

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

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Rhonda Sue Myers, Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Susan J. Eudaly, Don Morris, Lou Magdits, Jim Williams, Brian Woolley, Tony Bahr, and Fran Mazanec

Department Directors in Attendance: Parks and Recreation Director Scott Caron, Community Development Director John Petersen, Police Chief Mark Kearse, Environmental Services Director Brady Wilson, Public Works Director Steve Hargis, and Finance Director Steffanie Rogers

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, Assistant Fire Chief Ron Smith, and City Clerk Carol Daniels

Mayor William S. Jenks, III called the meeting to order at approximately 6:33 p.m. and asked a member of the Rolla Ministerial Alliance to give the invocation.

Councilman Lou Magdits then led in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Morris and seconded by Eudaly to approve the consent agenda 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:

- 1) Rolla City Council Meeting – April 1, 2013
- 2) Rolla City Council Executive Session Meeting – April 1, 2013
- 3) Rolla City Council Meeting – April 15, 2013

II. PUBLIC HEARINGS

None.

MAY 6, 2013

**CITY COUNCIL MEETING MINUTES
MAY 6, 2013
PAGE 2**

III. ACKNOWLEDGMENTS AND SPECIAL PRESENTATIONS

None.

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

Mayor Jenks referred the Council to (A) the March 2013 Centre Financial Analysis; (B) the March 20, 2013, Parks and Recreation Commission Meeting Minutes; (C) the April 9, 2013, Preliminary Minutes of the Planning & Zoning Commission Meeting; (D) the March 26, 2013, Development Review Committee Meeting Minutes; (E) the April 4, 2013, Rolla Board of Adjustment Meeting Minutes; (F) the March 26, 2013, Airport Advisory Committee Notes; (G) the February and March 2013, Rolla Municipal Utilities Monthly Reports, and; (H) the February 26, 2013 & April 3, 2013, Rolla Board of Public Works Meeting Minutes.

V. OLD BUSINESS

(A) Ordinance to Approve a Conditional Use Permit for Property Located at 1100 Highway 72 East to Permit the Establishment of a Bar/Tavern or Night Club (Barrack): Community Development Director John Petersen stated the proposed action is to consider the granting of a Conditional Use Permit (CUP) for a bar/tavern and/or nightclub at 1100 Highway 72 East. He reported the Planning and Zoning Commission, during its April 9, 2013, meeting, voted six to two to recommend to the City Council that the proposed CUP be approved with the following five conditions: 1) The southern exterior wall be insulated so sound emanating from the building will not be heard; 2) The property must only be accessed from Highway 72; 3) The existing wooden fence shall be extended to the north property line then to the east of the driveway. As long as the existing vegetation is maintained to screen the residential properties to the south, no fence will be required along the southern property line. 4) The CUP shall expire if the business becomes inactive for a period of nine months, and; 5) The CUP is only valid for the current business occupant and, upon termination of any lease, the CUP is terminated. The CUP would not follow the business to a new location and the business would have to adhere to all restrictions and conditions imposed upon the CUP. Mr. Petersen reported three petitions, opposing the CUP and constituting a legal petition, were received by his office. Therefore, a super majority or eight affirmative votes of the City Council are needed in order to approve the proposed ordinance.

MAY 6, 2013

V. OLD BUSINESS (continued)

(A) Ordinance to Approve a Conditional Use Permit for Property Located at 1100 Highway 72 East to Permit the Establishment of a Bar/Tavern or Night Club (Barrack) (continued): City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE: AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A PROPERTY LOCATED AT 1100 HIGHWAY 72 EAST, TO PERMIT THE ESTABLISHMENT OF A BAR/TAVERN OR NIGHT CLUB (BARRACK). After discussion, a motion was made by Bahr and seconded by Eudaly to approve the proposed ordinance. After further discussion, a motion was made by Sawyer and seconded by Long to set aside consideration of this item pending consideration of the following proposed Family Entertainment and Recreation Complex (FERC) ordinance. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

Note: The final reading of the subject ordinance was considered following Item V.B. below.

(B) Ordinance Enacting New Regulations Pertaining to the Establishment of Family Entertainment and Recreation Complexes (FERC) – (City of Rolla): At the direction of the Council, Community Development Director John Petersen said staff drafted a proposed ordinance pertaining to Family Entertainment and Recreation Complexes (FERC). The intent of the ordinance is to reduce impacts that may result from the normal operation of a facility, such as excessive noise, traffic, overcrowding, litter, etc. He noted the FERC is intended to be a for-profit business primarily engaged in the provision of multiple and diversified recreation entertainment venues designed to support a range of entertainment and recreational needs of varied age.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4090: AN ORDINANCE AMENDING CHAPTER 42 OF THE ROLLA CITY CODE, ARTICLE III, KNOWN AS THE PLANNING AND ZONING CODE, BY ENACTING NEW REGULATIONS PERTAINING TO THE ESTABLISHMENT OF FAMILY ENTERTAINMENT AND RECREATION COMPLEXES (CITY OF ROLLA). A motion was made by Sawyer and seconded by Leonard to approve the proposed ordinance. After discussion, a roll call vote on the motion showed the following: Ayes; Eudaly, Magdits, Jordan, Williams, Myers, Bahr, Woolley, Long, Mazanec, Sawyer, Morris, and Leonard. Nays; None. Absent; None. Motion carried. The ordinance passed.

CITY COUNCIL MEETING MINUTES
MAY 6, 2013
PAGE 4

V. OLD BUSINESS (continued)

(A) Ordinance to Approve a Conditional Use Permit for Property Located at 1100 Highway 72 East to Permit the Establishment of a Bar/Tavern or Night Club (Barrack) (continued):

A motion was made by Eudaly and seconded by Long to reconsider the subject ordinance pertaining to a Conditional Use Permit (CUP) for property located at 1100 Highway 72 East. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

Following discussion, a roll call vote on the motion to approve the proposed ordinance showed the following: Ayes; Leonard. Nays; Bahr, Jordan, Myers, Woolley, Williams, Mazanec, Sawyer, Magdits, Long, Eudaly, and Morris. Absent; None. Motion failed. The ordinance failed.

A motion was made by Morris and seconded by Long to authorize Mr. Josh Noe, owner of Fat Cats Entertainment Complex, to continue to operate his business, with the sale of alcohol and with the stipulation a FERC rezoning request be applied for within the next two weeks. The rezoning request application fee will be waived only if the application for a FERC rezoning is made within the next two weeks. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Ordinance Rezoning Property at 715 W. 11th Street from R-2 to R-3 Zoning (Cheng): Community Development Director John Petersen noted the subject property, which was heavily damaged by fire and vandalized, has been boarded up. The property owner would like to rezone the property to R-3 (Multi-Family District) zoning, remove the existing building, and construct a duplex on the property. Mr. Petersen reported the Planning and Zoning Commission unanimously recommend approval of the rezoning request.

After a brief discussion, City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4091: AN ORDINANCE TO REZONE PROPERTY AT 715 WEST 11TH STREET FROM R-2 (TWO FAMILY RESIDENTIAL DISTRICT) ZONING TO R-3 (MULTI-FAMILY DISTRICT) ZONING (CHENG). A motion was made by Sawyer and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Leonard, Mazanec, Woolley, Williams, Myers, Bahr, Magdits, Jordan, Morris, Long, Eudaly, and Sawyer. Nays; None. Absent; None. Motion carried. The ordinance passed.

MAY 6, 2013

VI. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Execute a Protective Agreement (Covenants) for the Rolla Airport Technology & Industrial Park: City Administrator John Butz recalled when the Council approved the land lease and Memorandum of Understanding between the City and Brewer Science, one of the conditions was covenants would collectively be developed for the property. Because a party has actually leased the property and the City needs their agreement to the covenants, the covenants are called a “Protective Agreement.” Mr. Butz said the covenants would apply to every piece of property in the developed areas known as the “Site Restrictive Area.” He pointed out the Council retains full authority under the agreement.

Mr. Butz mentioned the City has discussed expanding the Airport Advisory Committee, which is currently a six-member group. He indicated he would like to make it an eight-member group and add two individuals from the industrial park side. Mr. Butz informed the Council the current parties to the Advisory Committee are focused on the aviation aspect of the Airport.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4092: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A PROTECTIVE AGREEMENT FOR PROPERTY KNOWN AS ROLLA AIRPORT TECHNOLOGY & INDUSTRIAL PARK IN THE COUNTY OF MARIES, STATE OF MISSOURI, BETWEEN THE CITY OF ROLLA, MISSOURI (GRANTOR) AND TERLA, INC., AND BREWER SCIENCE, INC., (GRANTEES). A motion was made by Morris and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Jordan and seconded by Sawyer to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Williams, Jordan, Bahr, Eudaly, Woolley, Leonard, Mazanec, Sawyer, Magdits, Long, Morris, and Myers. Nays; None. Absent; None. Motion carried. The ordinance passed.

(B) Motion to Authorize the Use of Rolla National Airport for September Greek Week Games: City Administrator John Butz noted that for many years the City has been hosting the Greek Week Games at the Rolla National Airport during the second and third weekends in September. He said the students have been good to work with and are responsible for maintaining the fields. Mr. Butz informed the Council the permit has always allowed them to serve alcohol, with conditions.

VI. NEW BUSINESS (continued)

(B) Motion to Authorize the Use of Rolla National Airport for September Greek Week Games (continued): A motion was made by Eudaly and seconded by Morris to authorize the use of the Rolla National Airport for the IFC Greek Week Games on September 14 and 21, 2013, with alcohol present and with proper controls. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Motion to Authorize the Rolla Police Department to Apply for a Community Oriented Policing Services (COPS) Grant: Police Chief Mark Kearse told the Council he recently became aware of a COPS (Community Oriented Policing Services) grant, which is available for the potential hiring of an additional officer. He noted the grant would provide 75% of the funding of salary and benefits for the first three years and the City would be responsible for 100% of funding in fourth year. Chief Kearse asked the Council for permission to apply for the grant and he mentioned the deadline to apply is May 22, 2013. Should the Police Department be awarded the grant, Chief Kearse said Council would then be asked to consider the hiring of an additional officer. Following discussion, a motion was made by Bahr and seconded by Myers to authorize the Rolla Police Department to apply for a grant through the COPS Hiring Program. A hand count on the motion showed eight ayes, four nays, and zero absent. Motion carried.

Councilman Long left the meeting at approximately 7:33 p.m.

(D) Ordinance Amending Sections 15-92, 15-94, and 15-95 of the Rolla City Code Relating to Stormwater and Flood Control: Public Works Director Steve Hargis explained the proposed ordinance is the result of a recent audit with the Missouri State Emergency Management Agency. It was recommended the City update its ordinances with the recommended model ordinance as established by the Federal Emergency Management Agency and the new flood plain management requirements to meet the Federal Flood Insurance Program.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4093: AN ORDINANCE AMENDING SECTIONS 15-92, 15-94, AND 15-95 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO STORMWATER AND FLOOD CONTROL. A motion was made by Eudaly 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 eleven ayes, zero nays, and one absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Morris and seconded by

**CITY COUNCIL MEETING MINUTES
MAY 6, 2013
PAGE 7**

VI. NEW BUSINESS (continued)

(D) Ordinance Amending Sections 15-92, 15-94, and 15-95 of the Rolla City Code Relating to Stormwater and Flood Control (continued): Sawyer to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Mazanec, Woolley, Leonard, Williams, Myers, Magdits, Jordan, Morris, Sawyer, Eudaly, and Bahr. Nays; None. Absent; Long. Motion carried. The ordinance passed.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion to Award Bid for 300,000 Gallon Elevated Steel Water Tank for Rolla National Airport EDA Project, and an Ordinance Authorizing the Mayor to Enter Into an Agreement for Same: Public Works Director Steve Hargis reported three bids were received for a 300,000 gallon elevated water storage tank at the Rolla National Airport. He said the City's consultant, Integrity Engineering recommends and staff concurs, that the bid be awarded to the low bidder Phoenix Fabricators and Erectors, Inc., Avon, Indiana for \$703,627. Additionally, staff recommends approval of the subject ordinance authorizing the Mayor to enter into an agreement with Phoenix Fabricators and Erectors, Inc.

Following a brief discussion, a motion was made by Bahr and seconded by Eudaly to award the bid for a 300,000 gallon elevated water storage tank for the Rolla National Airport, EDA Project Number 05-01-05328, to the low bidder, Phoenix Fabricators and Erectors, Inc., of Avon, Indiana, for \$703,627. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4094: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PHOENIX FABRICATORS AND ERECTORS, INC. A motion was made by Bahr and seconded by Eudaly to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Eudaly and seconded by Jordan to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Magdits, Eudaly, Bahr, Myers, Woolley, Leonard, Mazanec, Sawyer, Jordan, Morris, and Williams. Nays; None. Absent; Long. Motion carried. The ordinance passed.

MAY 6, 2013

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(B) Motion to Award Bid for Rolla National Airport Water and Sewer Materials, and an Ordinance Authorizing the Mayor to Enter into an Agreement for Same:

Public Works Director Steve Hargis noted three bids were received for the Rolla National Airport water and sewer materials. He informed Council the materials would be installed by City staff. Mr. Hargis reported City staff and Integrity Engineering, the City's consultant, recommend the bid be awarded to the low bidder, Water and Sewer Supply, Inc., Columbia, Missouri, for \$180,837.08.

A motion was made by Williams and seconded by Eudaly to award the bid for the Rolla National Airport Water and Sewer Materials, EDA Project 05-01-05328, to the low bidder, Water and Sewer Supply, Inc., of Columbia, Missouri for \$180,837.08. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4095: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND WATER AND SEWER SUPPLY, INC. A motion was made by Jordan and seconded by Sawyer to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Sawyer to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Sawyer, Leonard, Eudaly, Myers, Bahr, Woolley, Jordan, Morris, Mazanec, Williams, and Magdits. Nays; None. Absent; Long. Motion carried. The ordinance passed.

(C) Motion to Award Bid for Southbrook Sewer, and a Resolution Authorizing the Mayor to Enter Into an Agreement for Same:

Public Works Director Steve Hargis explained the existing sewer that serves the Wal-Mart area and areas onto the south goes through the former Seeger Toyota building. He told the Council the sewer is in disrepair and there is no way of accessing it. Mr. Hargis said staff is requesting approval to reroute the sewer around the building and through the neighborhood. He informed the Council the necessary easements have been obtained to do the project. Mr. Hargis added the project involves digging depths in excess of 28 feet, which exceeds the capacity of the City's equipment, and staff is recommending this project be done by contract. He noted two bids were received for this project and staff recommends the bid be awarded to the low bidder, Don Maggi, Inc., Rolla, Missouri for \$56,047.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(C) Motion to Award Bid for Southbrook Sewer, and a Resolution Authorizing the Mayor to Enter Into an Agreement for Same (continued): A motion was made by Williams and seconded by Morris to award the bid for Project 330, Southbrook Sewer to the low bidder, Don Maggi, Inc., Rolla, Missouri for \$56,047. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1793: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI, INC., FOR PROJECT 330 SOUTHBROOK SEWER REROUTE. A motion was made by Eudaly 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. The resolution passed.

(D) Motion to Award Bid for 2013 Asphalt Overlay and a Resolution Authorizing the Mayor to Enter Into an Agreement for Same: Public Works Director Steve Hargis reported bids were received for asphalt work, which would primarily be done on the south side of Rolla, where streets are being constructed and in the Powell Addition. Staff recommends the bid be awarded to the low bidder, Rolla Asphalt for \$233,360.

A motion was made by Williams and seconded by Sawyer to award the bid for Project 347, 2013 Asphalt Overlay Phase II to the low bidder, Rolla Asphalt, Rolla, Missouri for \$233,360. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1794: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND ROLLA ASPHALT FOR PROJECT 347, 2013 ASPHALT OVERLAY PHASE II. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

(E) Motion to Award Bid for Micro Paving, and a Resolution Authorizing the Mayor to Enter Into an Agreement for Same: Public Works Director Steve Hargis said this year's micro paving project would entail approximately ten miles of work. One

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(E) Motion to Award Bid for Micro Paving, and a Resolution Authorizing the Mayor to Enter Into an Agreement for Same (continued): bid was received from Donelson Construction, Clever, Missouri, for \$3.18 per square yard for a final estimated total of \$731,400. He pointed out Donelson Construction has been doing this work for the City for the past several years.

A motion was made by Williams and seconded by Eudaly to award the bid for Project 334, Micro Paving, to the sole bidder, Donelson Construction for \$3.18 per square yard for an estimated total of \$731,400. After discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1795: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONELSON CONSTRUCTION, FOR PROJECT 334, MICRO PAVING. A motion was made by Williams and seconded by Sawyer to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The resolution passed.

(F) Motion to Award Bid for Downtown CDBG Parking Lots (Asphalt Overlay): Public Works Director Steve Hargis reported three bids were received for the asphalt overlay of the Community Development Block Grant (CDBG) parking lots at Sixth and Elm Streets and Rolla and Tenth Streets. Staff recommends the bid be awarded for the asphalt overlay to Rolla Asphalt, Rolla, Missouri for \$101,274.92. A motion was made by Eudaly and seconded by Sawyer to award the bid for the asphalt overlay portion of the CDBG Parking Lots to Rolla Asphalt, Rolla, Missouri for \$101,274.92. After discussion, a voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(G) Motion to Award Bid for Downtown CDBG Parking Lots (Materials): Public Works Director Steve Hargis reported bids were received for concrete, trees and landscaping, inlet, grate, and other appurtenances for the Community Development Block Grant (CDBG) parking lot project. He said staff is recommending the bids be awarded to the following low bidders: Concrete – Parker Ready Mix, Rolla, Missouri for \$22,204; Trees and Landscaping – Suncliff Greenhouse and Nursery, Rolla, Missouri for \$10,254.29, and; Inlet, Grate & Other Appurtenances – Murdon Concrete Products, Rolla, Missouri for \$4,608.80.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(G) Motion to Award Bid for Downtown CDBG Parking Lots (Materials) (continued): Mr. Hargis informed the Council four bids were received for base rock and the bids received from Melrose Quarry and Capital Quarries were the low bids and close in price. He explained with base rock, staff usually accepts bids from the two low bidders, so there is more than one place to obtain base material. Mr. Hargis said when they need it, they need it quickly and many times a quarry will run out of base rock. He told the Council staff prefers not to award a bid for base rock but rather accept Melrose Quarry and Capital Quarries per ton prices for the season and have the ability to order from either quarry.

A motion was made by Eudaly and seconded by Sawyer to award the bid for Project 304 Downtown CDBG Parking Lots – Materials as outlined above by Public Works Director Steve Hargis. In addition, the price per ton from both Melrose Quarry and Capital Quarries for all types of rock are approved for purchase depending on availability and haul distance to each work site. The bids received from Melrose Quarry and Capital Quarries are as follow: Melrose Quarry: Baserock \$6.00/ton; 2” Clean \$6.00/ton, and; 1” Clean \$8.10/ton. Capital Quarry: Baserock \$5.75/ton; 2” Clean \$6.75/ton, and; 1” Clean \$8.00/ton. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VIII. CITIZEN COMMUNICATION

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

(1) Mr. Jon Hartley, owner and operator of Hartley’s Climate Control, 10450 County Road 3330, St. James, Missouri, raised some issues he has with Rolla’s building codes and permits. He said the City has started to crack down by issuing more permits and requiring more inspections. Mr. Hartley told the Council his business discovered this by paying many penalties over the past three months. In order to obtain a permit, he said he must come to City Hall in person, complete an application, pay with cash or check and, on average, this takes 35 to 45 minutes. Mr. Hartley said he would like to make it more convenient for him, because, in the past, it has been cheaper to pay the fines than it is for him to take his time to obtain a permit. He asked the Council if there someway the City’s Information Technology (IT) Department could accommodate him and other contractors

**CITY COUNCIL MEETING MINUTES
MAY 6, 2013
PAGE 12**

VIII. CITIZEN COMMUNICATION (continued)

(1) (continued): by allowing them to complete online permit applications and pay by credit card. Mr. Hartley said this would make it easier on him, which would make him more willing to purchase more permits. He noted that on average his business does 30 to 40 jobs per day in Rolla. If the permitting process cannot be expedited, he said he could not afford to continue to do business in Rolla.

Mayor Jenks thanked Mr. Hartley for bringing this to the Council's attention. He said the City would certainly take his comments under advisement and will get back with him.

After Council discussion, Mayor Jenks indicated this item would be discussed further during the Council workshop scheduled for Monday, May 13, 2013.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Employee Appreciation Luncheon: Councilwoman Mazanec commented the recent Employee Appreciation Luncheon held on May 1, 2013, was fun and the employees expressed their appreciation to the Mayor and Councilmembers who were able to attend.

(B) Elevated Steel Water Tank Funds: Councilman Bahr asked City Administrator John Butz if the grant monies have been received for the Rolla National Airport improvements. Mr. Butz responded none of the money is reimbursable until all of the contracts are let.

(C) Rolla Animal Shelter Fundraiser: Councilman Magdits asked City Administrator John Butz if the City is giving any sanction to the Rolla Animal Shelter Fundraiser, scheduled for May 18, 2013 at the Gravel Bar & Grill in Rolla.

Mr. Butz said Denny Ford and others were willing to do a fundraiser and, during a meeting last week, they gave the City the details. Since the City is not in a position where it can accept donations, the organizers will keep the funds separate.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Ball Field Dedications: Mayor Jenks announced the ball field dedications are scheduled for Friday, May 10, 2013, 5:30 p.m. He noted three ball fields would be named in honor of the late Mayor Joe Morgan, the late Ms. Kittie Robertson, and former Parks and Recreation Director Ken Kwantes. He encouraged the Council to attend this ceremony.

(B) Council Workshop: Mayor Jenks reminded the Council of the Council Workshop, scheduled for Monday, May 13, 2013, at 5:30 p.m. A light dinner will be served at 5 p.m.

XI. EXECUTIVE SESSION

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

The Council adjourned into Executive Session at approximately 8:22 p.m.

XII. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 8:52 p.m.

City Counselor Lance Thurman reported that during Executive Session, the City Council discussed a matter of potential legal action, but no final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 8:53 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR PRO-TEMPORE

MAY 6, 2013