

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, MAY 7, 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, Environmental Services Director Brady Wilson, Community Development Director John Petersen, Fire Chief Robert Williams, and Police Chief Mark Kears

**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.

Councilwoman Carrolyn Bolin then led in the Pledge of Allegiance.

**I. CONSENT AGENDA**

A motion was made by Williams and seconded by Bolin to approve the minutes of the previous meetings, as submitted. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

The consent agenda consisted of the following:

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

- April 16, 2012, City Council Meeting
- April 16, 2012, City Council Executive Session Meeting

**II. PUBLIC HEARINGS**

None.

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**III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS**

**(A) Presentation of Missouri Water Environmental Association Safety Award**

**(MWEA):** Mr. Tom Ratzki, President of the Missouri Water Environmental Association (MWEA), a professional organization of all wastewater professionals in the state of Missouri, addressed the Council. Mr. Ratzki said the MWEA recognizes the outstanding accomplishments of many of the wastewater utilities across the state. He reported the City of Rolla was honored this year with the 2011 outstanding safety award for the small treatment plants in the state of Missouri. Because of the complex processes and the skill and talent of the personnel at the Rolla plants, Mr. Ratzki said Rolla is being honored based on its performance in 2011. Mr. Ratzki presented the MWEA Safety Award to Public Works Director Steve Hargis and some personnel from the Rolla Wastewater Treatment Plants.

**(B) Featured Business/Organization: Mo-Sci Corporation:** Mr. Ted Day, President of Mo-Sci Corporation, founded in 1985, provided an update on his company, which is a world leader in precision glass technology.

**(C) First Quarter 2012 Tourism Report:** Rolla Area Chamber of Commerce Executive Director Stevie Kears provided an overview of the 2012 First Quarter Tourism Report.

**IV. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS**

Mayor Jenks referred the Council to (A) the March 2012, Rolla Municipal Utilities Monthly Report; (B) the March 28, 2012, Rolla Board of Public Works Meeting Minutes; (C) the March 31, 2012, City's Cash Position and Revenue/Expenditure Report; (D) the March 2012, Centre Financial Analysis, and; (E) the April 10, 2012 Preliminary Minutes of the Planning and Zoning Commission Meeting.

**V. OLD BUSINESS**

**(A) Request for Ordinance Amending Section 27-108 & 27-109 of the City Code**

**Pertaining to Parking:** Public Works Director Steve Hargis explained the subject ordinance, pertaining to parking, was requested by the Rolla Police Department. The proposed ordinance would limit parking in and around the Courthouse on public streets to ten hours, rather than all day parking. Additionally, Mr. Hargis said the City Code

**V. OLD BUSINESS (continued)**

**(A) Request for Ordinance Amending Section 27-108 & 27-109 of the City Code Pertaining to Parking (continued):** pertaining to the seventy-two hour parking limit, was interpreted to apply only to residential areas. Mr. Hargis said the proposed ordinance would clarify that the 72-hour limit would apply to all streets, unless you own the property adjacent to where you park. In that case, you would be permitted to park more than 72 hours.

Following a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4041: AN ORDINANCE REPEALING SECTIONS 27-108 AND 27-109 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO PARKING. A motion was made by Hicks and seconded by Sawyer to approve the proposed ordinance. After additional discussion, a roll call vote on the motion showed the following: Ayes; Hicks, Magdits, Jordan, Williams, Lindgren, Bahr, Bolin, Long, Mazanec, Sawyer, Morris, and Leonard. Nays; None. Absent: None. Motion carried. The ordinance passed.

**VI. NEW BUSINESS**

**(A) Motion to Approve Required Professional Services to Complete Lease Purchase Financing:** City Administrator John Butz told the Council the following three items are related and pertain to the refinancing of City Hall and energy efficiency grants. The Council selected Oppenheimer as the Underwriter for the lease refinancing. Mr. Butz pointed out the two agreements are with the bond counsel, Gilmore and Bell, and the rating agency, Standard & Poor's. He asked the Council to consider approving the two agreements, subject to and apart of the overall COP (Certificates of Participation) refinancing. A motion was made by Williams and seconded by Bolin to approve the required professional services and disclosure incurred to complete the lease/purchase financing. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**(B) Ordinance Approving Issuance of Certificates of Participation-Lease Refinancing:** City Administrator John Butz indicated the subject ordinance was initially prepared for its first and final readings. He informed the Council Bank of America carries the note on the City Hall refinancing and they are still settling some of the

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**VI. NEW BUSINESS (continued)**

**(B) Ordinance Approving Issuance of Certificates of Participation-Lease Refinancing (continued):** language in the prepayment provisions of the 2004 lease financing. Therefore, Mr. Butz said staff is not prepared to finalize it at this meeting. He suggested the Council consider the first reading of the proposed ordinance at this meeting, with the final reading considered during the Council's next meeting. Mr. Butz explained the subject ordinance would refinance the energy efficiency lease, the City Hall renovation lease, and would provide the \$600,000 for the Airport infrastructure improvements. Based on the Council's direction during its last meeting, the wording of the ordinance was amended to stipulate the \$600,000 could only be used at the Airport. If it is not used at the Airport, it stays in the reserve fund and can be used to pay down the refinancing

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE AUTHORIZING THE CITY OF ROLLA, MISSOURI, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS LOCATED AT THE AIRPORT AND REFINANCING OUTSTANDING LEASE OBLIGATIONS OF THE CITY; AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.**

**(C) Resolution to Adopt a Post Bond Compliance Policy:** City Administrator John Butz explained some new regulations, which have evolved from current economy, have affected tax-exempt financing, specifically regulations from the IRS (Internal Revenue Service) and the SEC (Securities and Exchange Commission). He said the City has always had bond compliance reporting requirements through the SEC's website and they must be updated every year. The City has worked with Gilmore and Bell in drafting the subject compliance policy.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. **RESOLUTION NO. 1771: A RESOLUTION APPROVING A BOND COMPLIANCE POLICY AND PROCEDURE FOR THE CITY OF ROLLA, MISSOURI. A motion was made by Williams and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.**

**VI. NEW BUSINESS (continued)**

**(D) Discussion Regarding Rolla Business Survey/Local Preference:** City Administrator John Butz recalled a few months ago Mr. Mark Woods from Fairground Chevrolet approached the Council about some provision in the City's procurement policy that would clarify local use opportunity or preference. The City's current procurement policy states the City Council can factor in location when determining lowest and best bid. Mr. Butz said he could think of at least one occasion where the City's police vehicles were purchased with about a \$50 price difference. Mostly, Rolla has been very true to staying with the low bid unless cause is found to disqualify the low bid. When the Council asked staff to explore what other cities are doing, Mr. Butz said the Council suggested conducting a business survey. He said he thought one of the things the City might hear in the business survey was the request for local preference. Mr. Butz recalled the Council approved, with the help of the Chamber of Commerce, the mailing of over 800 letters with a section where businesses could write their comments. Not surprising, Mr. Butz reported only eighteen responses were received. He noted a summary of the responses are included in the agenda packets and there were only one or two references to the local preference issue.

Mr. Butz noted he contacted several cities regarding their policies on the local preference issue. He said the cities surveyed were all over the board and the majority of the cities surveyed provided an incentive, but not all used a percent. Many of the cities had similar language to Rolla's in that the Council can factor location in determining the lowest and best bid.

In the discussion, which followed, the Council's sentiment was to maintain current policy that allows the Council to consider location in determining the lowest and best bid.

**(E) Resolution Authorizing Cooperative Agreement with Phelps County –TIF:** City Administrator John Butz said with the opening of the Kohl's Department Store in March 2012, they would soon begin to report their monthly gross sales to the City. He commented this becomes a factor of recapturing the increment that would be placed into a special fund maintained by the City. Mr. Butz explained a portion of those revenues is finding its way to the County. In speaking with County officials over the past several months about how this is going to work, they thought it was appropriate to draft a cooperative agreement that defines how the City will use the funds, the parties involved, and the reports to the City. Mr. Butz pointed out the agreement contains a provision that

**VI. NEW BUSINESS (continued)**

**(E) Resolution Authorizing Cooperative Agreement with Phelps County –TIF (continued):** allows the County to withhold a portion if they need to upgrade their software to track the collection of the Statutory Fees.

After some discussion, City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1772: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN COOPERATIVE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PHELPS COUNTY, MISSOURI, PERTAINING TO THE KOHL'S TIF (TAX INCREMENT FINANCING) PROJECT. A motion was made by Hicks and seconded by Sawyer to approve the proposed resolution. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The resolution passed.

**(F) Motion Selecting Grant Administration Services for Airport Improvements:** City Administrator John Butz reported the City solicited proposals for grant administration services for the Rolla National Airport infrastructure improvements through the U.S. Department of Commerce Economic Development Administration (EDA) program. He said one proposal was received from the Meramec Regional Planning Commission (MRPC) and they have identified their costs as \$23,000. Mr. Butz told the Council the City is not obligated to pay this under this agreement; rather it is subject to a grant award. He explained the grant award allows for a portion of the proceeds to go toward grant administration. Mr. Butz said this selects MRPC to assist the City in applying for an economic development administrative grant, which the City is scheduled to submit in June.

A motion was made by Williams and seconded by Lindgren to select MRPC for grant administration services for Rolla National Airport Improvements through the EDA. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**(G) Discussion Pertaining to Recreation Center Natatorium HVAC:** Parks and Recreation Director Scott Caron stated last year during the City's budget meetings, staff mentioned the need to replace the HVAC unit (PoolPak) in the Kiwanis Natatorium. However, the project was not included in the FY 2012 budget. He reported in April the main compressor for the unit failed and the replacement cost is \$12,000. Knowing the entire unit would be replaced over the next two years, staff obtained an approximate cost

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**VI. NEW BUSINESS (continued)**

**(G) Discussion Pertaining to Recreation Center Natatorium HVAC (continued):** to replace it. Mr. Caron received an estimate of \$13,000 for the engineering/design work and an estimate of \$150,000 - \$175,000 to replace the entire unit and some of the ductwork. He said staff is seeking Council direction to proceed with one of the following three approaches: 1) Repair the main compressor now for \$12,000 and budget for full replacement of the PoolPak in 2013. The repair would be completed in a few days with limited disruption; 2) Replace the main compressor now for \$12,000, proceed with engineering services, and budget for full replacement of the PoolPak in 2013, and; 3) Proceed with engineering services and full replacement of the natatorium HVAC (PoolPak). If the smaller compressor goes down the indoor pool would likely have to be closed until fully replaced.

Following much discussion, a motion was made by Bahr and seconded by Lindgren to leave the smaller one on until it fails and proceed with the engineering services study and when the other compressor fails, the indoor pool would be closed for about two weeks. After additional discussion, a motion was made by Bahr and seconded by Lindgren to amend the motion to include the engineering services fees be taken from the Depreciation Reserve Fund. A voice vote on the motion to amend the motion showed twelve ayes, zero nays, and zero absent. Motion carried. A voice vote on the original motion, as amended showed twelve ayes, zero nays, and zero absent. Motion carried.

**VII. CLAIMS and/or FISCAL TRANSACTIONS**

**(A) Motion to Accept Surplus Items Sold on GovDeals:** City Administrator John Butz explained that when the City first started experimenting with GovDeals in 2008, Council authorized staff to sell such items through on-line and electronic means (i.e. GovDeals, E-bay) provided the Council periodically received a report on the sales. He reported Staff has been very pleased with the prices received on the items. Mr. Butz asked the Council to consider accepting the list of surplus items from January 2011 through April 2012. A motion was made by Morris and seconded by Bolin to accept the list of surplus items from January 2011 through April 2012, contained in the agenda materials. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**(B) Motion to Award Bid for Project 324, Micro Paving:** Public Works Director Steve Hargis reported bids were requested for this year's micro paving activities. He

**VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(B) Motion to Award Bid for Project 324, Micro Paving (continued):** informed the Council one bid was received from Donelson Construction, Clever, Missouri, for \$3.10 per square yard. Mr. Hargis explained the City has an estimated 180,000 square yards to do or approximately ten miles, which would bring the price to \$558,000. He pointed out last year's bid was \$3.28 a square yard. Mr. Hargis referred the Council to the map, contained in the agenda materials, that shows where the work will take place. After some discussion, a motion was made by Williams and seconded by Morris to award the bid for this year's micro paving to Donelson Construction, Clever, Missouri for \$3.10 per square yard with the final amount to be based on actual measured quantities. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**(C) Motion to Award Bid for 2012 Asphalt Overlay:** Public Works Director Steve Hargis reported two bids were received for the 2012 asphalt overlay project. The low bid was received from Rolla Asphalt for a grand total of \$357,550.81. Mr. Hargis said this work would include finishing Forum Drive and Pinetree Road south of Tenth Street, Hyer Court, Vista Drive, Basswood Drive, and Boxelder Drive. After a brief discussion, a motion was made by Bolin and seconded by Hicks to award the bid for the 2012 Asphalt Overlay project to Rolla Asphalt. A voice vote on the motion showed twelve ayes, zero nays, and zero nays. Motion carried.

**(D) Motion to Award Bid for Public Services Yard Phase II-Solid Waste & Vehicle Maintenance Facility-Project 225:** Public Works Director Steve Hargis informed the Council bids were received for the Solid Waste and Vehicle Maintenance facility, which will be located on McCutchen Drive, just north of the existing Recycling Center. The low bidder was Bales Construction Company, Rolla, Missouri at \$2,064,000. Mr. Hargis said the original estimate for this project was \$1.5 million, which was for about 18,000 square feet, established in a report by Bucher, Willis and Ratliff in 2007. He explained staff asked Bales Construction Company to meet with the City's architect, Archer, and J. Rogers Architecture, to see if there was anyway to value-engineer some items out of the project to save some money. Mr. Hargis told the Council a total of \$259,678 worth of possible changes was made. He then provided an overview of the areas where changes could be made. He noted the adjusted contract, after award, would be \$1.8 million. Mr. Hargis then outlined how the project would be funded.

Following discussion, a motion was made by Williams and seconded by Sawyer to award the proposed adjusted contract for the Public Services Yard, Phase II, Solid Waste and



**VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)**

**(D) Motion to Award Bid for Public Services Yard Phase II-Solid Waste & Vehicle Maintenance Facility-Project 225 (continued):** Vehicle Maintenance Facility, Project 225, to Bales Construction Company, Rolla, Missouri, with all proposed change orders and the financing of the facility through Environmental Services reserves with a 20 year payback to the fund as outlined by Mr. Hargis at an interest rate of 2.5%. After additional discussion, a voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Administrator John Butz added Council would be asked to approve a contract for this project at its next meeting. Additionally, a separate change order, outlining the deductions, would be brought to the Council for consideration.

**VIII. CITIZEN COMMUNICATION**

Mayor Jenks opened the floor to anyone wishing to address the Council. No one present responded.

**IX. MAYOR/CITY COUNCIL COMMENTS**

**(A) Mayor/Council Appointments:**

**(1) Reappointment of Mr. Dale Bleckman (2<sup>nd</sup> Term, May 2015); Mr. Gary Patterson (3<sup>rd</sup> Term, May 2015), and; Judge William Hickle (3<sup>rd</sup> Term, May 2015) to the Library Board:** A motion was made by Williams and seconded by Long to reappoint Mr. Dale Bleckman, Mr. Gary Patterson and Judge William Hickle to the Library Board. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**(2) Appointment of Mr. W. Keith Wedge to the Board of Adjustment:** Due to the recent resignation of Mr. Jeff Rohrer to the Board of Adjustment, Mayor Jenks requested the appointment of Mr. W. Keith Wedge to fill Mr. Rohrer's unexpired term (Oct. 2016). A motion was made by Williams and seconded by Mazanec to appoint Mr. W. Keith Wedge to the Board of Adjustment to complete the unexpired term of Mr. Jeff Rohrer (October 2016). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

**IX. MAYOR/CITY COUNCIL COMMENTS (continued)**

**(A.2.) Mayor/Council Appointments (continued):** City Administrator John Butz pointed out there is a vacancy in an alternate position on the Board of Adjustment. He asked the Council to let Mayor Jenks know of anyone who might be interested in serving.

**X. COMMENTS FOR THE GOOD OF THE ORDER**

**(A) GovDeals:** Councilman Bahr asked if the proceeds from the sale of the items on GovDeals are returned to the department from where it was originally funded.

City Administrator John Butz explained the proceeds are deposited into the particular fund from where it was originally expended.

**(B) Environmental Service Vehicles:** Councilman Bahr commented to Environmental Services Director Brady Wilson that his fleet's vehicles look great with the new decals.

**(C) Houston Road Property Update:** Councilman Morris asked for an update on the property maintenance issue on Houston Road.

City Counselor Lance Thurman reported a petition has been drafted and is ready to be filed in court.

**(D) Sales Tax Revenues (Smoke-Free Workplace Ordinance):** Councilman Lindgren asked City Administrator John Butz if he could provide the Council an opportunity to look at sales tax revenues, specifically from bars and restaurants, to see the impact of the smoke-free workplace ordinance.

City Administrator John Butz suggested providing this information to the Council in September, since the City will not have received the sales tax information from the State for the six-month period until that time.

**(E) School Crossing Guard Safety Problem:** Councilman Lindgren reported he was told by two school crossing guards that while they are standing in the middle of the road, drivers are ignoring them because they are texting while driving through school zones. He asked if there is anything the City could do to prohibit this.

Police Chief Mark Kears indicated he would have this area patrolled.

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**X. COMMENTS FOR THE GOOD OF THE ORDER (continued)**

**(E) School Crossing Guard Safety Problem (continued):** City Administrator John Butz added Missouri State Law only prohibits texting while driving for drivers age under 18.

**(F) Sales Tax on Internet Sales:** Councilman Morris asked City Administrator John Butz if the State is considering charging sales tax on internet sales. If so, is there encouragement the Council can pass along to them.

Mr. Butz explained the State itself cannot approve the sales tax on internet sales because it is part of a Federal action. He said cities can opt into what is called the simplified tax program, which is a voluntary association of states that are participating and it requires a revamping of almost the whole tax structure. Mr. Butz explained Federally, Congress is taking it up more and more aggressively every year.

**(G) Business Survey:** Regarding the business survey, Councilman Leonard asked Mayor Jenks if the Council would have an opportunity to examine and possibly implement some of the suggestions from the business leaders.

Mayor Jenks responded the City plans to consider some of the suggestions.

**XI. EXECUTIVE SESSION**

None.

**XII. ADJOURNMENT**

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

Minutes respectfully submitted by City Clerk Carol Daniels.

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CITY CLERK

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MAYOR

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