

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 7, 2009
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET
6:30 P.M.**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Don Brown, Monty Jordan, Don Barklage, Don Morris, Lou Magdits, Jim Williams, and Mark Walburg

Council Members Absent: Stan Spadoni, Susan Eudaly, Gary Hicks, Ken Boeker, and Donna Hawley

Department Directors in Attendance: Environmental Services Director Brady Wilson, Finance Director Steffanie Rogers, Public Works Director Steve Hargis, Police Chief Mark Kearse, Parks and Recreation Director Ken Kwantes, Fire Chief Robert Williams, Community Development Director John Petersen, and Recreation Center Director Scott Caron

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

Mayor Jenks called the meeting to order at approximately 6:30 p.m., and asked a member of the Rolla Ministerial Alliance to give the invocation.

Following the invocation, Councilman Mark Walburg led in the Pledge of Allegiance.

Mayor Jenks asked that a moment of silence be observed in remembrance of the attack on Pearl Harbor, which occurred 68 years ago today.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Barklage to approve the consent agenda, as submitted. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

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I. CONSENT AGENDA (continued)

The consent agenda consisted of the following:

(A) Approval of the City Council Minutes for the following:

November 2, 2009, City Council Meeting
November 2, 2009, City Council Executive Session Meeting
November 16, 2009, City Council Meeting
November 16, 2009, City Council Executive Session Meeting

II. PUBLIC HEARINGS

(A) Motion for Nuisance Abatement at 942 Great Oaks Drive: Codes Administrator Brian Epstein explained that his office received a complaint about the overgrown condition of the property located at 942 Great Oaks Drive. The complaint was investigated and a notice to abate the nuisance was posted on the property on September 23, 2009. Additionally, a certified letter was sent to the property owner pertaining to the abatement, but the Post Office returned the letter as unclaimed. Mr. Epstein told the Council that a notice of public hearing was posted on the property on November 4, 2009, and a certified letter was mailed to the property owner regarding the public hearing. Mr. Epstein relayed that he received confirmation that this letter was claimed. He added that his office has not had any contact with the property owner or a representative. He recommended that the Council finds a nuisance exists. Mr. Epstein told the Council that Graceland Construction provided an estimate of \$3,800 to abate the nuisance.

During the discussion, which followed, it was noted that some work had been done on the property over the weekend.

Mayor Jenks opened the public hearing to anyone wishing to address the Council regarding the proposed nuisance abatement at 942 Great Oaks Drive. No one present responded. Mayor Jenks closed the public hearing.

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II. PUBLIC HEARINGS (continued)

(A) Motion for Nuisance Abatement at 942 Great Oaks Drive (continued): After some discussion, a motion was made by Williams and seconded by Morris to declare that a nuisance exists on the property located at 942 Great Oaks. After additional discussion, a voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

Since it appears that some work was recently done on the property, Councilman Magdits moved to authorize City staff to abate the nuisance in two weeks if the property owner has not abated it. The motion was seconded by Williams. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) No item was listed on the agenda.

(B) Enhanced Enterprise Zone (EEZ) Overview: Ms. Carol Shoemaker with the Missouri Department of Economic Development provided the Council with an overview of the Enhanced Enterprise Zone (EEZ). She reported that as of November 5, 2009, the State has approved 69 EEZ's and 59 are in process. Within those zones, 116 businesses have been approved for tax credits, local abatement, and another 36 businesses are in process. Ms. Shoemaker explained that \$314 million in new investments have been awarded and 1,346 jobs. She continued by explaining the qualifications for an EEZ as outlined in RSMo. 135.953. She pointed out the State is not permitted to "blight" just a block or building, but the entire block group. Ms. Shoemaker noted that normally there is just one building in a block group that needs repair. The whole idea of the EEZ program is to address any buildings or property that needs repair. If there are no buildings in need of repair, then there is no need for an EEZ. Ms. Shoemaker also commented on the local benefits, local abatement, and tax credits. She pointed out that per State Statute, the six types of businesses that are not eligible are retail trade, gambling establishments, educational services, food and drink establishments, religious organizations, and public administration. During and following her presentation, Ms. Shoemaker addressed comments and questions from the Council.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)

(C) Enhanced Enterprise Zone (EEZ) Presentation – EEZ Plan and District: Mr. Keith Strassner, Chairman of the Rolla Enhanced Enterprise Zone Board, stated that the real objective to the Enhanced Enterprise Zone (EEZ) is to create jobs. As noted by Ms. Shoemaker, this is one of the few State programs that allow small and mid-sized businesses to grow and to diversify Rolla's economy. Mr. Strassner showed the Council a copy of version nine of the proposed Rolla EEZ. He explained that following the EEZ Board's public hearing, the Board met and discussed the comments that were received and to a person on the Board decided that it was not the right time to include the Dillon Township in the proposed EEZ. Mr. Strassner told the Council the proposed zone was scaled back to include the Rolla City limits, including the Twitty Industrial Park. Mr. Strassner then outlined the Board's proposed target industries, which includes construction trade, manufacturing, transportation and warehousing, health care, utilities, arts and entertainment, and accommodations. He reported that the Rolla Area Chamber of Commerce, and the Rolla Community Development Corporation (RCDC) have endorsed the EEZ and it is scheduled to be considered by the Rolla Regional Economic Commission (RREC) at its Friday meeting. Following his presentation, Mr. Strassner entertained questions from the Council.

(D) Chamber of Commerce Third Quarter Tourism Report: Rolla Area Chamber of Commerce Executive Director Stevie Kearse provided an overview of the Third Quarter 2009, Tourism Report, a copy of which is included in the agenda materials. Ms. Kearse addressed a few questions and comments from the Council.

Mayor Jenks added that he has been working with the University about possibly having an International Day in Rolla, which would include a parade on Pine Street ending on the University Campus. Additionally, food from the various countries would be available for sampling.

Ms. Kearse indicated the Chamber has been contacted about this event and is willing to assist.

(E) RREC Annual Report: Rolla Regional Economic Commission Executive Director Elizabeth Bax presented the Rolla Regional Economic Commission's (RREC) Annual Report for 2009, a copy of which is included in the agenda materials.

IV. REPORT OF MAYOR AND COUNCIL/REPORTS OF BOARDS AND COMMISSION/CITY DEPARTMENTS

Mayor Jenks referred the Council to (A) the October 2009, Rolla Municipal Utilities Monthly Report; (B) the October 26, 2009, Rolla Board of Public Works Meeting Minutes; (C) the October 13, 2009, Preliminary Minutes of the Planning and Zoning Commission Meeting; (D) the October 2009, City's Cash Position and Expenditure Report; (E) the October 2009 Rolla Municipal Court Report; (F) the October 21, 2009, Rolla Health & Recreation Center Advisory Committee Meeting Minutes; (G) The Centre & SplashZone FY 2009/2010 Financial Analysis, and; (H) the October 28, 2009 Parks and Recreation Sales Tax Ad Hoc Committee Meeting Minutes.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

(A) Discussion on Brewer Science Chapter 100 Bond (2002) Performance Agreement: City Administrator John Butz provided the Council with the history of the Brewer Science Chapter 100 Performance Agreement. He explained that about a month ago Brewer Science brought to his attention that since Brewer Science's taxes were not as much as initially projected, the grant payment plus the new taxes on tangible personal property has actually created a reverse incentive for Brewer Science. Mr. Butz told the Council that Brewer Science is actually paying more taxes through a combined arrangement than they would have if they had never participated in the Chapter 100 Bond financing.

Mr. Alan Gerson, Corporate Attorney for Brewer Science, and Ms. Barbara Picarelli, Executive Director of Finance for Brewer Science, addressed the Council and showed a chart, which compared the grant payments to the actual tax payments. Mr. Gerson said that instead of the Chapter 100 financing being an incentive it has been a disincentive. He explained that apparently, a miscalculation was done and incorrect information was received from the Phelps County Assessor's Office in 2002. Mr. Gerson pointed out the idea was that Brewer Science would pay one-half of the taxes that it would have otherwise paid because of the \$14 million project. Between grant payments and property

VI. NEW BUSINESS (continued)

(A) Discussion on Brewer Science Chapter 100 Bond (2002) Performance Agreement (continued): taxes, to date Brewer Science has paid an additional \$67,000 more than it would have paid if it had pursued conventional financing. Mr. Gerson said Brewer Science is asking the City Council to amend the amount of payment under the Performance Agreement, so Brewer Science can realize the intent of the agreement.

City Administrator John Butz said that staff would provide the Council with the proposed amendment to the Performance Agreement at its next meeting. He added that Brewer Science has agreed to make the 2009 payments, but wanted to have it addressed in 2010 and beyond. Mr. Butz mentioned that he has discussed the proposed amendment with Gilmore and Bell of Kansas City, Missouri and they indicated the Council could modify this provision of the Performance Agreement and it would not affect the validity of the bond issue itself.

(B) Discussion Regarding the Service Agreements Between the City of Rolla and the Rolla Area Chamber of Commerce: City Administrator John Butz provided the Council with the background on the 3% sales tax on hotel/motel rooms for tourism-related efforts and the three separate agreements the City has with the Rolla Area Chamber of Commerce. He noted that in 2006 a joint committee proposed a new strategy and the Council ultimately approved three separate agreements that make up the City's relationship with the Chamber of Commerce. Mr. Butz pointed out the agreements all have a three-year provision, with two, one-year extensions and expire at the end of 2009. He said the Council has the option to take the existing agreements and extend them for another year. Mr. Butz explained that instead of extending the agreements for another year, City staff met with the Chamber and proposed some modifications and suggested doing a three-year agreement. If the Council is agreeable, Mr. Butz said the agreements would be presented to the Council at its next meeting. Mr. Butz continued by commenting on the three subject agreements and on the proposed changes. A brief discussion followed.

(C) Discussion Regarding the Service Agreements Between the City of Rolla and Rolla Regional Economic Commission: City Administrator John Butz provided the Council with the history of the Rolla Regional Economic Commission (RREC). He reported that the contract with the RREC expires at the end of this year and staff is recommending an extension of the two agreements. Mr. Butz outlined the purpose of the two agreements and the proposed amendments. He indicated that staff is proposing a \$105,000 donation per year for economic development services instead of the current \$115,000 per year. A brief discussion followed.

VII. CLAIMS AND/OR FISCAL TRANSACTIONS

(A) Motion to Award the Bid for Three New Police Vehicles: Police Chief Mark Kearse asked the Council to consider awarding the bid for three new, black and white patrol vehicles to the low bidder, Don Brown Chevrolet (state bid) for \$21,183 each. He pointed out that \$69,000 was budgeted for these vehicles. A motion was made by Williams and seconded by Magdits to award the bid for three new black and white patrol vehicles to Don Brown, Chevrolet, St. Louis, Missouri (state bid) for \$21,183 for each vehicle for a total of \$63,549. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Jenks opened the floor to anyone wishing to address the Council. No one present responded.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointment of Two Members to the City of Rolla Health and Recreation Center Committee: A motion was made by Brown and seconded by Barklage to reappoint Ms. Jeannie Locklear and Mr. Bob McKune to the Rolla Health and Recreation Center Advisory Committee to three-year terms each, expiring in October 2012. A voice vote on the motion showed seven ayes, zero nays, and five absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Lions Club Drive Trailers: Councilman Jim Williams asked about the status of the trailers parked on Lions Club Drive.

Community Development Director John Petersen reported that the subject property was cited and posted about a week ago and the property owner has 30 days from that time to remedy the situation.

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XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:46 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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