mayor Pro Tempore: President Pro Tempore Magdits entertained nominations for the position of President Pro Tempore.

Councilwoman Hawley stated that the Missouri Revised Statutes specifies that the appointment of President Pro Tempore be done during the meeting following the election. She noted that as far back as 2004, the Council has always made the election of the President Pro Tempore in May. Councilwoman Hawley said the Missouri Revised Statutes and City ordinance both give a very specific meeting when this election is to be

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I. MAYOR/CITY COUNCIL (continued)

(A) Council Appointments (continued):

(1) Mayor Pro Tempore (continued): made. A motion was made by Hawley to shorten the length of the elected president pro tempore to the first regular meeting of the City Council after the election in April 2009. The motion died for the lack of a second.

City Administrator John Butz responded that Councilwoman Hawley is correct in that City ordinance and State Statute specify that the President Pro Tempore will be elected at the Council meeting following the election. He stated that beginning in April 2009, the election of the President Pro Tempore would be placed on the agenda.

A motion was made by Hicks and seconded by Spadoni to nominate Councilman Lou Magdits to the position of President Pro Tempore.

A motion was made by Williams and seconded by Eudaly that the nominations cease. A voice vote on the motion showed eight (8) ayes, one (1) nay, and three (3) absent. Motion carried.

A voice vote on the motion to nominate Councilman Lou Magdits as President Pro Tempore showed eight (8) ayes, one (1) nay, and three (3) absent. Motion carried.

(2) Council Planning and Zoning Commission Representative: City Administrator John Butz noted that State Statute provides that a member of the City Council serve on the Planning and Zoning Commission for a one-year term. Currently, Councilman Mark Walburg serves on the Commission.

A motion was made by Williams and seconded by Hicks to nominate Councilman Mark Walburg as the City Council representative to the Planning and Zoning Commission. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

(B) Veterans Park Feedback – Alternative Locations: After the Council suggested that Southview Park be considered as the Veterans Park rather than the current site, Councilman Spadoni reported that he met with the Korean War Veterans and the Southview Park site was well accepted. Councilman Spadoni then introduced Commander Forrest O’Neal of the Korean War Veterans Chapter.

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I. MAYOR/CITY COUNCIL (continued)

(B) Veterans Park Feedback – Alternative Locations (continued): Commander O’Neal addressed the Council and reported the Korean War Veterans met and decided they would like to have the Southview Park as the Veterans Memorial Park. He expressed the Korean War Veterans Association’s appreciation to the Council for what they have done for the veterans. Commander O’Neal then introduced Chairman Harrison Meaux of the Veterans Park Committee.

Mr. Harrison Meaux, Chairman of the Veterans Park Committee, thanked Mayor Jenks, City Administrator Butz, City Council Members, Parks Director Ken Kwantes, and Public Works Director Steve Hargis for the tremendous cooperation and support they have given the Veterans. Mr. Meaux said the Veterans are determined to do their best to raise funds to start development of the park.

A motion was made by Spadoni and seconded by Williams to accept the recommendation from the Veterans organizations to move the Veterans Memorial Park to Southview Park and to direct City staff to prepare a resolution to repeal the previous action and to designate officially the new park location. After a brief discussion, a voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

(C) Discussion Regarding Emergency Meeting of the Rolla City Council: Councilwoman Donna Hawley said she actually did not want a discussion on the emergency meeting. Rather, she asked that the meeting minutes of April 28, 2008, which she prepared, be placed in the Consent Agenda.

President Pro Tempore Magdits said he did not know if the Council wants to discuss whether to place the April 28, 2008, minutes in the consent agenda. However, he noted that it might be worthwhile to have a discussion to see how the Council wants to approach special meetings since that is essentially the root of the issue.

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Councilwoman Hawley stated the root of the issue is that she tried to call an emergency session and there are no guidelines for doing so. She indicated that she finally found guidelines in the Sunshine Law and did her best to follow the Sunshine Law requirements for calling an emergency meeting. Councilwoman Hawley said the reason she felt an emergency meeting was necessary was because Mayor Jenks was gone for an extended vacation. She stated that she read the statutes on when a president pro tempore was

I. MAYOR/CITY COUNCIL (continued)

(C) Discussion Regarding Emergency Meeting of the Rolla City Council (continued): supposed to have been elected, the Council did not elect a president pro tempore during the April 21 meeting, and therefore there was no actual president pro tempore at that time. Additionally, Councilwoman Hawley noted that in an e-mail from Councilman Magdits, he indicated that he was also out of town. That left the City of Rolla with no elected official at the helm. Councilwoman Hawley stressed that she believes that is an emergency. Councilwoman Hawley said this discussion is not simply about her meeting minutes. She said it is more about following State Statute and feels that somewhere along the lines, you have started treating them as guidelines and you then decide which ones to choose. She said she cannot second guess on what the Council has done before and she feels it is her duty to the citizens of Rolla that we do the best to follow the laws as they are written, including our own ordinances. If the ordinances are not following the State law, then the Council needs to change them. If the Council does not like the State laws, then we need to go to the Legislature and ask that they be changed. Councilwoman Hawley said the reason she called the meeting was a very simple law and it was not done. She said she did her best to come up with a solution, which would be to elect an acting president pro tempore. Councilwoman Hawley said she is not going to lose her personal sense of integrity over this. She stated that she is being asked to back down and that these are not meeting minutes. Councilwoman Hawley said this was a valid meeting, it was called according to State Statute, and she indicated that she created a set of minutes. She asked that the minutes of the April 28 meeting be placed on the Consent Agenda, because it was a valid meeting. A motion was made by Hawley to place the minutes of the August 28, 2008, emergency meeting into tonight's agenda under Consent Agenda. The motion died for lack of a second.

After a lengthy discussion, President Pro Tempore Magdits suggested deferring further discussion of this issue until the next meeting until some research is done.

A motion was made by Spadoni and seconded by D. Morris to set aside consideration of this issue. A voice vote on the motion showed eight (8) ayes, one (1) nay, and three (3) absent. Motion carried.

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II. CONSENT AGENDA

(A) Consider Approval of the City Council Minutes: Councilwoman Hawley requested that the motion in Item, VII. A, of the minutes of the April 21, 2008, meeting, pertaining to the request for proposals for professional administration services for the MS&T Tech Park, be amended to reflect that it is an amendment to the Rolla West Master Plan. A motion was made by Hawley and seconded by Eudaly to amend Item VII. A. of the April 21, 2008, minutes to reflect that the administration services for the MS&T Tech Park is an amendment to the Rolla West Master Plan. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

Councilwoman Hawley also pointed out that the motion under Item VIII. A. of the April 21, 2008, minutes, regarding the resolution revising the FY 2008 budget, should show zero (0) absent instead of zero (0) nays. A motion was made by Williams and seconded by Hicks to approve the consent agenda, as amended. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

The consent agenda consisted of the April 7, 2008, regular City Council meeting minutes and the April 21, 2008, regular and Executive Session City Council meeting minutes.

III. PUBLIC HEARINGS

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(A) Adoption of a Resolution to Authorize the Mayor to Sign an Application for Funding Under the Community Development Block Grant Program: Community Development Director John Petersen recalled that during the last City Council meeting the Council approved an agreement with Meramec Regional Planning Commission (MRPC) to provide the administrative work on the pending grant application for the MS&T Tech Park. Mr. Petersen noted that following tonight's public hearing, the Council would be asked to approve a resolution, which would authorize the Mayor to submit the application. He explained that these steps are required in order to qualify and participate in the program. Mr. Petersen told the Council that the Department of Economic Development (DED) notified the City that funds were available in the 2007 program year and the City could apply for them to help with the Missouri Science & Technology (MS&T) Tech Park master planning. The State offered the City \$60,000 and authorized \$11,800 for administrative fees, which will be given to MRPC.

III. PUBLIC HEARINGS (continued)

(A) Adoption of a Resolution to Authorize the Mayor to Sign an Application for Funding Under the Community Development Block Grant Program (continued): After some Council discussion, President Pro Tempore Lou Magdits opened the public hearing to anyone wishing to address the Council regarding the subject Community Development Block Grant (CDBG).

Mr. Wayne Davison, 1213 Turkey Run, asked the Council how this grant would affect the "normal" citizen and how it will affect the taxes in the future.

City Administrator John Butz responded that an estimate has been done by the Department of Economic Development of what the economic impact of the MS&T Tech Park will be. He said the economic impact study identifies the potential of creating hundreds of jobs. Regarding the question of what it is going to cost the taxpayer, Mr. Butz stated at this point all the intentions have been that this would be the University acting as the developer, so public funding is not anticipated. That being said, City Administrator Butz said the City frequently finds that when people come in with a great deal of investment, they are looking for some kind of tax incentive. However, that will not be known until the developers come in with a project. City Administrator Butz said it is difficult to say what the community will ultimately invest in the way of tax abatement or tax credits for a project like this. He added that the economic report is available for public review.

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No one else present addressed the Council concerning the subject Community Development Block Grant. President Pro Tempore Magdits closed the public hearing.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1660: A RESOLUTION OF THE CITY OF ROLLA, MISSOURI, STATING INTENT TO SEEK FUNDING THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE MAYOR TO PURSUE ACTIVITIES IN AN ATTEMPT TO SECURE FUNDING. A motion was made by Williams and seconded by Hicks to approve the proposed resolution. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried. The resolution passed.

III. PUBLIC HEARINGS (continued)

(B) Motion to Consider a Nuisance Abatement at 5 Pecan Grove: Codes Administrator Brian Epstein provided the background of the subject nuisance at 5 Pecan Grove in addition to providing a current photo of the property. The property was posted and a letter was sent to the property owner. However, no action or communication was received. Mr. Epstein said the cleanup costs are estimated at \$1,800, not including towing of the vehicles, which can cost from \$75 to \$140 per vehicle, depending on the vehicle's condition. Staff recommends the Council finds that a nuisance exists at 5 Pecan Grove.

After some discussion, President Pro Tempore Magdits opened the public hearing to anyone wishing to address the Council concerning the subject nuisance at 5 Pecan Grove. No one present addressed the Council. President Pro Tempore Magdits closed the public hearing.

Councilman Williams reported that before tonight's Council meeting, he spoke with the subject property owner. The property owner told Councilman Williams that he is in the process of moving and has already moved two or three of the vehicles. Councilman Williams noted that the property owner is handicapped and some friends are helping him abate the nuisance. The property requested an extension until June 15 to complete the cleanup. Councilman Williams said he would personally follow up on this matter.

Following discussion, a motion was made by Barklage and seconded by Eudaly that the Council finds that a nuisance exists at 5 Pecan Grove. If the nuisance is not abated by the

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property owner by June 15, 2008, the Codes Administrator is authorized to abate the nuisance with the cost of the abatement plus \$200 in administrative fees to be assessed and certified to the City Clerk who shall cause a Special Tax Bill to be prepared against the property and collected by the City Collector. A voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

IV. CITIZEN COMMUNICATIONS

(A) Open Citizen Communication: President Pro Tempore Magdits opened the floor to any citizen wishing to address the Council.

IV. CITIZEN COMMUNICATIONS (continued)

(A) Open Citizen Communication (continued): (1) Mr. Wayne Davison, 1213 Turkey Run, said he gave Councilman Don Morris a paper regarding the government's authority to provide funds to various cities assisting them in obtaining solar energy. Mr. Davison asked why the City has not pursued getting Rolla into the act of trying to get these funds, as it will potentially save us energy costs. He asked the City to research this and see if Rolla can procure some of these government funds for solar energy as outlined in the paper.

President Pro Tempore Magdits suggested submitting this to Rolla Municipal Utilities (RMU) so they could make an official comment, since this is their area of expertise.

Additionally, Mr. Davison recalled that a few meetings ago he addressed the Council concerning news accounts about pharmaceutical drugs in drinking water. He said the answer he received stated it only applies to surface water. If only surface water contains contaminates, Mr. Davison asked why the leaching coming in to the cave in Leasburg, Missouri has fertilizer. He stated that this is ground water and it has been traced to the far side of Missouri. Mr. Davison asked the Council to pursue having Rolla's water tested for pharmaceuticals at least once.

Mr. Rodney Bourne, Operations Coordinator for Rolla Municipal Utilities, addressed the Council and said there is a lot of information about pharmaceuticals and pesticides. He said he could assure everyone that Rolla's water is tested to meet all the Environmental Protection Agency (EPA) requirements. The water is tested on a yearly basis for all the

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contaminates required by the Federal Government. Mr. Bourne said he would try to obtain more information so he could respond more directly to the concerns.

(2) Dr. Tom Sager, 8 Laird Avenue, stated that he has some trouble hearing some of the things that go on in the Council Chambers. He told the Council that he wrote a letter to the editor of the Rolla Daily News when the Council Chambers opened two years ago and indicated that he would like to follow up on that letter. Dr. Sager said one of the things the City could do to make the Council Chambers more user friendly so people can hear the Council is to take the microphones and make it possible to extend them. Additionally, Dr. Sager suggested moving the two monitors and place them behind the Council seats and then everyone could see what is going on without craning their necks. Dr. Sager asked City Administrator John Butz to give some thought to his suggestions.

IV. CITIZEN COMMUNICATIONS (continued)

(A) Open Citizen Communication (continued): (3) Ms. Ethel Wood, owner of Triple AAA Taxi Cab, said she would like to address the Rolla City Code regarding as it pertains to taxi cabs and to speak for some people who are here tonight that have had some problems with the ordinances. Ms. Wood relayed to the Council an incident with another cab company where a man was involved in an automobile accident with another taxicab company. The man, who was a passenger in the cab, hit his head on the dash and was told to go to the emergency room and the cab company would pay all the bills. Because there was no insurance on the cab, the man became responsible for the bills. Ms. Wood said the cab driver was given a citation for being unable to provide proof of insurance, but continued to drive. Ms. Wood then told the Council about an incident that occurred in October when a young woman, who was driving for another cab company, was told that when the gear of the cab sticks to get out and push the cab up and down. When the woman did this, the cab rolled over her leg. She was ultimately sent to the hospital and again learned there was no insurance. Ms. Wood explained that the woman went to the prosecutor who said that he is only there to prosecute criminals. Ms. Wood told the Council that according to Section 38-2 of the Code taxicab insurance is required.

Ms. Rebecca Clayton, an employee of AAA Tax Cab, asked if there are penalties for not providing insurance. She added that on a Friday when the City discovered that a local cab company did not have insurance coverage, they were told to provide insurance coverage by Monday or they would be closed. Ms. Clayton pointed out that the cab company was allowed to operate all weekend without insurance coverage.

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City Administrator John Butz stated that the last sentence in Section 38-2 of the Rolla City Code requires that insurance companies notify the City of a change in the taxicab insurance policy. He said the question is what can the City do when the insurance companies do not notify the City of changes.

Finance Director Steffanie Rogers informed the Council that when her office receives a business license application for a new cab company, a copy of the insurance certificate is obtained. Before the applicant leaves her office, the insurance company is called to confirm that commercial insurance has been obtained, it is listed in the cab company's name and it contains a valid expiration date. If the Finance Department has not received a current certificate of insurance following the expiration date, a call is placed to the insurance company. In the case where the Finance Department told the taxi cab company

IV. CITIZEN COMMUNICATIONS (continued)

(A) Open Citizen Communication (continued): they needed proof of insurance by Monday, Ms. Rogers said the Finance Department contacted the cab company, the owner of the cab company said he had insurance, it was verified with the insurance company, and the insurance company did not fax the insurance certificate until Monday morning. At that point, the City closed his business and he was unable to drive any cab until the insurance coverage was confirmed to be commercial.

Councilman Williams said he would like staff to look into possible courses of action regarding taxicab companies if a taxicab is involved in an accident, and does not have insurance coverage.

(4) Mr. Wayne Davison, 1213 Turkey Run, recalled that he recently asked the Council if the yellow clothing donation boxes from an out of town business could be removed from Rolla. He said the Mayor indicated that the City was trying to have some of the boxes moved because there are too many of them. However, Mr. Davison indicated that he has not seen any progress in getting them moved.

President Pro Tempore Magdits commented that this issue was discussed extensively at the last Council meeting. He said the City's choices are very limited. The entity that was possibly going to participate in receiving a percentage of the sales has since declined. President Pro Tempore Magdits suggested to Mr. Davison that he tell the business owners who have permitted the donation boxes to be on their property, that you will take your business elsewhere if they continue to allow the boxes on their property.

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Dr. Tom Sager, 8 Laird, stated there is a very simple solution to the problem with the yellow clothing donation boxes. If people in this town stop buying from businesses that have the yellow donation boxes on their property, those boxes will disappear very quickly.

Councilwoman Eudaly added that if residents discontinue placing items in the donation boxes, the company would be forced to remove the boxes.

No one else present addressed the Council.

V. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Update on the Plans for the 14th Annual Summerfest: Mr. Nick Barrack and Mr. Jim Larson, members of the Summerfest Committee, provided an overview of the events scheduled for this year's "Route 66" Summerfest, which will be held June 5, 6 and 7, 2008.

VI. REPORT OF MAYOR AND COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS

President Pro-Tempore Magdits referred the Council to **(A)** the March 2008 Rolla Municipal Utilities Monthly Report; **(B)** the March 2008 City's Cash Position and Expenditures Report; **(C)** the April 8, 2008, Rolla Planning and Zoning Commission Meeting Minutes; **(D)** the March 25, 2008 Development Review Committee Meeting Minutes; **(E)** the March 2008 Rolla Municipal Court Report; **(F)** The March 19, 2008, Rolla Health & Recreation Center Advisory Committee Meeting Minutes, and; **(G)** The Centre FY 2008 Financial Analysis.

VII. OLD BUSINESS

(A) Ordinance to Rezone Property at 1349 Highway 72 from R-3 Zoning to C-2 and C-1 Zoning and 1331 Highway 72 and #41 Johnson Street from R-1 to C-2 Zoning (Huffman/Taylor): Community Development Director John Petersen recalled that during the Council's last meeting, a public hearing was held on the subject rezoning matter. Mr. Petersen indicated that during that meeting he reviewed, in some detail, the Planning and Zoning Commission's report. The Planning and Zoning Commission's recommendation to the Council was to approve the rezoning as proposed with certain

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conditions, as outlined in the proposed ordinance. Since the last meeting, Mr. Petersen explained that a petition in opposition to the rezoning, representing 22% of the area was received. However, the petition does not represent 30% of the area and it does not constitute a legal petition. Therefore, a simple majority vote of the Council in favor of the subject ordinance would be required for approval.

After Council discussion, petitioner, Floyd Huffman, addressed the Council and said he would like to do something different with the corner. He said he is requesting the rezoning for Rolla as much as he is doing it for himself. Mr. Huffman said the property

VII. OLD BUSINESS (continued)

(A) Ordinance to Rezone Property at 1349 Highway 72 from R-3 Zoning to C-2 and C-1 Zoning and 1331 Highway 72 and #41 Johnson Street from R-1 to C-2 Zoning (Huffman/Taylor) (continued): should be rezoned commercial and, with the traffic generation, a tremendous amount of sales tax will be generated when the property is developed. He asked the Council for their help in developing his property.

Councilman Williams suggested to Mr. Huffman that he recommend that the Council postpone consideration of his rezoning request until the next Council meeting, in hopes the entire Council will be present.

A motion was made by Williams and seconded by Hawley to set aside consideration of the subject-rezoning request until the next Council meeting. After further Council discussion, a voice vote on the motion showed nine (9) ayes, zero (0) nays, and three (3) absent. Motion carried.

(B) Discussion Regarding the Recommendations of the Rolla Cemetery Ad Hoc Committee: Councilwoman Eudaly recapped that the purpose and mission of the Rolla Cemetery Ad Hoc Committee was to review the rules and regulations of the Rolla Cemetery, excluding fees. She reported that the Committee met over eight hours and the consisted of former Councilwoman Judy Jepsen, Rev. Bill Winch, Mr. Roger Licklider of Null and Son Funeral Home, County Coroner Larry Swinfard, and Ms. Loretta Cornick. Parks and Recreation Director Ken Kwantes and Parks Specialist Kristy Bullock were ex-officio members of the Committee. Councilwoman Eudaly continued by outlining the proposed changes to the rules and regulations. The Council will be asked to approve the recommendations at its next meeting.

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Councilwoman Hawley asked that the “Motion to Approve the Fiscal Year 2007 Independent Audit (Amended)” be moved for consideration under “Old Business” because she said she has a question about the audit that she believes should be addressed before one of the “New Business” items. A motion was made by Hawley and seconded by Hicks to move “Motion to Approve the Fiscal Year 2007 Independent Audit (Amended)” from “Claims and/or Fiscal Transactions” to “Old Business.” A voice vote on the motion showed five (5) ayes, four (4) nays, and three (3) absent. Motion carried.

VII. OLD BUSINESS (continued)

(C) Motion to Approve the Fiscal Year 2007 Independent Audit (Amended):

Finance Director Steffanie Rogers recalled that during the April 21, 2008, Council meeting, Ms. Jo Moore of Evers & Company, provided an overview of the 2007 independent audit. Ms. Rogers noted that following the audit presentation, an error was discovered on pages 6 and 14 of the audit affecting restricted and unrestricted cash.

Councilwoman Hawley asked where the debt obligations of Rolla Municipal Utilities are placed in the audit.

Finance Director Rogers responded that it is contained on Pages 45 and 46 of the audit.

Councilwoman Hawley asked if there is a section in the audit that addresses the Missouri Joint Municipal Electric Utility Commission (MJMEUC) and the Missouri Public Energy Pool (MOPEP).

Finance Director Rogers indicated that this is not contained within the City audit.

Councilwoman Hawley noted that neither the City audit nor the Rolla Municipal Utilities (RMU) audit discusses the level of debt that RMU has through MJMEUC. She questioned whether the audit should contain the total debt level shared on these projects.

Finance Director Rogers stated that the items listed in the audit are the items the auditors deemed as the obligations to be put as a component unit.

Councilwoman Hawley said she did not know how an audit could be complete if those numbers are not presented to the Council. She said either the City or RMU should be producing these figures every year.

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RMU General Manager Dan Watkins said he had discussion with RMU's auditors as to whether or not that information should be included. He said the debt is not considered RMU's debt. RMU's obligation is to pay for power and MJMEUC has gone into debt to purchase that power.

Councilwoman Hawley said it is a financial obligation and it should be placed in the audit in order for it to be complete.

VII. OLD BUSINESS (continued)

(C) Motion to Approve the Fiscal Year 2007 Independent Audit (Amended) (continued): City Administrator John Butz suggested asking the City's auditors to provide written comment and clarification on this issue.

Councilwoman Hawley said she would be amenable to asking the auditors for clarification.

A motion was made by Eudaly and seconded by Barklage to approve the Fiscal Year 2007 Independent Audit as amended. A voice vote on the motion showed eight (8) ayes, one (1) nay, and three (3) absent. Motion carried.

VIII. NEW BUSINESS

(A) Request for Lease Purchase Proposal for Electric Power Supply (Substation) Not to Exceed \$18 Million Through MAMU: Rolla Board of Public Works President Dr. James Stoffer addressed the Council and requested Council approval for Rolla Municipal Utilities' (RMU) participation in a lease/purchase funding agreement for electric system infrastructure, not to exceed \$18 million. He noted that RMU plans to construct a new bulk power station and purchase the facilities from Ameren UE. Dr. Stoffer continued by outlining the project associated with the funding. He pointed out that probably the most important aspect of this request is that the purpose of this activity is to improve the safety and reliability of the RMU system. These improvements will also facilitate the south and west extension of the city and the cost impact on the rate base of RMU will be minimal. Dr. Stoffer said RMU does not anticipate rate increases associated with this project. He asked the Council to consider approval of the concept after the appropriate ordinance has been drafted. Dr. Stoffer stated that the ordinance would be drafted after U.S. Bank goes through the accreditation and viability studies.

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Councilman Ruck left the meeting at approximately 9:31 p.m.

In response to a request from Councilwoman Hawley for a copy of the R.W. Beck Study, Dr. Stoffer stated a copy of this study could be provided to the entire City Council during a closed session. He emphasized that it is a document that must be dealt with during a closed session.

VIII. NEW BUSINESS (continued)

(A) Request for Lease Purchase Proposal for Electric Power Supply (Substation) Not to Exceed \$18 Million Through MAMU (continued): RMU General Manager Dan Watkins added that it is a closed document because it is felt that the public interest is better served by non-disclosure of all the details in this document. He pointed out there is a provision of the Sunshine Law which sanctions it.

City Counselor John Beger advised the document contains certain security considerations for the safety of the system, which if released to the public, could endanger the security of the system.

(B) Review of the 2006 International Codes Related to the City of Rolla: Community Development Director John Petersen complimented Codes Administrator Brian Epstein and the Building Codes Review Committee for their work during the past several months in the review of the 2006 International Codes.

Codes Administrator Brian Epstein thanked the members of the Building Codes Review Committee which consisted of Councilman Terry Ruck, Councilman Gary Hicks, Mr. Phillip Lane from Meeks Lumber, Mr. Jack Mentink of Integrity Engineering, Fire Chief Robert Williams, Fire Marshall Larry Seest, and contractor Mark Williams. Mr. Epstein explained that in 2006 the Committee was appointed to review the 2006 International Codes for adoption. Mr. Epstein referred the Council to the letter, included in the agenda materials, from Mr. Jack Mentink, Chairman of the Building Codes Review Committee. The letter indicates the Committee unanimously voted to recommend that the City move forward with adoption of the new codes with minor amendments. Mr. Epstein noted that the Committee suggests that the implementation be delayed so it does not interfere with the ISO audit, which will probably be completed in December. Additionally, the Committee suggested that the implementation be pre-empted by an educational period. Mr. Epstein continued by highlighting the major proposed amendments to the 2006 International Code. He told the Council that most of the controversial amendments were in the residential code.

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After some Council discussion, Mr. Epstein said he would return later this year with the proposed ordinance to take effect January 1, 2009.

VIII. NEW BUSINESS (continued)

(C) Request for Ordinance to Amend Chapter 6 Pertaining to Dangerous Buildings:

Community Development Director John Petersen pointed out that one of the provisions in the recent attitude survey was a concern about the maintenance of residential properties. He explained the main thrust of the proposed ordinance addresses buildings sustaining damages exceeding 50% of the face value of the property insurance policy covering the structure. Mr. Peterson told the Council that insurers would be required to deposit 25% of the insurance proceeds with the City. Mr. Petersen told the Council that the proposed ordinance contains a provision requiring that buildings be boarded up in such a manner to blend in with the neighborhood.

Following discussion, City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 6, BUILDINGS, OF THE ROLLA CITY CODE, ARTICLE III, BUILDING REGULATIONS, BY REPEALING AND ADOPTING CERTAIN PROVISIONS.

(D) Request for Ordinance to Enter Into a Supplemental Agreement for Deible Loop Pedestrian Bike Trail Phase I:

Public Works Director Steve Hargis explained that the next two agenda items are related. He said plans are to bid Phases I and II of the subject bike trail at the same time. Mr. Hargis pointed out that the project scope of the bike trail has somewhat changed. The limits of the bike trail for Phase I have been moved from Sycamore Drive to the bridge. Phase II would pick up at that point, include the bridge, and continue to Lions Club Drive. Mr. Hargis said this change better matches the amount of money that is available in each of the grants. Staff requests approval of both ordinances.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3862: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE ALLOCATION AND DISTRIBUTION OF TRANSPORTATION ENHANCEMENT FUNDS PROJECT NO.

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STP-5200(911), WHICH PROVIDES FUNDING FOR THE CONSTRUCTION OF DEIBLE LOOP PEDESTRIAN BIKEPATH PHASE I. A motion was made by D. Morris and seconded by Eudaly to suspend the rules and that the ordinance be read for its

VIII. NEW BUSINESS (continued)

(D) Request for Ordinance to Enter Into a Supplemental Agreement for Deible Loop Pedestrian Bike Trail Phase I (continued): final reading, by title. A voice vote on the motion showed seven (7) ayes, one (1) nay, and four (4) absent. Motion carried. City Counselor John Beger then read the proposed ordinance for its final reading, by title. A motion was made by Eudaly and seconded by Spadoni to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Hawley, Hicks, Spadoni, Barklage, Magdits, Eudaly, and D. Morris. Nays; None. Absent; Jordan, R. Morris, Walburg, and Ruck. Motion carried. The ordinance passed.

(E) Request for Ordinance to Enter into a Supplemental Agreement for Deible Loop Pedestrian Bike Trail Phase II: Public Works Director Steve Hargis stated that staff recommends approval of the subject ordinance as outlined in Item VIII. D. above.

City Counselor John Beger read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 3863: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION PROVIDING FOR THE ALLOCATION AND DISTRIBUTION OF TRANSPORTATION ENHANCEMENT FUNDS PROJECT NO. STP-5200(912), WHICH PROVIDES FUNDING FOR THE CONSTRUCTION OF DEIBLE LOOP PEDESTRIAN BIKEPATH PHASE II. A motion was made by Eudaly and seconded by Barklage to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed six (6) ayes, two (2) nays, and four (4) absent. Motion carried. City Counselor John Beger then read the proposed ordinance for its final reading, by title. A motion was made by Hicks and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Spadoni, Williams, Eudaly, Magdits, D. Morris, Barklage, Hicks, and Hawley. Nays; None. Absent; Walburg, R. Morris, Ruck, and Jordan. Motion carried. The ordinance passed.

(F) Resolution for the Declaration of Covenants and Restrictions for Ramsey Place Subdivision: Public Works Director Steve Hargis recalled that about a year ago, the City applied for a permit to do some repair work to the creek in Ramsey Place

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Subdivision. The Army Corps of Engineers decided not only was the creek jurisdictional, but the City would have to come up with some sort of mitigation to allow the City to be able to go in

VIII. NEW BUSINESS (continued)

(F) Resolution for the Declaration of Covenants and Restrictions for Ramsey Place Subdivision (continued): and change the creek. Mr. Hargis explained that the circumstances, which exist at the creek, are that homes are now built on the lots and the creek is beginning to get fairly close to some decks. Homeowners also are concerned about the impact on their property. The Corps of Engineers has required the City to mitigate this problem and they are aware of the City's bike trail. They are allowing the City to use the bike trail as a mitigation, which will place a restrictive covenant on it that says it has to remain a bike trail in a natural area. The proposed "Declaration of Covenants and Restrictions," along with the proposed resolution, would allow Mr. Hargis to submit it to the Corps of Engineers and receive the permit.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1661: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN DECLARATION OF COVENANTS AND RESTRICTIONS. A motion was made by Williams and seconded by Spadoni to approve the proposed resolution. A voice vote on the motion showed eight (8) ayes, zero (0) nays, and four (4) absent. Motion carried. The resolution passed.

IX. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Approve the Fiscal Year 2007 Independent Audit (Amended): This item was considered as Item VII. Old Business (C), above.

X. COMMENTS FOR THE GOOD OF THE ORDER:

(A) High Grass: Councilman Williams noted that while driving around the city today, he noticed that the grass is beginning to grow in many yards. He reminded residents that they need to keep their lawns mowed.

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XI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 10:10 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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