

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 18, 2012; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Pro Tem Lou Magdits

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

Council Members Absent: William Lindgren, Jr. and Tony Bahr

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 Carolyn Buschjost, Communications Director Scott Grahl, and City Clerk Carol Daniels

Mayor Pro-Tem Lou Magdits 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 Fran Mazanec then led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

None.

II. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Missouri Historic Preservation for Economic Development: Mr. Bill Hart, representing Missouri Preservation, told the Council Missouri Preservation is a non-profit membership based organization formed in 1976 as the Missouri Heritage Trust. He said Historic Preservation does not just assist in economic development, but in many ways, it is economic development. Mr. Hart explained how tax credits and grants are available to assist in the preservation of historic buildings. He then entertained questions from the Council.

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II. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS (continued)

(A) Missouri Historic Preservation for Economic Development (continued): Mr. Hart concluded by mentioning the public is invited to hear the same presentation on Tuesday, June 19, 2012, at 7 p.m. in the Old Phelps County Courthouse in Rolla.

(B) University of Missouri Extension Council Report: Mr. Frank Furman, the City's representative to the University of Missouri Extension Council, told the City Council the Missouri Extension Council is one of the greatest kept secrets in Phelps County. He said the Extension Council tries to improve Missouri's lives by addressing their highest priorities through the application of research-based knowledge and resources.

Mr. Furman reported that after he was appointed to the Extension Council, the Extension Council conducted business without a quorum on multiple occasions. Individual votes of Extension Council members were not recorded in the minutes and the minutes only noted the measure had passed. He said there was no mention made if a member voted against the measure. Mr. Furman also noted the Extension Council elected members rather than Phelps County citizens, which is against State Statute. He informed the City Council that Extension Council members are not administered the oath of office, which is also governed by State Statute. Mr. Furman added that generally, the Extension Council does not follow its bylaws, State Statute or the Missouri Sunshine Law. Additionally, the Extension Council has not been audited by the State Auditor's Office for several years.

Following his presentation, Mr. Furman addressed questions and comments from the City Council.

Mr. Larry Schneider, Chairman of the Phelps County Extension Council, told the Council he has been involved with the University Extension Council since 1992. He stated Mr. Furman has some legitimate points, but what he failed to mention is the Extension Council reports to the University. Mr. Schneider agreed the Extension Council does not do everything black and white. He pointed out, however, that the Extension Council is a total volunteer organization with a staff of only four individuals, a budget of \$35,000 and office space provided by the Phelps County Commission. Mr. Schneider said the Extension Council tries to do a lot with very little. He said the Extension Council's minutes are sent to the University and the Extension Council interacts with the University on an almost daily basis. He commented this is one person's opinion out of 14 other Extension Council members, who he does not think have the same opinion.

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III. OLD BUSINESS

(A) Ordinance to Refinance Energy Efficiency Lease: As mentioned during the Council's last meeting, City Administrator John Butz noted there was a setback when staff learned from Bank of America the City would not be able to refinance the City Hall lease. He noted, however, the City is still able to refinance the City's energy efficiency project and would be tapping an additional \$600,000, which would be used at the Rolla National Airport for the water storage tank that is part of the project. Mr. Butz recommended the Council consider the final reading of the subject ordinance.

Mr. Sean Flynn with Gilmore & Bell, P.C., and Mr. Ben Forest with Oppenheimer, told the Council pricing of the refinancing will be done on Wednesday and the closing will take place on June 29. Mr. Flynn said there is nothing new to report regarding the refinancing of the City Hall lease with Bank of America. Bank of America is not backing down on the 17% premium they would charge to refinance the City Hall lease. Mr. Flynn said Gilmore & Bell, P.C. will continue to negotiate with Bank of America on the City Hall lease.

Since Mayor Jenks is out of town and unable to sign any documents, City Administrator John Butz said it is recommended that Section 2(c) of the subject ordinance be amended to authorize the Mayor or the Mayor Pro Tem to execute the refinancing documents.

A motion was made by Williams and seconded by Morris to amend Section 2(c) of the subject ordinance to read: "The Mayor or the Mayor Pro Tem (either of whom may act) is hereby authorized and directed to execute and deliver the City Documents and to approve changes to the Declaration of Trust on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to affix the City's seal to the City Documents and attest said seal." A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed ordinance, as amended, for its final reading, by title. ORDINANCE NO. 4043: 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. A motion was

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III. OLD BUSINESS (continued)

(A) Ordinance to Refinance Energy Efficiency Lease (continued): made by Williams and seconded by Sawyer to approve the proposed ordinance, as amended. A roll call vote on the motion showed the following: Ayes; Magdits, Hicks, Bolin, Leonard, Mazanec, Sawyer, Long, Jordan, Morris, and Williams. Nays; None. Absent; Bahr and Lindgren. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Resolution Authorizing Task Order No. 2 Agreement with Integrity Engineering for Water and Sewer Improvements at the Rolla National Airport: Public Works Director Steve Hargis recalled earlier this year the City entered into an agreement with Integrity Engineering for engineering services relating to water and sewer improvements at the Rolla National Airport. Task Order No. 1 was to provide the City with a Master Plan for a water and sewer system at the Airport. He reported the Master Plan has been completed and has been submitted as a part of a grant application to the Economic Development Administration (EDA) to help fund the project. Mr. Hargis reported the total cost of the project was estimated at \$2,460,519. The scope of that project is to provide water and sewer service for two industrial concerns at the Airport. Mr. Hargis indicated the subject Task Order No. 2 would engage Integrity Engineering, which would provide the engineering design and construction services to construct the improvements. He said EDA recognizes sometimes we need to get started with the engineering on projects and they would reimburse the City for the engineering costs, prior to the bid award.

After a brief discussion, City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1776: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN TASK ORDER NUMBER 2 AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND INTEGRITY ENGINEERING, INC. A motion was made by Williams and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

IV. NEW BUSINESS (continued)

(B) Resolution Authorizing Task Order No. 4 Agreement with CM Archer for Construction Administration of New Maintenance Facility at the Rolla Public Services Park: Public Works Director Steve Hargis informed the Council Task Order No. 4 would authorize CM Archer to conduct the construction administration of the new maintenance facility at the Rolla Public Services Park. This would include approving shop drawings, pay estimates, and ensure the City receives what was bid in the construction document. Mr. Hargis explained the Community Development Department would be doing daily inspections of the facility and keeping the construction logs. Additionally, they will participate in the monthly progress meetings with the engineer. Mr. Hargis said the total amount of Task Order No. 4 is \$35,430. Staff anticipates this job will be done around the first of the year.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1777: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN TASK ORDER NUMBER 4 AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP P.C. A motion was made by Williams and seconded by Hicks to approve the proposed resolution. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried. The resolution passed.

(C) Ordinance Authorizing Property Exchange Between City of Rolla & Sandra Anderson: Public Works Director Steve Hargis recalled the Council discussed this issue during a recent Executive Session. He explained Ms. Sandra Anderson, who owns property adjacent to the City's Country Aire Place Park on Route O, approached the City about doing an even exchange of land. Mr. Hargis explained when the subdivision was platted, Ms. Anderson's shed was located on park property. Ms. Anderson plans to list the property for sale and wants to clear up the ownership of the shed. Mr. Hargis noted the subject ordinance would authorize the Mayor to sign a quitclaim deed and accept a quitclaim deed from Ms. Anderson for this strip of land.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4044: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A QUITCLAIM DEED BETWEEN THE CITY OF ROLLA AND SANDRA ANDERSON. A motion was Williams and seconded by

IV. NEW BUSINESS (continued)

(C) Ordinance Authorizing Property Exchange Between City of Rolla & Sandra Anderson (continued): Morris to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

City Counselor Buschjost 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; Long, Sawyer, Leonard, Hicks, Bolin, Jordan, Morris, Mazanec, Williams, and Magdits. Nays; None. Absent; Lindgren and Bahr. Motion carried. The ordinance passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointment of Councilmen Tony Bahr, Gary Hicks, and Monty Jordan to the Finance/Audit Committee: A motion was made by Williams and seconded by Long to reappoint Councilmen Tony Bahr, Gary Hicks, and Monty Jordan to the Finance/Audit Committee. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Reappointment of Mr. Don Brown to the Planning & Zoning Commission: A motion was made by Long and seconded by Jordan to reappoint Mr. Don Brown to the Planning & Zoning Commission with his term expiring May 2016. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VII. CITIZEN COMMUNICATION

Mayor Pro Tem Magdits then opened the floor to anyone wishing to address the Council. No one present responded.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Prohibiting Use of Jake Brakes: Councilman Williams asked City Administrator John Butz to have an ordinance drafted that would prohibit the use Jake brakes inside the Rolla City limits. He noted he has received several complaints from citizens about the noise from Jake brakes, particularly on Highways 63 and 72.

City Administrator John Butz said the Council could prohibit the use of the Jake brakes; however, it cannot be called a “Jake Brake Ordinance” because “Jake” is a manufacturer. Mr. Butz also noted the Missouri Department of Transportation (MoDOT) prohibits the City from placing “no Jake brake” signs on their right-of-way. Mr. Butz indicated staff would draft an ordinance for Council consideration.

(B) Energy Efficiency Improvements: Mayor Pro Tem Magdits asked when the City would be receiving the results of the energy efficiency improvements.

City Administrator John Butz said the project would not be closed until the biggest energy efficiency element is installed at one of the wastewater treatment plants. There have been problems with the manufacturer and it has not yet been installed.

Public Works Director Steve Hargis added the delay was a result of a patent issue but the element is scheduled to be installed in August.

(C) Saltwater Chlorine vs. Regular Chlorine: Councilman Sawyer asked Parks and Recreation Director Scott Caron if the City has checked into saltwater chlorine vs. regular chlorine in the pools.

Mr. Caron said there are many different means of sanitizing the pools. He said the upfront costs needed for saltwater chlorine is more expensive. Regular chlorine is by far the least expensive.

IX. CLOSED EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 8:05 p.m.

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X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:41 p.m.

City Counselor Carolyn Buschjost reported during Executive Session the City Council discussed a real estate matter and no action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 8:42 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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