

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 16, 2012; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: William Lindgren, Jr., Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Carrolyn Bolin, Tony Bahr, and Fran Mazanec

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, Communications Director 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 a member of the Rolla Ministerial Alliance to give the invocation.

Councilman Monty Jordan then led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

None.

II. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Synthetic Drug Presentation: Police Chief Mark Kearse addressed the Council and provided an overview of the synthetic drug problem. He told the Council synthetic drugs have been legally sold in many stores for several years. Chief Kearse explained that synthetic drugs are nothing more than a way for drug dealers and people who want to become wealthy to sell illegal drugs and get around the laws. He said the molecules in marijuana, methamphetamine and other substances are changed to where they are not considered illegal. Chief Kearse emphasized the synthetic drug problem is an epidemic across the nation and he is hopeful the law will be changed within the year to make it illegal to sell synthetic drugs.

JULY 16, 2012

II. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)

(A) Synthetic Drug Presentation: Chief Kearse reported that Phelps County Prosecuting Attorney John Beger has taken a proactive stance and law enforcement can now charge people in possession of an imitation controlled substance with a Class A Misdemeanor. Anyone arrested for selling these substances would be charged with a Class D Misdemeanor.

Chief Kearse then entertained questions and comments from the Council.

(A) RREC Quarterly Report and Update on Tech 44; the Ideas Highway: Ms. Cyndra Lorey, Rolla Regional Economic Commission (RREC) Executive Director, provided an overview of the RREC's 2012, Mid-Year Report, which included new projects. She reported there is a local company on the project list, Habsonic, LLC, which started from the Missouri S&T. Ms. Lorey introduced the Council to the president of Habsonic, LLC, Dr. Hai Ziao, who is also the Associate Professor of Electrical and Computer Engineering at Missouri S&T.

Dr. Ziao said he has been in Rolla for the past six years. He told the Council Habsonic, LLC, was formed about two years, and it manufactures sensors for different things.

Regarding Tech 44, The Ideas Highway, Ms. Lorey reported it now has 22 supporting members from Joplin through St. Louis, Missouri. She said she is thrilled to report that they recently learned that Tech 44 has been awarded a \$75,000 grant from the Missouri Technology Corporation. This will allow Tech 44 to contract with a third party to provide documentation of Tech 44's strengths in advanced materials and manufacturing. In addition, Ms. Lorey said it would give Tech 44 the funding it needs to start in-state promotion of its assets.

Following her presentation, Ms. Lorey entertained questions from the Council.

III. OLD BUSINESS

None

IV. NEW BUSINESS

(A) Motion Authorizing the Mayor to Execute a Service Agreement with Jacobs Engineering: Parks and Recreation Director Scott Caron noted that over the past few months staff has talked about the need to replace the PoolPak (natatorium HVAC) at The Centre. In May, the City Council authorized staff to develop the scope of engineering services and agreement with Jacobs Engineering Group. Mr. Caron indicated staff recommends approval of the subject agreement. Following discussion, a motion was made by Long and seconded by Hicks to authorize the Mayor to execute the subject agreement with Jacobs Engineering. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Resolution Supporting MHDC's Country Hills Development Project: Community Development Director John Petersen recalled that in October 2011, the Council unanimously adopted Resolution No. 1761, which showed support for the Country Hills project. He explained the project would have been located between Christy Drive and Victoria Lane, just east of Rolla Street and would have 34 single-family homes. Mr. Petersen said the developer indicated they would, as much as possible, use local contractors and materials to complete the project. Due to the increased financial demands because of the Joplin, Missouri tornado disaster, the project was not funded in 2011. Mr. Petersen then introduced Ms. Debra Shantz Hart, president of Housing Plus, LLC, who addressed the Council about the subject project.

Ms. Hart told the Council she resides in Springfield, Missouri, and Housing Plus, LLC is affordable housing developers. She said Housing Plus has constructed 71 single-family homes in Springfield, Missouri, completed 50 senior duplexes in Nixa, Missouri, and is in the process of constructing 32 single-family homes in Joplin, Missouri. When Housing Plus made its proposal to the Missouri Housing Development Commission (MHDC), Ms. Hart said they were very positive about Rolla as a community being awarded a development. She added it has been several years since there has been a family development in Rolla and there has never been a single-family development. Ms. Hart indicated the reason Housing Plus is particularly passionate about the single-family program through MHDC is that it comes with a path to home ownership for tenants. She said these homes would rent for \$475 per month and at the end of 15 years, the tenant has the right to acquire the home at a substantial discount off the fair market value. Ms. Hart then entertained some questions from the Council.

IV. NEW BUSINESS (continued)

(B) Resolution Supporting MHDC's Country Hills Development Project (continued): Since there is some citizen opposition to this project, Mayor Jenks suggested giving Ms. Hart an opportunity to meet with the citizens before the Council considers the resolution of support at its next meeting. He asked City Administrator John Butz and Community Development Director John Petersen to coordinate an open house to meet with the folks in the subject area and to allow them to voice their concerns and allow Ms. Hart to respond. Hearing no objections from Council, Mayor Jenks said consideration of the subject resolution would be postponed until the August 6, 2012, Council meeting.

(C) Motion to Authorize Use of Rolla National Airport for September Greek Week Games: City Administrator John Butz relayed the Missouri S&T Intrafraternity Council (IFC) is requesting the use of the Rolla National Airport for the weekends of September 15 and 22, 2012, for their Greek Week games, including beer sales. Mr. Butz said staff recommends approval. A motion was made by Williams and seconded by Lindgren to authorize the Missouri S&T IFC the use of the Rolla National Airport former Extravaganza site for the September Greek Week games including the use of alcohol, with conditions. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(D) Ordinance Prohibiting the Use of Mechanical Exhaust Devices in the Rolla City Limits: Public Works Director Steve Hargis recalled the following two ordinances were prepared at the request of the Council. The first ordinance would make it unlawful for a driver to use or operate a vehicle equipped with any mechanical exhaust device designed to aid in the braking and which results in the excessive, loud, unusual or explosive noise from such vehicle.

Mr. Hargis noted the second ordinance would authorize an agreement with the Missouri Department of Transportation (MoDOT) and would allow the City to post a "Noise Ordinance Enforced" sign in MoDOT's right-of-way at the City's cost. Mr. Hargis referred the Council to the map, included in the agenda materials, that shows where the "Noise Ordinance Enforced" signs would be placed, which is primarily at all entrance points into Rolla.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4046: AN ORDINANCE DEALING WITH NOISE PREVENTION AND PROHIBITING THE OPERATIONS OF ANY VEHICLE,

IV. NEW BUSINESS (continued)

(D) Ordinance Prohibiting the Use of Mechanical Exhaust Devices in the Rolla City Limits (continued): WHICH RESULTS IN EXCESSIVE LOUD, UNUSUAL OR EXPLOSIVE NOISE. A motion was made by Morris and seconded by Long to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Morris to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bahr, Leonard, Jordan, Lindgren, Bolin, Williams, Mazanec, Sawyer, Magdits, Long, Hicks, and Morris. Nays; None. Absent; None. Motion carried. The ordinance passed.

(E) Ordinance Authorizing the Mayor to Execute an Agreement with MoDOT to Install “Noise Ordinance Enforced” Signs in Right-of Way: City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO 4047: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTIVE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Morris and seconded by Long to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Bolin to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Leonard, Mazanec, Bolin, Williams, Lindgren, Bahr, Magdits, Jordan, Morris, Long, Hicks, and Sawyer. Nays; None. Absent; None. Motion carried. The ordinance passed.

(F) Motion Approving Sewer Use Agreement with Lucian L. & Sandra K. Gasque: Public Works Director Steve Hargis reported staff received a request from Lucian and Sandra Gasque, 12045 Cedar Grove Road, to connect to the City’s sewer system. He said the Gasque’s private sewage disposal system does not meet the Phelps County Health Department’s requirements. Mr. Hargis said connecting to the City’s sewer system seems to be the best solution for them. He told the Council that although the Gasque’s property is adjacent to the Cedar Grove Sewer District, they would not be a part of the District and would be a direct bill customer. Mr. Hargis informed the Council the Gasques would be required to pay all costs associated with the connection to the City’s sewer system.

IV. NEW BUSINESS (continued)

(F) Motion Approving Sewer Use Agreement with Lucian L. & Sandra K. Gasque (continued): After a brief discussion, a motion was made by Bolin and seconded by Morris to approve the Sewer Use Agreement with Lucian L. and Sandra K. Gasque. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(G) Motion to Select Bond Counsel Services for 2004 G.O. Bond Refunding: City Administrator John Butz reported Piper Jaffray, acting as the City's financial advisor, received proposals for the City's bond counsel services. He reported four firms responded and Gilmore Bell was the low bidder at \$15,000. Staff recommends approval of Gilmore Bell as Bond Counsel for the 2004 G.O. Bond Refunding. A motion was made by Williams and seconded by Morris to select Gilmore Bell as Bond Counsel for the 2004 G.O. Bond Refunding. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award Bid for Project 296, Basswood & Boxelder Improvements: Public Works Director Steve Hargis indicated two bids were received for the concrete improvements for Basswood and Boxelder Drives. Staff recommends awarding the bid to the low bidder, Rainey & Son Construction, LLC for \$120,000. Mr. Hargis indicated the contract for the subject project would be brought to the Council for consideration at its next meeting. After some discussion, a motion was made by Bahr and seconded by Bolin to award the bid for Project 296, Basswood and Boxelder Improvements to Rainey & Son Construction, LLC for \$120,000. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointment of Councilman Don Morris (July 2014) and Mr. William E. Hoertel (July 2014) to the Airport Advisory Committee: A motion was made by Williams and seconded by Long to reappoint Councilman Don Morris and Mr. William E. Hoertel to the Airport Advisory Committee. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VII. CITIZEN COMMUNICATION

Mayor Jenks opened the floor to anyone wishing to address the Council.

(1) Dr. Dan Oerther, a Missouri S & T professor and a resident of Rolla, indicated he recently met with City Administrator John Butz, Communications Director Scott Grahl, Police Chief Mark Kearse, Fire Chief Robert Williams, and Fire Training Officer Ron Smith. During that meeting, Dr. Oerther said he shared with them his concerns regarding images of car accidents, guns, and opinions posted by Chief Kearse on the Facebook page maintained by the Rolla Police Department. At that time, he said he urged everyone to carefully consider the potential negative impacts of the ongoing use of Facebook. Feeling that his concerns were heard but not heeded, Dr. Oerther said he decided to speak to the City Council. Dr. Oerther stated that one benefit of social media is that it blurs the historical line separating work and home, personal and public. This blurring creates tremendous new opportunities for better dialogue among citizens and their elected and appointed officials. Dr. Oerther commented that Chief Kearse is clearly a national leader in the use of social media to improve community policing and he is very proud to be a Rolla resident who benefits from Chief Kearse's leadership. Yet, some of the decisions by the Chief and members of the Rolla Police Department as to what materials are posted on Facebook create for him grave concerns. Specifically, Dr. Oerther indicated his concern for our children, judicial system and privacy. Suffice to say, he said there are many and varied opinions as to what is or is not appropriate for posting on Facebook. The bottom line is because Facebook is so new it is unclear what could represent a significant legal and financial liability for the City of Rolla. Given the tremendous power of social media, Dr. Oerther stated it is important for policies to be developed with community input. As the City currently lacks such policies, he asked City Council to move expeditiously to take the necessary action to 1) temporarily suspend the Facebook page of the Rolla Police Department; 2) create a forum whereby public input on policies can be collected, and 3) work with the City Administration to ensure policies approved by the Council are enforced through social media communication.

After much dialogue among the Council and Dr. Oerther, Police Chief Mark Kearse addressed the Council. Chief Kearse indicated the Police Department has a policy on media and the Department is following it, but people do not like it because it is not what they want.

Dr. Oerther interjected he specifically requested from Mr. Butz and Chief Kearse a policy. He said there had been no policies and none have been forthcoming.

VII. CITIZEN COMMUNICATION (continued)

(1) (continued): Mr. Butz responded that during the meeting with Dr. Oerther a few weeks ago he did give him a copy of the City's social media policy, which is also available on the City's website. The Facebook write-up or directive from the Chief, which was not available during that meeting, provides very loose guidelines.

In response to a question from the Council about posting outstanding warrants on Facebook, Chief Kearsse stated that based on the comments received on Facebook, he made the decision to not post them on Facebook. However, he said the outstanding warrants might be placed on the Police Department website.

After further dialogue, Mayor Jenks said the City would leave things as they are because he believes there is a large majority of people who want it left as it is.

(2) Councilman Greg Sawyer commented he has received comments from several people who asked him to relay to the Police Department how much they appreciate the job they do, despite the bad things that have been said.

(3) Jason Smith, Past President of the Rolla Lions Club, thanked everyone who supported the recent Lions Club Carnival. He also noted that several people are playing bingo tonight at the Lions Club hall. Mr. Smith said these are the Lions Club's two main fundraisers for the year. He stated that money is raised so things can be done in the community such as the gift of sight and hearing to people who cannot afford it. This last year sight was provided to 114 individuals in our community and hearing was provided to 17 individuals. Mr. Smith explained that every year the Lions Club donates money to an organization called Mid-South Lions Sight and Hearing that is located in Memphis, Tennessee. He said it is a large organization that serves the states of Arkansas, Tennessee, Mississippi, and Missouri and this is where the Rolla Lions Club sends its worst patients. Mr. Smith told the Council four patients from Rolla were sent to this facility. For each \$1,000 the Rolla Lions Club donates to Mid-South each year, the Rolla Lions Club can honor a club member or member of the community with an award. He said the award is the Edwin Dalstrom Distinguished Service Award, which is awarded to a club or community member who has demonstrated exceptional humanitarian service to the community and the award can be received only once. Mr. Smith said the Lions Club chose to give this year's award to a citizen who does a lot for our community and who is probably Rolla's biggest cheerleader. On behalf of the 149 members of the Rolla Lions Club, Mr. Smith stated it is his distinguished honor to present the Edwin Dalstrom Distinguished Service Award to Mayor Bill Jenks.

**CITY COUNCIL MEETING MINUTES
JULY 16, 2012
PAGE 9**

VII. CITIZEN COMMUNICATION (continued)

(3) (continued): Mayor Jenks said he appreciates this award and appreciates the Lions Club because they do so much for our community. He graciously thanked Mr. Smith and the Lions Club for this award.

VIII. MAYOR/CITY COUNCIL COMMENTS

(A) Missouri S&T Wells: Councilman Williams asked Rolla Municipal Utilities (RMU) General Manager Rodney Bourne if the wells, currently being drilled by Missouri S&T, would affect Rolla's water supply.

Mr. Bourne explained the Missouri S&T wells are a closed loop system and they are not drawing any water from the water table. He said the wells are circulating water through the piping system.

Regarding a recent article in the Rolla Daily News, Mr. Bourne said RMU is not pumping as much water as was pumped in 2007. Although RMU is currently not in panic mode due to the drought conditions, Mr. Bourne asked the citizens to be good stewards of our water resources.

(B) Leadership Class: Councilman Long welcomed the Leadership Class and instructor from Drury University and thanked them for attending the Council meeting. Mayor Jenks echoed Mr. Long's comments.

IX. CLOSED EXECUTIVE SESSION

A motion was made by Leonard and seconded by Morris to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss litigation and real estate. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Bahr, Hicks, Bolin, Leonard, Mazanec, Sawyer, Magdits, Long, Morris, and Lindgren. Nays: None. Absent; None. Motion carried.

The Council adjourned into Executive Session at approximately 8:45 p.m.

JULY 16, 2012

**CITY COUNCIL MEETING MINUTES
JULY 16, 2012
PAGE 10**

X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 9:12 p.m.

City Counselor Lance Thurman reported that during Executive Session the City Council discussed a matter of potential litigation and ongoing negotiations in a real estate matter.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:13 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

JULY 16, 2012