

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, NOVEMBER 5, 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, Gary Hicks, Don Morris, Lou Magdits, Jim Williams, Carrolyn Bolin, Tony Bahr, and Fran Mazanec

**Council Members Absent:** Kelly Long

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

**Other City Officials in Attendance:** City Administrator John Butz, City Counselor Lance Thurman, 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.

Following the invocation, Councilman Jim Williams led in the Pledge of Allegiance.

**I. CONSENT AGENDA**

Regarding the vote on Item VI.A. of the October 15, 2012, City Council Meeting Minutes, "Motion to Draft an Ordinance Exempting Certain Businesses from the Smokefree Workplace Ordinance," Councilman Leonard pointed out it was his recollection that it was a hand vote and not a voice vote that showed four ayes. Additionally, he pointed out that no question of nays was asked. He said he believes the four ayes, seven nays and one absent vote does not exactly reflect how it transpired.

A motion was made by Williams and seconded by Sawyer to amend Item VI.A, from the October 15, 2012, City Council meeting, minutes, "Motion to Draft an Ordinance Exempting Certain Businesses from the Smokefree Workplace Ordinance" to reflect a hand vote on the motion showed four ayes. Mayor Jenks did not call for the nay votes and determined there was a lack of support for the motion and it failed. A voice vote on the motion to amend the October 15, 2012, City Council minutes and to approve the Consent Agenda, as amended showed eleven ayes, zero nays, and one absent. Motion carried.

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**I. CONSENT AGENDA (continued)**

The consent agenda consisted of the following:

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

- 1) Rolla City Council Meeting – October 1, 2012
- 2) Rolla City Council Meeting – October 15, 2012

**II. PUBLIC HEARINGS**

None.

**III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS**

**(A) Community Foundation of the Ozarks (CFO) Presentation Pertaining to the Eck Animal Shelter Foundation:** Ms. Maria Kardon with the Meramec Regional Planning Commission (MRPC) and representing the Meramec Regional Community Foundation, which is an affiliate of the Community Foundation of the Ozarks (CFO) of Springfield, Missouri, addressed the Council on what CFO could do for Rolla and Phelps County. She explained that the CFO are experts regarding funds, foundations, and non-profit organizations, which receive donations for a certain mission or a cause. In the City's case, Ms. Kardon recalled that Mr. Robert A. Eck, who recently passed away, left over \$441,000 for a new Rolla animal shelter. She then provided a cursory overview of how the foundation operates. Following her presentation, she entertained questions from the Council.

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

Mayor Jenks referred the Council to **(A)** the September 29, 2012, Development Review Committee Meeting Minutes; **(B)** the October 9, 2012, preliminary minutes of the Planning and Zoning Commission Meeting, and; **(C)** the September 2012 Centre FY-2012 Financial Analysis; **(D)** the September 2012 SplashZone FY 2012 Financial Analysis; **(E)** the September 26, 2012, Parks and Recreation Commission Meeting Minutes; **(F)** the September 27, 2012, Rolla National Airport Advisory Committee meeting notes; **(G)** the August 2012, Rolla Municipal Utilities Monthly Report, and; **(H)** the August 29, 2012, Rolla Board of Public Works Meeting Minutes.

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

Councilman Leonard mentioned the Airport Advisory Committee meeting notes mention the Rolla National Airport's hangars are full. He asked City Administrator John Butz if the City is missing an opportunity to expand.

Mr. Butz responded that the construction of a new set of T-hangars at the airport would cost \$550,000.

Mr. Leonard asked if there is a waiting list of individuals who are interested in renting hangars that would cover the cost of a monthly payment.

Mr. Butz said there are two or three on the standby list who regularly use a hangar at another airport. He added the City has a ten unit T-hangar on the airport's Capital Improvement Plan and the City can use some of its entitlement funds to construct them. Mr. Butz said he does not know if there is enough demand yet to justify the service and the cost of a new ten-unit T-hangar. Once some of the aviation improvements are completed, staff might be in a position to make a proposal to Council.

**V. OLD BUSINESS**

None.

**VI. NEW BUSINESS**

**(A) Resolution Authorizing the Mayor to Enter Into an Agreement with Rolla Asphalt, LLC, for FY 2013 Asphalt Overlay Project 327:** Public Works Director Steve Hargis recalled that during its last meeting the Council awarded the 2013 asphalt overlay project to Rolla Asphalt, LLC. He indicated the subject resolution would authorize the Mayor to sign the proposed contract with Rolla Asphalt, LLC, which has been included in the agenda materials.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1783: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT BETWEEN THE CITY OF

**VI. NEW BUSINESS (continued)**

**(A) Resolution Authorizing the Mayor to Enter Into an Agreement with Rolla Asphalt, LLC, for FY 2013 Asphalt Overlay Project 327 (continued):** ROLLA, MISSOURI, AND ROLLA ASPHALT LLC, FOR PROJECT 327, 2013 ASPHALT OVERLAY. A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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

**(A) Motion to Award Bid for Pavement Work at the Rolla National Airport:** Public Works Director Steve Hargis reported bids were received for pavement work at the Rolla National Airport. The work would entail seal coating Runway 4/22 and the general aviation apron. Mr. Hargis indicated the City's consultant, Aviation, recommends award to the low bidder, Vance Brothers, Inc., for \$389,510, pending MoDOT (Missouri Department of Transportation) approval. He pointed out the low bid is below Aviation's estimate. Mr. Hargis added this project would be funded by the entitlement funds received through MoDOT at 95% with the City paying 5%. A motion was made by Williams and seconded by Jordan to award the pavement work project at Rolla National Airport to the low bidder, Vance Brothers, Inc., for \$389,510. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(B) Motion to Award Bid to Replace Condenser Coils on Two Rooftop HVAC Units at The Centre:** Parks and Recreation Director Scott Caron reported that during the annual preventative maintenance at The Centre, extensive hail damage was noted on the condenser coils on the two HVAC rooftop units. An insurance claim to replace the coils was submitted to MIRMA (Missouri Intergovernmental Risk Management Association) and the claim was approved. Mr. Caron indicated quotes were obtained to replace the coils and staff recommends the bid be awarded to the low bidder, Murphy Company for \$24,339. He added the City would be responsible for the \$1,000 deductible. A motion was made by Williams and seconded by Morris to award the bid to replace the condenser coils on the two rooftop HVAC units at The Centre to Murphy Company for \$24,339. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

**(C) Motion to Select Contractor to Design and Construct Upgrades to the Natatorium Mechanical System at The Centre:** Parks and Recreation Director Scott Caron recalled that in May 2012, the Council authorized staff to obtain engineering costs

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

**(C) Motion to Select Contractor to Design and Construct Upgrades to the Natatorium Mechanical System at The Centre (continued):** to replace the HVAC unit in the natatorium. He reported two proposals were submitted and the lowest proposal was received from Jarrell Mechanical Contractors for \$400,442. Mr. Caron noted Jacobs Engineering, the City's engineering consultant, recommends the bid be awarded to Jarrell Mechanical Contractors. Following discussion, a motion was made by Williams and seconded by Bolin to authorize staff to negotiate a contract with Jarrell Mechanical Contractors to replace the natatorium HVAC unit. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

Since the funds to pay for the natatorium HVAC unit are in the Depreciation Reserve Account, City Administrator Butz reminded the Council that a supermajority vote of the entire Council would be required to approve the expenditure. This will be requested when the contract is brought to Council for approval.

**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) Local Government Employees Retirement System (LAGERS) Annual Conference Report:** Councilman Leonard reported that as the City's employer representative, he attended the recent Local Government Employees Retirement System (LAGERS) annual conference in Springfield, Missouri. With so many pension funds in trouble around the nation and being funded at 30% to 40%, he said it is nice to see that LAGERS is doing well and is funded at 83.5%. Mr. Leonard indicated the retirement fund is performing very well and as a City, we should be proud that we are able to offer this to our employees.

Mayor Jenks added that through the years LAGERS has consistently been an outstanding retirement program and is very well managed. He said he is happy the City has this program for its employees.

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

**(A) Pregnancy Resource Center:** Councilman Hicks announced the Pregnancy Resource Center grand opening would be held on Thursday, November 8 from 5 p.m. to 7 p.m. He said he feels the Pregnancy Resource Center is probably one of the most important services that is provided to people in our community. Mr. Hicks encouraged everyone to attend the grand opening and see new facility, which is located in the 72 Centre on Highway 72 in Rolla.

City Administrator Butz added the Pregnancy Resource Center is tentatively scheduled to speak about their program to the Council in January 2013.

**(B) Animal Shelter:** Councilman Bahr asked if the Council could discuss during its next meeting the plans for a new animal shelter, and the possibility of including other cities in Phelps County.

**(C) Peddler's License:** Councilwoman Bolin relayed she received a telephone call from a man who indicated his mother had been pressured by a salesman to purchase a vacuum cleaner which she did not want or need. The salesman had been told several times by the son to leave the premises. Ms. Bolin wanted to know if something could be done by the City to check into these types of peddlers before a business license is issued.

City Administrator Butz responded that the City issues approximately 1,300 business licenses annually. If the applicant has a reasonably clean record, the license will be issued. However, he emphasized the City does not guarantee someone's work or performance. On what is a legally constituted business (tax number from the State, etc.), Mr. Butz said the City would need to have grounds for denying them the right to do business in Rolla. In this particular case, the City has officially notified the business that a complaint was received. However, unless the City builds a file on the subject business, it would not be brought to the Council to rescind the business license.

Finance Director Steffanie Rogers informed the Council that background screenings are not done on individuals like those that are done on taxicab drivers. If a background check is done on the applicant, unless they have been charged with a misdemeanor, the City cannot deny the license. If the peddler enters the home without the resident's permission, they need to telephone the Rolla Police Department.

Police Chief Mark Kearse said his personal opinion is the City does not need to be giving a business license to peddlers. Only the stable businesses in Rolla should be allowed to do business in Rolla and they should be allowed to sell door to door with a special permit.

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

**(C) Peddler's License (continued):** Chief Kears indicated the Police Department has received numerous complaints about peddlers and many are criminals. He said a background check does not work because it can get through the system. Mr. Butz said the City can do some research to determine what the City's authority is in denying someone a business license and to see if it is legal to prohibit peddling in the City of Rolla.

Mayor Jenks said the immediate solution is to call the Police Department if someone is in your house that is unwelcome and unwilling to leave.

**(D) November 6, 2012 Election:** Councilwoman Bolin and Mayor Jenks both encouraged everyone to exercise their right to vote in tomorrow's election.

**XI. EXECUTIVE SESSION**

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

The Council adjourned into Executive Session at approximately 7:23 p.m.

**XII. EXECUTIVE SESSION ACTION**

The Council reconvened into open session at approximately 8:19 p.m.

City Counselor Lance Thurman reported that during Executive Session, the City Council discussed matters of real estate but no final action was taken.

**XIII. ADJOURNMENT**

Having no further business, the meeting adjourned at 8:20 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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