

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 19, 2013; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

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

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

Department Directors in Attendance: Finance Director Steffanie Rogers, 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 Carolyn Buschjost, 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.

Councilman Greg Sawyer led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

None.

II. SPECIAL PRESENTATIONS

(A) Missouri ASA (Amateur Softball Association) Sponsor of the Year Award to City of Rolla: Mayor William S. Jenks, III, announced the City of Rolla was recently awarded the Missouri ASA (Amateur Softball Association) Sponsor of the Year Award for hosting numerous ASA softball tournaments throughout the year. Mayor Jenks presented the award to City of Rolla Recreation Manager Kristy Rich, who is responsible for coordinating these tournaments.

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II. SPECIAL PRESENTATIONS (continued)

(B) Rolla Municipal Utilities First Quarter 2013 Report: Rolla Municipal Utilities General Manager Rodney Bourne provided an overview of Rolla Municipal Utilities' (RMU) First Quarter 2013 Report. Additionally, he commented on a pamphlet titled 'Electric Outage Basics,' which is available on RMU's website (rollamunicipalutilities.org). Mr. Bourne explained how RMU responds to outages, what RMU is responsible for maintaining, what customers are responsible for maintaining, generator safety, etc. He entertained questions during and after his presentation.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Resolution to Change the Name of St. John's Parkway to Mercy Parkway: Community Development Director John Petersen reported that Mercy Medical Center has requested that the name of St. John's Parkway be changed to Mercy Parkway. He pointed out there are only three property owners that adjoin the roadway. Mr. Petersen explained that if the Council approves the proposed resolution, according to Missouri Revised Statutes, it must be published in the Rolla Daily News for at least one week and then after four weeks if no protests have been received, the Council may consider an ordinance finalizing the name change.

Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1792: A RESOLUTION REQUESTING THE CONSIDERATION OF A STREET NAME CHANGE FROM ST. JOHN'S PARKWAY TO MERCY PARKWAY (MERCY MEDICAL CENTER). A motion was made by Williams and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

City Administrator John Butz added that Mercy Medical Center has agreed to cover all the expenses of the advertisement and signage.

IV. NEW BUSINESS (continued)

(B) Ordinance to Apply for Traffic Grants Through the Missouri Department of Transportation: Police Chief Mark Kearse asked the Council to consider an ordinance authorizing staff to apply for 100% funded traffic grants through the Missouri Department Transportation (MoDOT). The Police Department would be able to apply for grants for DWI (Driving While Intoxicated) enforcement, traffic enforcement, equipment, patrol cars, trailers, and overtime. Staff recommends approval of the subject ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4070: AN ORDINANCE 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 ROLLA, MISSOURI, AND THE MISSOURI DEPARTMENT OF TRANSPORTATION PERTAINING TO GRANTS.** A motion was made by Williams and seconded by Long to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. Ms. 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; Magdits, Eudaly, Bolin, Leonard, Mazanec, Sawyer, Long, Morris, and Williams. Nays; None. Absent; Bahr, Lindgren, and Jordan. Motion carried. The ordinance passed.

(C) Discussion Regarding the Williams Road Emergency Siren: Police Chief Mark Kearse informed the Council that the EOC (Emergency Operations Center) siren located on Williams Road is over 40 years old. He told the Council this siren failed to operate three times last year and it failed to operate during the most recent testing. Chief Kearse indicated that on average it has been costing the City about \$2,000 each time to have it repaired. He explained that Rolla Municipal Utilities (RMU) plans to shut down the well that powers this siren for approximately one year. In a conversation this morning with RMU General Manager Rodney Bourne, Chief Kearse reported that RMU has offered to supply electricity to the siren at no cost to the City. Chief Kearse then showed the Council a map reflecting the current siren coverage in the City. He pointed out that siren one, which is the Williams Road siren, is overlapped by sirens eight, nine, three, four, and five. Chief Kearse then outlined the following options for Council's consideration: 1) Do not repair the Williams Road siren and decommission it since there appears to be redundancy in coverage for that area; 2) Repair the siren at an approximate cost of \$2,000 and, have it converted to 220 volts by RMU at no cost. 3) Decommission the siren for one year while the well is down and then budget \$25,000 to replace the siren; or

IV. NEW BUSINESS (continued)

(C) Discussion Regarding the Williams Road Emergency Siren (continued):

4) decommission the siren, purchase a new one, and locate it on the City cemetery property at a cost of \$25,000. Chief Kears indicated staff's opinion is to decommission the siren and not replace it since there is redundancy.

Based on the comments from the Council, Mayor Jenks indicated the siren would be decommissioned. If City staff later feels action needs to be taken, the Council would be asked to address the matter at that time.

(D) Ordinance Authorizing the Mayor to Enter into a Grant Agreement with the Missouri Highway and Transportation Commission for ADA Accessibility

Improvements: Public Works Director Steve Hargis explained that over the past several years the City has installed several miles of sidewalks through the community. Much of the work was done with funds obtained through the Missouri Department of Transportation (MoDOT). Mr. Hargis told the Council that up until 2011, there were no clear guidelines on the use of truncated domes at the ramps where sidewalks meet streets. In July 2011, regulations were passed to require truncated domes at handicapped ramps. Mr. Hargis informed the Council that Rolla has 1,482 handicapped ramps in its sidewalk system, and 1,173 of the ramps do not meet the current standard. He reported the City applied for and received an offer for Federal Enhancement Funds to assist the City in working toward compliance with this new standard. Mr. Hargis said the grant amount is \$487,000 and the City's match would be \$128,000. He indicated this grant would replace approximately one-fifth of the ramps that are not in compliance. Additionally, he noted that staff plans to replace the ramps as the streets adjacent to them are improved. Mr. Hargis stated the subject ordinance would authorize the Mayor to enter into the subject grant agreement. He added construction work would not begin until the next construction year and the City's match of \$128,000 would need to be budgeted in next year's budget.

After some discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE NO. 4071: AN ORDINANCE 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 ROLLA, MISSOURI, AND THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION.** A motion was made by Eudaly and seconded by Sawyer to suspend the rules and the ordinance be read for its final reading, by title. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Bolin to

IV. NEW BUSINESS (continued)

(D) Ordinance Authorizing the Mayor to Enter into a Grant Agreement with the Missouri Highway and Transportation Commission for ADA Accessibility Improvements (continued): approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Long, Sawyer, Leonard, Eudaly, Bolin, Morris, Mazanec, Williams, and Magdits. Nays; None. Absent; Lindgren, Bahr, and Jordan. Motion carried. The ordinance passed.

(E) Ordinance Approving the “First Amendment of Commercial Ground Lease” with Brewer Science: City Administrator John Butz recalled the Council briefly discussed this issue during its last meeting and indicated an amendment to the Commercial Ground Lease with Brewer Science was forthcoming. He told the Council the proposed amendment obligates the City to adopt, at a minimum, the covenants used in 1970 at the HyPoint Industrial Park and to apply those to the Rolla National Airport. Mr. Butz explained the First Amendment of Commercial Ground Lease with Brewer Science obligates the City to adopt specific covenants that would be imposed on the property. He added the Missouri Department of Transportation and the Federal Aviation Administration urge and encourage cities to adopt covenants for development. Mr. Butz said staff plans to spend the next few weeks negotiating the covenants with Brewer Science. Mr. Butz informed the Council that in conversations with Brewer Science late last week, they have requested that lots five, six, and seven be included.

Councilman Magdits said he did not understand why Brewer Science could not wait a few more weeks while the City comes up with covenants specific to the Airport.

Following discussion, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4072: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A FIRST AMENDMENT OF COMMERCIAL GROUND LEASE BY AND BETWEEN THE CITY OF ROLLA, MISSOURI, TERLA, INC., AND BREWER SCIENCE, INC. A motion was made by Eudaly and seconded by Sawyer to suspend the rules and the ordinance be read for its final reading, by title. After additional discussion, a voice vote on the motion showed seven ayes, two nays, and three absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Sawyer and seconded by Bolin to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bolin, Leonard, Mazanec, Sawyer, Morris, and Eudaly. Nays; Williams, Magdits, and Long. Absent; Jordan, Bahr, and Lindgren. Motion failed. The ordinance failed.

IV. NEW BUSINESS (continued)

(E) Ordinance Approving the “First Amendment of Commercial Ground Lease” with Brewer Science (continued): Mr. Butz indicated the Council’s vote invalidates the lease with Brewer Science. He mentioned staff is scheduled to meet next Wednesday with representatives of Brewer Science to discuss the covenants and staff is confident they would be ready for Council consideration at the March 18 City Council meeting.

After additional discussion, a motion was made by Magdits and seconded by Long to reconsider the proposed ordinance. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

City Counselor Carolyn Buschjost then read the proposed ordinance again for its final reading, by title. A motion was made by Sawyer and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bolin, Mazanec, Leonard, Magdits, Long, Morris, Sawyer, and Eudaly. Nays; Williams. Absent; Lindgren, Bahr, and Jordan. Motion carried. The ordinance passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award Bid for Southeast Wastewater Treatment Plant Equipment: Public Works Director Steve Hargis informed the Council that City staff through its consultants, HDR/Archer-Elgin Engineering, received bids for disinfection equipment to be used at the Southeast Wastewater Treatment Plant. The equipment will be used for required improvements set to go into effect at the end of 2013. Mr. Hargis referred the Council to the bid tabulation included in the agenda materials and indicated that Trojan Technologies is the low bidder. He pointed out the equipment will require an additional capital cost on the City’s part of \$10,600. Staff recommends the bid be awarded to Trojan Technologies.

A motion was made by Williams and seconded by Bolin to award the disinfection equipment for the Southeast Wastewater Treatment Plant to Trojan Technologies for \$298,200. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(B) Motion to Proceed with Fire Truck Financing: Finance Director Steffanie Rogers mentioned this is the third Council meeting where the new fire truck financing has been discussed. She explained the Council first awarded the bid for the fire truck financing to Municipal Leasing Consultants (MLC) at an interest rate of 1.97% for a ten-year term.

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(B) Motion to Proceed with Fire Truck Financing (continued): Ms. Rogers indicated that during its January 22, 2013, meeting the Council officially approved a resolution, which had been signed by Mayor Jenks on January 17, 2013, in order to secure the 1.97% interest rate with MLC by January 18, 2013. A few days after the Council approved that resolution, Ms. Rogers informed the Council that MLC advised her there was a problem with the funding, the 1.97% rate was not locked in, and the new rate would be 2.15%. In discussions with City Administrator John Butz and City Counselor Lance Thurman, Ms. Rogers said staff decided not to sign the financing agreement with MLC and to discuss the matter with the Council. As of today, Ms. Rogers indicated that MLC's interest rate is 2.05% and U.S. Bank's interest rate, which is the next lowest, is 2.35%.

Ms. Rogers explained the original annual payment for the fire truck financing was \$49,626.90. If MLC is selected with an interest rate of 2.05%, it would increase the payment by additional \$169.04 per year for a total of \$1,600 over ten years. If U.S. Bank is selected at an interest rate of 2.35%, she said the payment would be \$50,431.51, which is approximately \$8,000 more over ten years or \$804.62 per year.

A motion was made by Leonard and seconded by Bolin to remove Municipal Leasing Consultants from the City's eligible bid list for the fire truck financing only and sign an agreement with U.S. Bank for the financing of the fire truck at 2.35%. After discussion, voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Fat Cats Entertainment Complex: Councilman Magdits commented that he first heard the Fat Cats Entertainment Complex had been closed on February 14, 2013, due to a code violation. He then said he learned they had opened over the weekend.

City Administrator John Butz noted that Fat Cats was able to open in time for Valentine's Day. He informed the Council that they had several code violations, but they were remedied and approved by the City by 4:30 p.m. on February 14. Mr. Butz pointed out there are still some issues with the zoning, but the Council has given them 90 days to work through them.

Councilman Morris asked if the City has seen any indication that the owner is doing anything to alleviate the noise problem. He noted he has heard that noise is still a big

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VI. MAYOR/CITY COUNCIL COMMENTS

(A) Fat Cats Entertainment Complex (continued): problem. Secondly, if the business is considered a restaurant, Mr. Morris asked why the sign at the front of the building says it is a bar.

Mr. Butz said the fact it says “bar” looks problematic. Regarding the noise problem, Mr. Butz said if someone’s peace is being disturbed, they should call the Police Department. The Police Department will check into the situation and if they determine the noise to be out of reason, a summons can be issued.

Mayor Jenks added Fire Chief Robert Williams pointed out during a recent staff meeting that any soundproofing needs to meet fire code.

VII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Jenks opened the floor to anyone wishing to address the Council.

Mr. Duane Nevels, 1405 Martin Street, expressed concern about the house at 1510 Spencer Street. He informed the Council it had been damaged during a fire and has been boarded up for the past six months. Mr. Nevels said the neighborhood is concerned about it.

Mayor Jenks indicated the Building Codes Division would check into this matter.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

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IX. EXECUTIVE SESSION

A motion was made by Eudaly and seconded by Bolin 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; Sawyer, Eudaly, Leonard, Mazanec, Williams, Magdits, Long, Morris, and Bolin. Nays; None. Absent; Bahr, Lindgren, and Jordan. Motion carried.

The Council adjourned into Executive Session at approximately 8:29 p.m.

X. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 9:09 p.m.

City Counselor Carolyn Buschjost reported that during Executive Session, the City Council discussed two matters of real estate, but no final action was taken on either item.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:10 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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