

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 3, 2010
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, Stan Spadoni, Geoffrey Horning, Gary Hicks, Don Morris, Jim Williams, Tony Bahr, and Mark Walburg

Council Members Absent: Don Barklage, Lou Magdits, and Ken Boeker

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor John Beger, Lieutenant Doug James, Communications Coordinator Scott Grahl, 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 Don Morris led in the Pledge of Allegiance.

I. CONSENT AGENDA

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

The consent agenda consisted of the following:

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

- April 5, 2010, Rolla City Council Meeting
- April 5, 2010, Rolla City Council Executive Session Meeting
- April 19, 2010, Rolla City Council Meeting
- April 19, 2010, Rolla City Council Executive Session Meeting

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II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Parks and Recreation Sales Tax Review Committee Final Report and Recommendation: Councilman Don Brown, Chair of the Parks and Recreation Sales Tax Review Committee, recalled that in October 2009, a twelve member committee was appointed to look into the parks and recreation sales tax. He referred the Council to a copy of the Committee's report and recommendation, which is included in the agenda packet. Mr. Brown then thanked the following committee members for their service: Councilman Monty Jordan, Recreation Center Advisory Board member Dr. Dennis Goodman, Mr. Bob McKune, Mr. Walt Bowe, Ms. Judy Williams, Ms. Lonna Sowers, Ms. Barb Jernigan, Mr. Todd Koenig, Mr. Bob Oetting, Mr. Dennis Noel, and Ms. Jenni Hushaw. He said the Committee analyzed and thoroughly discussed the challenges and available options and arrived at a unanimous recommendation.

Mr. Brown then turned the floor over to Recreation Center Director Scott Caron who reminded the Council that the primary mission of the Committee was to look at how the sales tax is being handled and what ways it could possibly be used in the future or if it was at all necessary. He told the Council that the Committee explored the following: (1) Reviewed the Recreation Centre along with how the current sales tax is being used; (2) History of the parks system; (3) Demonstrate public support for the park system and potential use of the sales tax in the future; (4) Potential use of the sales tax, and; (5) Recommendation of what should happen with the sales tax. Mr. Caron reported that the Committee unanimously recommends the following: (a) that the existing sales tax be retired early and be replaced with a lower 3/8 cent tax in perpetuity provided the funds in the Depreciation Reserve Account remain for the recreation center; (b) that the operations of the Parks Department and The Centre be combined in FY 2012; (c) Establish one advisory committee to maintain the accountability and transparency of the use of the park sales tax dollars, and; (d) that the Park Sales Tax issue be placed on the April 2011 ballot.

Mr. Caron entertained questions and comments from the Council following his presentation.

Mayor Jenks expressed his appreciation to the Committee for doing an excellent job.

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III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)

(B) Preliminary Energy Audit Findings – Siemens Industry, Inc.: Mr. Greg Modlish, Siemens Building Technologies, Inc. stated that they have been engaged by the City of Rolla to perform an investment grade energy audit. Mr. Modlish explained that Siemens recently assessed City Hall, the Recreation Center, Police Station, Fire Stations and Wastewater Treatment Plants. Thirty-one separate facility improvement measures were investigated and Siemens discovered there are approximately \$2.5 million in energy saving projects available at an annual energy savings of about \$158,000, and operational savings of about \$32,000. Mr. Modlish said Siemens would guarantee the savings in a final contract. He then briefly outlined the recommendations for each building as follow: (1) Fire Station No. 2 – Wall insulation in the Community Hall area to make it more comfortable and energy efficient, infrared heating in the engine bay, lighting retrofits and controls to make the lighting more efficient, vending controls, and programmable thermostats; (2) Fire Station No. 1 – Lighting retrofits and controls, programmable thermostats, and vending controls; (3) City Hall – control systems scheduling, lighting retrofits and controls, and vending controls; (4) Police Station – Lighting retrofits and controls, vending controls, programmable thermostats, and a roof replacement; (5) Recreation Centre – Control systems scheduling, CO2 demand ventilation control retrofit, lighting retrofits and controls, vending controls, VFD (Variable Frequency Device) to the pool filter pumps, and a chlorination system retrofit; (6) Southeast Wastewater Treatment Plant – Lighting retrofits and controls and an entire aeration system replacement.

Regarding the financing of the project, Mr. Modlish indicated that the City was awarded an Energized Missouri Communities grant for \$337,000 for work specific to the blowers at the Wastewater Treatment Plant. Additionally, Siemens assisted the City in applying for a Department of Natural Resources (DNR) loan for up to \$1 million at 1% interest. The balance of the project would be financed commercially.

Should the Council approve the project at its May 17, 2010, meeting, Mr. Modlish said contract negotiations could be completed by May 30. Depending on Council approval, a project kick-off meeting with City staff would be scheduled in early June and construction would begin immediately. The project would be completed by May 2011. Mr. Modlish said the reason the project would be completed in 2011 and not 2010 is because the lead times for the aeration equipment are 32 to 36 weeks.

City Administrator John Butz emphasized that the Police Department roof has been leaking for about five years and needs to be replaced. If the Council were to choose not to roll the roof replacement into this project, another financing mechanism will need to be found so it could be done in 2011.

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)

(B) Preliminary Energy Audit Findings – Siemens Industry, Inc. (continued): After a lengthy discussion, a motion was made by Morris and seconded by Walburg to proceed with the next step in this project. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

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

Mayor Jenks referred the Council to **(A)** the March 2010 Rolla Municipal Utilities Monthly Report; **(B)** the April 13, 2010, Preliminary Minutes of the Planning and Zoning Commission Meeting; **(C)** the March 2010, City’s Cash Position and Expenditure Report; **(D)** the March 2010 Rolla Municipal Court Report; **(E)** the March 30, 2010, Development Review Committee Meeting Minutes; **(F)** the March 25, 2010, Rolla Board of Public Works Meeting Minutes, and; **(G)** The Centre FY 2010 Financial Analysis.

V. OLD BUSINESS

(A) Request for Ordinance for a Smoke-Free Restaurant Policy: At the direction of the Council during its last meeting, City Administrator John Butz said staff drafted an ordinance addressing a smoke-free restaurant policy. The subject ordinance not only affects restaurants, but also restaurants/bars.

Following discussion, a motion was made by Horning and seconded by Williams to indefinitely postpone consideration of the subject ordinance. A hand count on the motion showed three ayes, six nays, and three absent. Motion failed.

A motion was made by Spadoni and seconded by Morris to proceed with the first reading of the proposed ordinance.

A motion was made by Walburg and seconded by Hicks to amend the ordinance by eliminating the “restaurant bar” definition from the proposed ordinance. A hand count on the motion showed six ayes, two nays, one abstention, and three absent. Motion carried.

A motion was made by Spadoni and seconded by Bahr to proceed with the first reading of the proposed ordinance, as amended.

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V. OLD BUSINESS (continued)

(A) Request for Ordinance for a Smoke-Free Restaurant Policy (continued): City Counselor John Beger read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE ESTABLISHING A SMOKE-FREE RESTAURANT POLICY.

A motion was made by Bahr and seconded by Morris to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed three ayes, four nays, two abstentions, and three absent. Motion failed.

Mayor Jenks indicated that the Council would be asked to consider the final reading of the proposed ordinance during its next meeting.

VI. NEW BUSINESS

(A) Motion to Renew the ACORN Contract: City Administrator John Butz reported that the City has been working with ACORN (A Community Organized to Restore Nature) since 1998 for improvements and beautification efforts along Rolla's highway intersections and downtown areas. The current contract with ACORN expired a few months ago and staff is proposing an extension with a new three-year contract. Since the budget is tight, Mr. Butz proposed that the amount paid to ACORN be reduced from \$6,500 to \$5,000 a year with a \$500 per year increase, subject to an annual reappropriation by the Council.

Ms. Judy Williams, representing ACORN, explained that in addition to planting flowers, ACORN has a memorial program. She said this program has been in place for about six years and this is a service offered to the community. Ms. Williams said it gives people the opportunity to purchase a tree, bench, etc., in memory of a loved one. To date, Ms. Williams reported that ACORN has planted 100 trees, 13 benches, 4 drinking fountains, etc. She said memorial funds have been set aside to do beautification in front of Walgreens that will be done this year; plantings at the new Veterans Memorial Park; and some beautification efforts in Ponzer Park. Ms. Williams pointed out that all of these projects will be done at no cost to the City and ACORN does not make any money from it. Ms. Williams said she is glad to have the City's support to help them with the planting that they do, which was ACORN's original goal.

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VI. NEW BUSINESS (continued)

(A) Motion to Renew the ACORN Contract (continued): A motion was made by Williams and seconded by Morris to authorize the Mayor to execute the subject contract with ACORN (A Community Organized to Restore Nature). A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(B) Motion to Close Certain Streets and Parking Lots for Rolla's 2010 Route 66 Summerfest: Public Works Director Steve Hargis referred the Council to a map and a list of streets and parking lots that would be closed for this year's Summerfest activities.

A motion was made by Williams and seconded by Spadoni to close the requested streets and parking lots for Rolla's 2010 Route 66 Summerfest from June 3, 2010 to June 5, 2010. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(C) Motion to Extend City Counselor Services Contract: City Administrator John Butz reported that the current three-year contract with the law firm of Beger and Bushie for City Counselor services expires on June 30, 2010. That contract provides for two, one-year extensions. In light of City Counselor John Beger's filing for Phelps County Prosecutor, staff is suggesting a motion to extend the contract with Beger and Bushie for another six months under the same terms and conditions.

A motion was made by Williams and seconded by Spadoni to grant a six-month extension to the City Counselor Services agreement with the law firm of Beger and Bushie. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(D) Consideration of the City's Health & Wellness Program: Finance Director Steffanie Rogers told the Council that in 2008 the City began developing a wellness plan for City employees in order to reduce health care costs for both the employee and the City. She briefed the Council on the proposed wellness program, which would include the employee's spouse in the Health Risk Assessment, a physical activity component to include fitness center membership reimbursement and an incentive to exercise; partnering with Weight Watchers for a program, and implement a stress management program. Ms. Rogers explained that the total costs of the new efforts are anticipated to be \$50,000, which would be paid for through the City's health insurance fund.

VI. NEW BUSINESS (continued)

(D) Consideration of the City's Health & Wellness Program (continued): Following discussion, a motion was made by Bahr and seconded by Walburg to approve the proposed employee wellness program. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award Bid for the 2010 Street Improvements, Project 279: Public Works Director Steve Hargis told the Council that the subject bid is for the concrete work that will be done on the FY 2010 Street Improvements. The work will be performed on Line Avenue, Barnitz Avenue, Forest Place, and a section of Forum Drive. Staff is recommending that the bid be awarded to the low bidder, Donald Maggi, Inc., for \$147,635.65.

A motion was made by Morris and seconded by Walburg to award the bid for the 2010 Street Improvement Project to the low bidder, Don Maggi, Inc., for \$147,635.65. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(B) Motion to Award Bid for the FY 2010 Asphalt Overlay Project 285: Public Works Director Steve Hargis explained that the subject project would install asphalt on the improvements mentioned in Item VII. A. above as well the new Bryant Drive extension. In addition, overlays are planned for Bullman Alley, Curtis Drive, Pinetree Road, and Olive Street. Mr. Hargis stated that the bids have been evaluated and staff is recommending that the bid be awarded to the low bidder, Melrose Quarry & Asphalt, Rolla, Missouri for \$566,380.60. He referred the Council to the bid tabulation, included in the agenda packets.

After some dialogue, a motion was made by Morris and seconded by Jordan to award the bid for the FY 2010 Asphalt Overlay Project 285 to the low bidder, Melrose Quarry and Asphalt, Rolla, Missouri, for \$566,380.60. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(C) Motion to Award Bid for the FY 2010 Micro-Surfacing Project 284: Public Works Director Steve Hargis stated that the proposed project would consist of micro surfacing approximately 9.5 miles of city streets. He reported that the product bid by Missouri Petroleum Products Co., LLC, did not meet the requested specifications.

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VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion to Award Bid for the FY 2010 Micro-Surfacing Project 284 (continued):

Therefore, staff is recommending that the bid be awarded to Donelson Construction Co., Clever, Missouri, for \$588,000.

A motion was made by Williams and seconded by Hicks to award the bid for the FY 2010 Micro Surfacing, Project 284 to Donelson Construction Co., Clever, Missouri, for \$588,000. A voice vote on the motion showed nine ayes, zero nays, and three 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) High Grass/Weeds: Councilman Hicks stated that every year it seems the City is dealing with the same offenders who do not mow their grass. He said he wished the Council could tighten up the ordinance so that there would be a meaningful persuasion leveraged against the property owners that neglect to mow their grass. Councilman Hicks said he would like the Council to consider this sometime. In particular, he mentioned the high grass/weeds at the new Dollar General Store. He asked if City staff would investigate this location.

(B) Crosswalk Near Rolla Apartments: Councilman Hicks reported that he was approached by a maintenance man who works at the Rolla Apartments about the possibility of the City constructing a handicapped crosswalk across McCutchen Drive so the residents who use wheelchairs could safely cross the street. Councilman Hicks noted that some Rolla Apartments' residents like to shop at Casey's Convenience Store located across the street at the corner of McCutchen Drive and Tenth Street.

(C) Ozark Hills Memorial Gardens Cemetery: Councilman Spadoni commented on the good work and condition of the Ozark Hills Memorial Gardens Cemetery, located on Highway 63 South.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) Status of Transportation for Seniors: Councilman Spadoni asked City Administrator Butz if there has been any progress on providing public transportation.

Mr. Butz indicated that the Parks and Recreation Sales Tax Review Committee considered including senior transportation/services in their recommendation. However, the Committee decided that it should be taken up as a separate matter. Mr. Butz mentioned that he and Mayor Jenks plan to travel to West Plains, Missouri, on Wednesday to get a better understanding and information of their out-state Missouri public transit system. The City of West Plains has been receiving 50% in State funding for operating costs for about 20 years. According to the Missouri Department of Transportation (MoDOT), that program is still available.

(E) Status of Warren Dean Property on Highway 72: Councilman Morris asked about the status of the Warren Dean property located off Highway 72.

City Administrator Butz said he understands that Mr. Dean has been in conversations with a developer about some of his properties. However, not much progress has been made. Mr. Butz mentioned that the City has spoken with Mr. Dean about the materials that have been blowing from the former Seeger Toyota building onto the adjacent Auto Craft property. Mr. Butz said the City is struggling with what to do with Mr. Dean's properties. Because of the great expense involved in abating the nuisance, the City would have a hard time abating it and relying on a lien being paid off in a few years. He added that the City is also looking into its legal options.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Local Government Week Proclamation: Mayor Jenks read from a proclamation, wherein he proclaimed the week of May 2 through 8, 2010 as "Local Government Week" in Rolla, Missouri. He thanked all City employees and volunteers for their service.

XI. EXECUTIVE SESSION

A motion was made by Hicks and seconded by Brown to adjourn into Executive Session pursuant to RSMo. 610.021 to discuss legal/potential litigation. A roll call vote on the motion showed the following: Ayes; Morris, Spadoni, Williams, Brown, Bahr, Jordan,

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XI. EXECUTIVE SESSION (continued)

Walburg, Hicks, and Horning. Nays; None. Absent; Boeker, Magdits, and Barklage.
Motion carried.

The Council adjourned into Executive Session at approximately 8:33 p.m.

XII. EXECUTIVE SESSION ACTION

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

City Counselor John Beger reported that during Executive Session the Council was advised by Rolla Municipal Utilities on a matter of pending and potential litigation, options available to RMU, and planned steps. The Council took no formal action in closed session.

XIII. ADJOURNMENT

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

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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