

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 7, 2013; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Monty Jordan, Greg Sawyer, Steven Leonard, Susan J. Eudaly, Don Morris, Lou Magdits, Jim Williams, Carolyn Bolin, Tony Bahr, and Fran Mazanec

Council Members Absent: William Lindgren, Jr. and 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, Environmental Services Director Brady Wilson, and Public Works Director Steve Hargis

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.

Following the invocation, Councilwoman Fran Mazanec led in the Pledge of Allegiance.

I. CONSENT AGENDA

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

The consent agenda consisted of the following:

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

- 1) Rolla City Council Meeting – December 3, 2012
- 2) Rolla City Council Executive Session Meeting – December 3, 2012
- 3) Rolla City Council Meeting – December 17, 2012
- 4) Rolla City Council Executive Session Meeting – December 17, 2012

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II. SWEARING IN OF NEW COUNCIL MEMBER

(A) City Clerk Carol Daniels administered the oath of office to Ward III Councilwoman Sue Eudaly, who was appointed by the City Council during its December 17, 2012, meeting to complete the unexpired term of retired Councilmember Gary Hicks.

III. PUBLIC HEARINGS

None.

IV. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

(A) Flag of Freedom Award: Mr. Wayne Houtman, Local Veterans Employment Representative, presented Mayor Jenks along with City Administrator John Butz, Fire Chief Robert Williams, Police Chief Mark Kearse, Public Works Director Steve Hargis, and Environmental Services Director Brady Wilson with the Flag of Freedom Award. He explained this is an award given to employers for the hiring of veterans and national guardsmen. Mr. Houtman noted that in 2010 the City pledged with the “Show-Me Heroes”, initiative by Governor Nixon to do outreach for employment opportunities for veterans.

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

Mayor Jenks referred the Council to **(A)** the November 2012 Centre FY-2013 Financial Analysis; **(B)** the November 28, 2012, Parks and Recreation Commission Meeting Minutes; **(C)** the October and November 2012, Rolla Municipal Utilities Monthly Reports; **(D)** the November 7, 2012, Rolla Board of Public Works Meeting Minutes; **(E)** the December 11, 2012, Preliminary Minutes of the Planning and Zoning Commission meeting, and; **(F)** the December 6, 2012, Rolla Board of Adjustment Meeting Minutes.

VI. OLD BUSINESS

None.

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VII. NEW BUSINESS

(A) Motion Accepting Total Project Costs – Kohl’s TIF Project: City Administrator John Butz provided an overview of the Kohl’s Redevelopment Agreement, which he indicated is the overriding document between the City and Kohl’s. In the agreement, he noted there is a commitment that the City would reimburse up to \$3,300,000 of a total project cost of \$7,695,000. One requirement in the agreement is Kohl’s must certify their expenses to the City. Mr. Butz told the Council he has reviewed several invoices from Kohl’s on the \$3,300,000 of the reimbursable amount of the costs. He referred the Council to the summary of Kohl’s total project costs included in the agenda materials. Mr. Butz said what makes it more complicated is the City negotiated a provision that if the cost came in less than the \$7,695,000, the City would enjoy a reduction in the amount of TIF (Tax Increment Financing) assistance. In exchange for this, the City waived the building permit fees, which were estimated at \$16,000. Mr. Butz reported the total project costs Kohl’s has certified is \$7,431,976 or \$263,000 below their estimated project costs. The agreement provided the City would enjoy a \$1 savings for every \$2 savings Kohl’s incurred, thus reducing the amount of TIF assistance by \$131,512. Rather than paying Kohl’s \$3,300,000 over the next twenty years, the City will pay \$3,168,000.

Mr. Butz said the issue is how to verify the costs Kohl’s has submitted. He told the Council Kohl’s has provided him invoices for about 90% of the total project costs. Mr. Butz stated the challenge is how the City validates the numbers they have provided. Although their invoices are very tight, he said there is no way for him to validate freight, for example. Kohl’s has offered to provide affidavits for the other 10% that is not accounted for, but there is no easy way of doing it. Mr. Butz informed the Council that he phoned other Missouri cities who have done TIF’s for much longer than Rolla and said he could find no city that actually went to the expense of having a third party verifying costs. Mr. Butz asked the Council whether they feel the City needs to go to the next level of having some third party review some of the charges Kohl’s is demonstrating for total project costs.

After Council discussion, a motion was made by Bahr and seconded by Morris to authorize the Mayor to sign Exhibit D “Form of Certification of Reimbursable Redevelopment Project Costs.” A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

City Administrator John Butz suggested it might be good to establish the reimbursable amount of TIF assistance at \$3,168,488.

VII. NEW BUSINESS (continued)

(A) Motion Accepting Total Project Costs – Kohl’s TIF Project (continued): A motion was made by Magdits and seconded by Bolin to establish the reimbursable amount of TIF assistance for the Kohl’s project at \$3,168,488. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Motion to Approve Rolla Parks & Recreation Athletic Facility Policy: Parks and Recreation Director Scott Caron asked the Council to consider approving the revised Athletic Field Policy. He pointed out to the Council that sports organizations that use the City’s fields are required to have liability insurance and adopt a code of conduct for their players, coaches, and parents. Additionally, all youth coaches are required to have criminal background checks. Mr. Caron indicated the policy also establishes the field fee schedules. The newest addition to the policy pertains to sports camps and clinics. Previously, Mr. Caron indicated anyone conducting camps and clinics would pay the same as a resident fee. The new policy indicates the fee would be determined based on a percentage of registration or a flat rate.

After some discussion, a motion was made by Morris and seconded by Eudaly to approve the proposed Athletic Field Policy. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(C) Ordinance Authorizing the Mayor to Execute an Agreement with Vance Brothers, Inc., for Pavement Work at the Rolla National Airport: Public Works Director Steve Hargis recalled the City recently received bids for the crack sealing and seal coating of Runway 4/22 and to micro-surface the general aviation apron at the Rolla National Airport. On November 5, 2012, the Council awarded the bid to the low bidder, Vance Brothers, Inc., for \$389,510, pending Missouri Department of Transportation (MoDOT) approval. Mr. Hargis reported that MoDOT has approved the bid and staff asked the Council to consider authorizing the Mayor to sign the agreement with Vance Brothers, Inc.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4064: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, A CERTAIN CONTRACT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND VANCE BROTHERS, INC. A motion was made by Williams 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 ten ayes, zero nays, and two absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final

VII. NEW BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Execute an Agreement with Vance Brothers, Inc., for Pavement Work at the Rolla National Airport: 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: Jordan, Williams, Bahr, Bolin, Leonard, Mazanec, Sawyer, Magdits, Morris, and Eudaly. Nays; None. Absent; Lindgren and Long. Motion carried. The ordinance passed.

VIII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award Backhoe Bid for Street Division: Public Works Director Steve Hargis informed the Council that the following three pieces of equipment are for the Street Division. He indicated the Finance Department is in the process of securing interest rates for a lease/purchase on all these items. Mr. Hargis added that all three pieces of equipment came in under budget.

Mr. Hargis explained staff is proposing to purchase a backhoe through the State bid, Fabick and Company, Jefferson City, Missouri, for \$95,462. The existing backhoe has been valued at \$25,000 and will be transferred to the Wastewater Division making the final cost of the backhoe \$70,462. A motion was made by Williams and seconded by Morris to award the bid for the Street backhoe to Fabick and Company, Jefferson City, Missouri for a total of \$70,462, after transfer of the existing backhoe to the Wastewater Division. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Motion to Award Trackloader Bid for Street Division: Public Works Director Steve Hargis informed the Council that trackloaders are not available for purchase through the State bid process. Bids were received and staff is recommending the bid be awarded to ERB Equipment, Cuba, Missouri, for a John Deere unit and to trade in the City's existing 939 CAT for \$25,000 for a total price of \$128,316. After some discussion, a motion was made by Williams and seconded by Eudaly to award the trackloader bid for the Street Division to ERB Equipment, Cuba, Missouri for \$128,316 after trade-in. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(C) Motion to Award Street Sweeper Bid for Street Division: Public Works Director Steve Hargis indicated staff is proposing the purchase of a street sweeper through the State bid program. He said staff has an opportunity to purchase a demo unit with very

VIII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion to Award Street Sweeper Bid for Street Division (continued): few hours, for \$7,000 less than a new unit, instead of a new piece of equipment. Mr. Hargis recommends awarding the bid for a 2012 International 4300 (Demo) Street Sweeper with the trade-in of the City's existing unit for \$40,000 for a total cost of \$141,743. A motion was made by Williams and seconded by Bolin to award the bid for a 2012 International 4300 street sweeper (demo) to the State bid, Armor Equipment, Arnold, Missouri, with trade-in of the City's 2005 unit for a total price of \$141,743.

City Administrator John Butz asked Mr. Hargis to elaborate on the street sweeping shifts and at what point the City might be large enough to justify two street sweepers.

Mr. Hargis explained the Street Department is currently operating with two shifts (16 hour days) three to four months out of the year. The street sweeper is actually used more than a normal piece of equipment would be used, which is the reason for the seven-year replacement cycle. Mr. Hargis said there would come a day when the City will need two sweepers.

A voice vote on the motion to purchase the demo street sweeper showed ten ayes, zero nays, and two absent. Motion carried.

Councilman Don Morris asked Mr. Hargis for an update on the new downtown parking lots.

Mr. Hargis explained the City is still working out the details with the University. He said he hopes to have something to the Council in February.

(D) Motion to Award Bid for Three-Quarter Ton, Four-Wheel Drive Crew Cab Pickup: Parks and Recreation Director Scott Caron reported that bids were recently received for a 2013, three-quarter ton, four-wheel drive crew cab pickup to replace a 2000, one-ton pickup. Mr. Caron informed the Council that this vehicle has been due to be replaced the past two years and the 2000 pickup truck will be sold as surplus. Mr. Caron added that power windows and doors were not included in the bid specifications. However, after receiving the bid price, staff is recommending the power windows and doors be included. Mr. Caron said staff recommends awarding the bid to Denny Ford, Rolla, Missouri for \$26,078.37. A motion was made by Morris and seconded by Bolin to award the bid for a three-quarter ton, four-wheel drive crew cab pickup, with power windows and doors, to Denny Ford, Rolla, Missouri for \$26,078.37. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

VIII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(E) Motion to Award Fire Truck Financing Bid: Finance Director Steffanie Rogers reported that \$450,000 was budgeted in the 2013 budget for the fire truck. After the specifications were prepared and approved, the total financing package is \$455,274. Ms. Rogers explained staff requested financing bids for eight, ten, and twelve years. Staff recommends awarding the financing bid to Municipal Leasing Consultants with an interest rate of 1.97% and annual payments of \$49,626.90 for a ten-year term. A motion was made by Bolin and seconded by Bahr to award the fire truck financing bid to Municipal Leasing Consultants with an interest rate of 1.97% and annual payments of \$49,626.90 for a ten-year term. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

IX. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Jenks opened the floor to anyone wishing to address the Council. No one present responded.

X. MAYOR/CITY COUNCIL COMMENTS

(A) Properties at 408 Walnut and Highway 72 and Rolla Streets: Councilman Bahr thanked Community Development Director John Petersen for addressing the issues at the two properties he mentioned during the Council's last meeting.

(B) Bicyclists and Joggers: Councilman Williams reported that he received a complaint from a citizen about bicyclers and joggers using the streets instead of the sidewalks in the area off Rolla Street through Winchester Drive. He pointed out that someone is going to get injured.

City Administrator Butz said serious runners prefer to run on asphalt rather than concrete. He commented that he witnessed someone jogging about 20 feet off the curb on Salem Avenue. Mr. Butz indicated City staff will provide some educational information to the public through news releases about respecting each other on the streets. Councilman Williams added that some pedestrians are not stopping at the crosswalks to see if traffic is coming. Councilwoman Bolin pointed out that bikers, walkers and joggers need to also wear light colored and/or reflective clothing as well.

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X. MAYOR/CITY COUNCIL COMMENTS (continued)

(C) Exiting from Kohl's: Councilwoman Bolin indicated she has been approached about people pulling out of Kohl's parking lot onto Highway 63, particularly turning left assuming they have more time than they do and there have been many near accidents.

City Administrator Butz said the Missouri Department of Transportation (MoDOT) will not allow any kind of controlled access point that close to the interchange. He said Kohl's reached an agreement with Lowe's to go through Lowe's parking area and enter Highway 63 at the lighted intersection. Mr. Butz said maybe some signage needs to be placed in Kohl's parking lot suggesting they exit through Lowe's.

(D) Bicycle Shop: Councilman Morris commented that since the bicycle shop in Rolla has distributed signs asking motorists to respect bikers and joggers, he indicated they might be agreeable to help the City in educating the citizens about sharing the road.

City Administrator Butz said the owner of the bicycle shop has submitted a draft of a bicycle-friendly ordinance for Council consideration. He indicated staff is in the process of reviewing the document. The ordinance addresses the safety and courtesies of bicyclists, joggers, pedestrians, and motorists. This would bring awareness to the problem, rather than trying to be punitive.

Councilman Magdits mentioned that some of the City's sidewalks are actually bike trails because of the extra width. For those that are not, he said he would not think we would want bicycles on sidewalks.

Mayor Jenks responded that bicycles are not allowed on sidewalks except those that are designated bike paths.

(E) Parks Retreat: Councilman Leonard asked City Administrator Butz when the Council might have a retreat to discuss the long-term sustainability of the parks and/or The Centre.

Mr. Butz responded that nothing has been schedule, but he plans to provide the Council with some possible dates for a workshop.

XI. COMMENTS FOR THE GOOD OF THE ORDER

None.

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XII. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 7:30 p.m.

XIII. 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 and personnel, but no final action was taken.

XIV. ADJOURNMENT

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

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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