

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 21, 2008
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, Stan Spadoni, Gary W. Hicks, Don Morris, Lou Magdits, Jim Williams, Donna Hawley and Mark Walburg

Council Members Absent: Donald Barklage, Susan Eudaly, and Rick Morris

Department Directors in Attendance: Public Works Director Steve Hargis, Police Chief Mark Kearse, Finance Director Steffanie Rogers, Solid Waste Director Brady Wilson, Fire Chief Robert Williams, and Parks and Recreation Director Ken Kwantes

Other City Officials in Attendance: City Administrator John Butz, City Counselor John Beger, Communications Coordinator Scott Grahl, and City Clerk Carol Daniels

Mayor Jenks called the meeting to order at approximately 6:30 p.m. and asked Associate Pastor Chris Foster of First Christian Church to give the invocation.

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

I. CITIZEN COMMUNICATION

(A) Discussion Regarding the Possibility of an Ordinance Pertaining to Local Landlords: Mr. Ed Tenes addressed the Council regarding problems he is having with a tenant at his property located at 404 North Pine Street. Mr. Tenes supplied the Council with a copy of the documents he previously provided to the Phelps County Prosecuting Attorney along with a list of the actions he has taken as landlord regarding the property. Mr. Tenes said he suspects drug activities are going on at this residence. He noted that the Police and Fire Departments have been called to this property on several occasions. Mr. Tenes said he was told by the Prosecuting Attorney's office that they could not do anything about this matter because there is no evidence that drug activity is occurring on the premise. Mr. Tenes said he is appearing before the Council because he feels there

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I. CITIZEN COMMUNICATION (continued)

(A) Discussion Regarding the Possibility of an Ordinance Pertaining to Local Landlords (continued): needs to be ordinances to help landlords evict people who are doing these types of activities. He asked the Council to consider approving ordinances that help the police and the landlord eliminate many of these problems. A lengthy dialogue ensued following Mr. Tenes' presentation.

(B) Energy Efficient Day: Mr. Ed Tenes noted that recently Governor Blunt signed into law that April 17–22 will be Tax Exempt Days for the purchase of energy efficient appliances costing up to \$1,500. He explained that this is an incentive for people to purchase better and newer appliances that use less electricity. Mr. Tenes said he thought it would be a good idea if the City would consider exempting the City sales tax on these items next year.

II. SPECIAL PRESENTATION

(A) Green Acres Petition to Lower the Speed Limit: Mr. Don Lawson, 27 Green Acres Drive, and representing 44 citizens in the Green Acres area, said they would like to head off having one of their children maimed or killed by an “air head” driver on Green Acres Drive. He added the 44 citizens belong to 33 properties out of 36 properties and it represents 91.6% of the residents of the affected properties, which approved the petition in content and purpose. Mr. Lawson noted that Green Acres Drive is a short, congested neighborhood street with children and pedestrians. He added there are two entrances to Green Acres Park, which is a public recreation area. Mr. Lawson said the residents along Green Acres Drive applaud the City of Rolla for establishing the 15 M.P.H. speed limit on the entrance drive to the park. However, the residents wonder why the same standards of safety have not been applied to Green Acres Drive, which is an even more critical passage in view of the human traffic. The “Save our Street” petition submitted by the residents along Green Acres Drive respectfully asks the City of Rolla to lower the speed limit from 25 M.P.H. to 15 M.P.H. along with the other conditions mentioned in the petition.

Police Chief Mark Kearsse told the Council that he believes a speed trailer was placed on Green Acres Drive and some officers were assigned to monitor the area. He noted that someone suggested using speed bumps as a deterrent to speeding.

II. SPECIAL PRESENTATION (continued)

(A) Green Acres Petition to Lower the Speed Limit (continued): Mr. Shannon Nash, Green Acres Drive, stated that Green Acres Drive is unique in that it has a City park with two entrances to it off Highway 72. He mentioned the park has a volleyball court, basketball court, pavilions, and children from the Rolla Gardens area come to play in the park. Mr. Nash said there is nothing like it in Rolla and it is a dangerous place. He said the residents of Green Acres Drive are trying to prevent a child from being hit by a vehicle. Mr. Nash said if the Council is not going to change the speed limit to 15 M.P.H., he would like to know why.

Public Works Director Steve Hargis addressed the Council and stated that the standards have been adopted nationwide on how to establish speed limits on residential streets. He said 25 M.P.H. in a residential area is a common minimum that is established throughout the country. Some states set their speed limits as high as 30 M.P.H. for residential areas. Mr. Hargis pointed out two important things that people need to remember. He said it does not really make any difference what the speed limit sign says, if someone wants to speed in a neighborhood, they are going to speed and drive carelessly. Mr. Hargis stressed that children need to understand that the street is for vehicles and not a place for children to play. Mr. Hargis told the Council that speed bumps have been used to placate individuals in neighborhoods throughout the country and it slows vehicles where the speed bump is. If this method is used, he told the Council that it needs to be determined where the speed bump should be placed because the driver will speed between the bumps. Mr. Hargis emphasized the average speed in a neighborhood does not decrease because of speed bumps. He said the traffic counts on Green Acres Drive are consistent with what is expected in an area of its size and the speeds were actually slower than what is expected.

Mr. Hargis said if speed bumps are placed on Green Acres Drive, then other neighborhoods will think they need them. Then if one speed bump is good, three are better. Before you know it, you will have streets you cannot even traverse.

Councilman Hicks asked if Chief Kearsse could provide a report of how many speeding tickets are written, how many are prosecuted, and the fines for these offenses.

City Administrator John Butz noted that portable speed bumps are manufactured. He said this could be used on a 30 to 60 day basis and removed during the winter and used in different neighborhoods.

II. SPECIAL PRESENTATION (continued)

(A) Green Acres Petition to Lower the Speed Limit (continued): Ms. Sharon McDonald, 36 Green Acres, said Green Acres Drive does not have speeders as much as the 25 M.P.H. speed is too high for the neighborhood. She challenged the Council to see how quickly they can stop at 25 M.P.H. not only for a child, but also for an adult. Ms. McDonald suggested first lowering the speed limit to 15 M.P.H. for a while to see how it works before using speed bumps.

Public Works Director Steve Hargis relayed that when he was recently in Houston, Texas, he apparently ran a red light because he received a ticket for it in this week's mail. Mr. Hargis said the company that does this owns and operates the traffic cameras and they issue the tickets. Payment for the ticket is made to another company in a different state. Mr. Hargis said this reduces the number of individuals running red lights. Mr. Hargis indicated there are firms that will set up "speed traps" and will photograph the violator's license plate and send them a ticket. He said he feels this would be a far better solution than trying to use speed bumps that may or may not work.

Additional Council discussion followed. After further consideration, Mayor Jenks said staff would submit a report to the Council at its next meeting.

(B) RREC Quarterly Report: Ms. Elizabeth Bax, Rolla Regional Economic Commission Executive Director, provided the Council with a brief overview of the Rolla Regional Economic Commission (RREC). She explained the RREC deliverables are negotiated between the RREC Executive Committee and her on an annual basis. This year the RREC Board decided they would like to see more emphasis placed on marketing. Ms. Bax noted that the past few years have been spent doing more in terms of building capacity and working on having more places to put new business. Ms. Bax said she has personally set the goal of 100 new jobs created by December 2008. Another deliverable is to sustain RREC beyond the first five years. Ms. Bax recalled that RREC was originally planned to experiment to see if Rolla would do well with a contract organization providing economic development services. She indicated she was charged with putting together a master plan for the public works yard area that the City provided for an additional area for businesses. Ms. Bax told the Council that a plan of regular communication with major employers has already been developed and the frequency depends upon the size of the major employer.

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II. SPECIAL PRESENTATION (continued)

(B) RREC Quarterly Report (continued): Ms. Bax reported that an organization committee was formed to look at sustaining the organization. All of the major stakeholders who have been involved with the organization voted to move forward with maintaining it. She mentioned that two members dropped out because they felt the dues are excessive. Ms. Bax explained that the dues are \$3,800 per paying member. Currently, there are 14 paying members. Suggested membership contributions for organizations of this type are about \$1,000. Ms. Bax told the Council the RREC would seek the same arrangement with the City of Rolla starting in 2010. She said it is the desire of the RREC to continue providing economic development services to Rolla, St. James, and Phelps County.

Ms. Bax told the Council that RREC has been asked to be the primary point of contact in marketing for the Tech Park shared office building. Additionally, RREC serves as the clearinghouse regarding information for all levels of business development.

Ms. Bax stated that RREC is working with existing major primary employers on expansion. She noted that Tacony Manufacturing has expanded twice this year. Ms. Bax said she is working with three major employers on expansion plans and details are forthcoming.

Ms. Bax concluded by summarizing the large events during the past year which include GE Aviation, the sale of the Briggs and Stratton property to Big Industrial, LLC, Rolla West Planning, and St. John's Mercy new investment.

In response to a question about the Hydrogen bus project, Ms. Bax indicated that Ms. Angie Rolufs is working with the University on this project. Ms. Rolufs is working on obtaining funding for this project.

City Administrator John Butz added that there is a grant program available through the Missouri Department of Transportation for public transportation where the City must match a portion of the grant. He said the City has an understanding of how it works, but finding the funding/financing of the project is the problem.

Some Council discussion followed.

III. OLD BUSINESS

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(A) Ordinance for Reauthorization of the Financial Disclosure Requirements:

Finance Director Steffanie Rogers asked the Council to consider the final reading of an ordinance, which would readopt the financial disclosure requirements. Approval of the ordinance would require the city administrator, mayor, finance director and RMU general manager to file a disclosure statement with the State Ethics Commission. Ms. Rogers noted the ordinance must be submitted to the Missouri Ethics Commission by September 15, 2008.

City Counselor John Beger read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 3872: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF. A motion was made by Williams and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Hicks, Magdits, Jordan, Williams, Ruck, Hawley, Walburg, D. Morris, and Spadoni. Nays; None. Absent; R. Morris, Eudaly, and Barklage. Motion carried. The ordinance passed.

(B) Motion to Approve the Scope of Services for the Missouri S&T Tech Park Master Plan:

Public Works Director Steve Hargis referred the Council to the proposed scope of services from HNTB to tie in the research park at Missouri S & T into the Rolla West Master Plan. The primary functions that HNTB proposes to do include evaluating the impact on the City's transportation facilities, utilities and storm water runoff. If approved, Council would be asked, at its next meeting, to authorize the Mayor to sign a contract with HNTB for these services.

After some discussion regarding the storm water runoff on Kingshighway and assistance from the State, a motion was made by Hicks and seconded by Don Morris to approve the Scope of Services for the Missouri S & T Tech Park Master Plan as submitted by HNTB. A voice vote on the motion showed seven ayes, two nays, and three absent. Motion carried.

IV. NEW BUSINESS

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(A) Motion to Award the Contract for Project 256, 2008 Micro Surfacing: Public Works Director Steve Hargis recalled that during the July 7 meeting, the City Council awarded the micro surfacing bid for 2008 to Donelson Construction. The proposed resolution would authorize the Mayor to enter into a contract for this project.

City Counselor John Beger read the following proposed resolution for one reading, by title. RESOLUTION NO. 1669: 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 DONELSON CONSTRUCTION FOR PROJECT 256, MICROPAVING CERTAIN CITY STREETS. A motion was made by Williams and seconded by Hicks to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Consideration for “Guidelines of Conduct for Council”: Councilman Monty Jordan mentioned that about two or three years ago, the Council approved a job description for the mayor. However, a job description for the Council was not approved. Councilman Jordan stated that he felt guidelines should be drafted for the Council as well. If Council concurs, Councilman Jordan suggested that a resolution adopting the guidelines be considered during the Council’s next meeting.

Councilman Magdits stated that he feels this is a good idea and the Council should consider expanding it. He noted that the document primarily focuses within the City Council body. Councilman Magdits pointed out the City Council deals directly and indirectly with outside entities. He said he believes it would be worthwhile to have some guidance on how the Council, as a body, should interact with those entities.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

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(A) Consideration for “Guidelines of Conduct for Council” (continued): Mayor Jenks indicated the document would be amended to reflect Councilman Magdits’ comments, and then brought to the Council at its next meeting for consideration.

(B) “Request to Rescind the RMU/MAMU Lease Purchase Agreement/Ordinance:

Councilwoman Donna Hawley stated the reason she asked that this issue be placed on the agenda is because of the continuing escalation of volatility in the municipal bond market, of which a part is related to the home loan situation. She added that much of it is also from the dealers, banks, and institutions that are dealing with municipal bonds, in particular, and they are the targets of the investigations by the Federal Communications Commission, Department of Justice, and Internal Revenue Service. Councilwoman Hawley referred the Council to an article she presented to the Council about UBS. She recalled the Council recently decided not to include UBS as part of the City’s investment companies. She pointed out that the same article referred to Wachovia. Councilwoman Hawley stated that just last week, Wachovia was being further investigated because they are not fully cooperating. Councilwoman Hawley said the problem with the municipal bonds is that there are many extra fees being added, they are not disclosing how they are getting these auctions to go, and there are agreements between the different dealers and marketers. She said the problem she specifically has with the lease/purchase the City is dealing with and the structure behind it is that MAMU (Missouri Association of Municipal Utilities) did not put into their structure a mechanism for a competitive sale of the revenue notes. She pointed out the revenue notes are the basis for the City’s money and they are the basis for the interest rates and fees the City will be paying on the \$18 million. Since the revenue notes are short term, they will be much more volatile than the bonds that were previously issued by MAMU. Since Wachovia is under the same type of criminal investigation as UBS, Councilwoman Hawley said she believes for the very same reasons, the Council needs to reject Wachovia as the dealer handling the City’s money. She stressed that it would be worthwhile to either suspend the ordinance or repeal it until this mess with the municipal bond market has been resolved or until the Missouri Secretary of State has decided whether they are going to hand out indictments on Wachovia. She said the Council could ask MAMU why they have not chosen a structure, which would give the City competitive markets for our bonds. She suggested discussing the City’s concerns, slow down the process, get more information from MAMU, and maybe make some recommendations that if you want our \$18 million you are going to give us a competitive market and not a single-source market.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

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(B) “Request to Rescind the RMU/MAMU Lease Purchase Agreement/Ordinance (continued): Mr. Ewell Lawson with the Missouri Association of Municipal Utilities (MAMU) stated that what the Council decided a few weeks ago was a lease/purchase agreement with MAMU. He confirmed that Wachovia does participate in it. Mr. Lawson read the following from a statement made by Secretary of State Robin Carnahan: “The inspection today was not a raid. Officials at Wachovia knew in advance that there was going to be an onsite inspection as part of an ongoing investigation into the sale of auction rate securities.” Mr. Lawson explained that MAMU’s program does not participate in auction rate securities. MAMU participates in a very different market. More importantly, Rolla is not giving MAMU money; rather MAMU is giving Rolla money that MAMU generated through the bond deal.

Following a lengthy Council discussion, a motion was made by Hawley to rescind Ordinance No. 3867 which approved the MAMU financing due to new information on Wachovia and the fact that there was no competitive bidding on the bonds. The motion did not receive a second.

VII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Citizens Bank of Newburg Office Building: Councilman Williams mentioned that he received an inquiry before the meeting about the building that is being constructed adjacent to the new St. John’s Medical Building.

City Administrator John Butz explained that the building is being constructed by the Citizens Bank of Newburg and will be used for offices.

(B) Highway 72 Extension: Councilman Williams said a citizen asked him when the Highway 72 Extension would be completed.

City Administrator John Butz said it would possibly be completed after 2014.

(C) At-Large Cats: Councilman Williams reported that he has received a complaint about cats running at-large and defecating in flower gardens. Rolla Animal Control has been contacted about this issue and they have brought a cage in an attempt to catch the cats. Councilman Williams said residents are letting their cats run at-large especially at night. He stressed to cat owners that they should maintain the cats on their own property.

VII. COMMENTS FOR THE GOOD OF THE ORDER (continued)

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(D) Loud Stereo Systems in Vehicles: Councilman Williams noted that he has received complaints from citizens regarding loud stereos in vehicles. He pointed out that there is a City ordinance prohibiting this noise. However, there appears to be problems with getting the ordinance enforced.

(E) Programmed Smoke Ejection Kits: Councilman Williams requested that an ordinance be drafted prohibiting the use of programmed smoke ejection kits in diesel engines within the City limits. He told the Council that he almost had an accident on Kingshighway when a vehicle in front of his discharged so much smoke that he could not see.

(F) High Grass/Weed Abatement along Kingshighway: Councilman Williams thanked the businesses along Kingshighway for mowing the grass on their property and right-of-ways. He reminded property owners that the grass in the right-of-way adjacent to their property is their responsibility to keep mowed. Councilman Williams also asked his peers to report the high grass/weeds in their respective wards to City staff.

(G) Public Transportation: Councilman Spadoni asked when the City anticipates some feedback on public transportation, particularly for the handicapped.

City Administrator John Butz said the City has been in touch with the residents who addressed the Council regarding this matter and has told them that he is still gathering information. He said he expects more information by September or October. Mr. Butz added the Missouri Department of Transportation (MoDOT) has a program that funds public transit and they are interested in talking to the City about it. A hydrogen bus can work, but the City would have to have a more creative financing tool between the City and the University. MoDOT has more traditional public transit systems and they are anxious to have the City participate. However, the City must provide a 50% match.

VIII. EXECUTIVE SESSION ACTION

A motion was made by Hicks and seconded by Spadoni to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss litigation. A roll call vote on the motion showed

VIII. EXECUTIVE SESSION ACTION (continued)

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the following: Ayes; Hawley, Spadoni, Jordan, Ruck, Williams, Walburg, Magdits, Hicks, and D. Morris. Nays; None. Absent; R. Morris, Barklage, and Eudaly. Motion carried.

Following a brief recess, the Council adjourned into Executive Session at approximately 8:53 p.m.

IX. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 9:24 p.m.

City Counselor John Beger reported that during Executive Session the City Council was advised on the status of a pending matter of potential litigation. By a vote of eight to one, the Council voted to initiate legal action to resolve the issue.

X. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 9:25 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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