

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 17, 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, Brian Woolley, and Tony Bahr

Council Members Absent: Rhonda Sue Myers, Kelly Long, and Fran Mazanec

Department Directors in Attendance: Parks and Recreation Director Scott Caron, Community Development Director John Petersen, Fire Chief Robert Williams, 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 Carolyn Buschjost, 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 Brian Woolley then led in the Pledge of Allegiance.

I. PUBLIC HEARINGS

None.

II. SPECIAL PRESENTATIONS

(A) 2013 DirectionFinder (Citizen) Survey: Mr. Chris Tatham, representing ETC Institute, presented the results of the 2013 DirectionFinder Survey. The Council was provided with a complete copy of the survey results.

(B) Solarfest: Ms. Emily Vandivert, Project Manager of the Solar House Team at Missouri S&T, announced a fundraiser would be held on Friday, June 21, at the Public House Brewing Company beginning at 6 p.m. She informed the Council there will be live music, barbeque, silent auction, and a 50/50 raffle. Proceeds from the event will support the Missouri S&T Solar House Team's competition, which will be held in October. Ms. Vandivert invited everyone to attend.

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III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Resolution Authorizing the Mayor to Execute a Lease with Rolla Lions Club for a Regional Fire Training Facility: Fire Chief Robert Williams explained the lease with the Rolla Lions Club for the Regional Fire Training Facility expired in 2012 and a new lease was negotiated. He pointed out the new lease includes an annual lease payment to the Rolla Lions Club of \$1,500. Chief Williams provided background on the Fire Training Facility and how the Facility is used.

Following Council discussion primarily regarding liability coverage, City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1800: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A LEASE BY AND BETWEEN THE CITY OF ROLLA, MISSOURI AND THE ROLLA LIONS CLUB, INCORPORATED, FOR PROPERTY TO BE USED AS A REGIONAL FIRE TRAINING FACILITY. A motion was made by Eudaly and seconded by Morris to approve the proposed resolution. A voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried. The resolution passed.

City Administrator John Butz informed the Council that staff would look into the issues of liability and determine if a master agreement should be executed by the other fire departments that use the facility.

(B) Resolution Authorizing the Mayor to Execute a Bill of Sale with the St. James Fire Protection District for the Sale of a 1989 Pierce 50 Foot Tele-Squirt: Fire Chief Robert Williams explained the subject resolution would authorize the Mayor to execute a Bill of Sale with the St. James Fire Protection District for the sale of the City's 1989 Pierce fire truck.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1801: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT AND BILL OF SALE BY AND

IV. NEW BUSINESS (continued)

(B) Resolution Authorizing the Mayor to Execute a Bill of Sale with the St. James Fire Protection District for the Sale of a 1989 Pierce 50 Foot Tele-Squirt (continued): BETWEEN THE CITY OF ROLLA, MISSOURI AND THE ST. JAMES, MISSOURI FIRE PROTECTION DISTRICT FOR A 1989 PIERCE ARROW 50 FOOT TELE-SQUIRT. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

(C) Ordinance Repealing Chapter 14 of the Rolla City Code and Enacting a New Chapter 14 Pertaining to Fire Protection: Fire Chief Robert Williams explained that Chapter 14 of the Rolla City Code pertaining to Fire Protection has not been updated in several years. He referred the Council to the draft ordinance, which outlines the proposed changes. Chief Williams asked the Council to consider the first reading of the subject ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE REPEALING CHAPTER 14 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW CHAPTER 14 IN LIEU THEREOF PERTAINING TO FIRE PROTECTION.

(D) Resolution Assigning the Base Lease (City Hall Financing) with Bank of America to First State Community Bank: City Administrator John Butz informed the Council that Bank of America has been in the process of liquidating some of its facilities and have sold off a number of its outstate facilities, including the Rolla branch. He noted that First State Community Bank of Farmington, Missouri, has asked the City to consider assigning the City Hall financing to them. Mr. Butz pointed out all other terms of the lease financing remain the same.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1802: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A NOTICE AND ACKNOWLEDGMENT OF ASSIGNMENT BY AND BETWEEN THE CITY OF ROLLA, MISSOURI AND FIRST STATE COMMUNITY BANK. A motion was made by Williams and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried. The resolution passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bank Depository Services: Finance Director Steffanie Rogers reported bids were recently requested for bank depository services and three bids were received. Staff recommends the bid be awarded to First Community National Bank, Rolla, Missouri at a fixed rate of 0.50%.

A motion was made by Williams and seconded by Eudaly to award the bank depository services bid to First Community National Bank, Rolla, Missouri, at a fixed rate of 0.50% from July 1, 2013 to June 30, 2017. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

(B) Motion Awarding Paint Striper Bid: Public Works Director Steve Hargis reported bids were requested for a new paint striper and only one bid was received from Sherwin Williams, Rolla, Missouri, for \$19,495. Staff recommends the bid be awarded to Sherwin Williams, Rolla, Missouri.

After a brief discussion, a motion was made by Williams and seconded by Eudaly to award the bid for a paint striper to the sole bidder, Sherwin Williams, Rolla, Missouri, for a Linelazer IV 250 SPS paint striper for \$19,495. A voice vote on the motion nine ayes, zero nays, and three absent. Motion carried.

(C) Motion Awarding Bid for Maplewood & Cottonwood Street Improvements and a Resolution Authorizing the Mayor to Execute an Agreement for Same: Public Works Director Steve Hargis reported bids were requested for the concrete improvements on Maplewood and Cottonwood Streets and three bids were received. Staff recommends the bid be awarded to the low bidder, Rainey & Son Construction, LLC, Newburg, Missouri, for \$99,111.25. After some discussion, a motion was made by Bahr and seconded by Eudaly to award the bid for the Maplewood and Cottonwood Street Improvements to Rainey & Son Construction, LLC, Newburg, Missouri, for \$99,111.25. A voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1803: 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 ROLLA, MISSOURI AND RAINEY & SON CONSTRUCTION, LLC., FOR PROJECT 335, MAPLEWOOD AND COTTONWOOD STREET IMPROVEMENTS. A motion was made by Williams and seconded by Jordan to approve the proposed resolution. A voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried. The resolution passed.

V. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(D) Resolution Authorizing the Mayor to Execute an Agreement with Irvinbilt Constructors, Inc., for Southeast Wastewater Treatment Plant Disinfection & Clarifier Improvements: Public Works Director Steve Hargis recalled that during its last meeting, the Council awarded the Southeast Wastewater Treatment Plant Disinfection and Clarifier Improvements to the low bidder, Irvinbilt Constructors, Inc., Chillicothe, Missouri for \$1,889,800. The subject resolution would authorize the Mayor to enter into a contract with Irvinbilt Constructors, Inc., for those improvements.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1804: 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 ROLLA, MISSOURI, AND IRVINBILT CONSTRUCTORS, INC., FOR PROJECT 329, SOUTHEAST WASTEWATER TREATMENT PLANT DISINFECTION AND CLARIFIER IMPROVEMENTS. A motion as made by Jordan and seconded by Williams to approve the proposed resolution. A voice vote on the motion showed eight ayes, one nay, and three absent. Motion carried. The resolution passed.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Reappointment of Councilman Don Morris and Mr. Doug Cresswell to the Rolla Enhanced Enterprise Zone Board: A motion was made by Sawyer and seconded by Williams to reappoint Councilman Don Morris and Mr. Doug Cresswell to the Rolla Enhanced Enterprise Zone Board until June 2018. A voice vote on the motion showed nine ayes, zero nays, and three absent. Motion carried.

VII. CITIZEN COMMUNICATION

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

(A) Mr. Robert Stewart, 1308 Hillview Drive, stated it is no longer necessary to put this poison (fluoride) in our city water. He said the Council has been given information that sodium fluoride has now become available by prescription, children can get it from

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(A) bottled water and mouth rinse, and there is no warning on the prescriptions about what it can do to their health. Mr. Stewart mentioned he has provided the Council with information from various sources indicating fluoride makes children dumber along with other problems. He asked the Council to give him one good reason why fluoride should not be removed from the water. Mr. Stewart also asked the Council why they are not acting on it or discussing it.

(B) Ms. Margaret Hawley, 1190 S. Rolla Street, addressed the Council regarding her concern for outdoor wood burning furnaces. She requested the Council enact an ordinance banning the use of outdoor wood burning furnaces in Rolla. Ms. Hawley provided the Council with a packet of information containing a guidance for local government on regulation of outdoor wood boilers; outdoor wood boilers fact sheet; two letters sent to her neighbors to the south, Jeff and Michele, dated June 2012 and May 2013, and; a smoke incident log dated October 15, 2012, to the present. Ms. Hawley informed the Council that she and her husband moved to 1190 S. Rolla Street in March 2009 and have lived in Rolla since 1983. She explained that in October 2011, her family began experiencing frequent episodes of noxious smoke smelling like anything from strong creosote to smoldering paper and trash at various hours of the day and night and in all seasons and all temperatures. In June 2012, Ms. Hawley said she learned her neighbors to the south were operating an outdoor wood burning furnace, which was the source of the noxious smoke. She informed the Council the furnace is about 200 feet from her home. Ms. Hawley pointed out the smoke penetrates the house even when their windows are closed and she is experiencing health problems from the smoke. In a letter to the neighbor, dated May 13, 2013, she indicated she offered him suggestions, which would lessen the impact his furnace has on them, but his response was anger about the letter. The neighbor said he would continue to operate the furnace until he is stopped by a court order. Ms. Hawley said the furnace is operated throughout the year, not just for warmth, but also to heat household water. She informed the Council the outdoor wood burning furnace is keeping her and her husband from the ordinary use of their property, depriving them from the comfort of breathing toxin free air and affecting their social lives. Ms. Hawley said all they seek is relief from the above to return to the peaceful enjoyment of their lives and property, free of the constant nuisance caused by the operation of the outdoor wood burning furnace located at 1220 S. Rolla Street.

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(C) Mr. Kenneth Hawley, 1190 S. Rolla Street, and husband of Margaret Hawley, added that manufacturers of outdoor wood burning furnaces and model ordinances from other cities recommend these furnaces be placed at a distance of 300 to 500 feet from any residence. He said this distance should take into consideration the prevailing winds. Mr. Hawley said anytime the wind is from the south or the southwest, his property is adversely affected. He pointed out the elevation of their neighbor's smoke stack is lower than their windows. Mr. Hawley noted the recommendations of the manufacturers and the model ordinances would be to have a stack added to it that is five feet higher than the roofline of neighboring residences or at least equal to the roofline of the neighboring residences. He also commented on health issues he has had because of the smoke. Mr. Hawley asked the City to consider his request as a public health nuisance and then work on establishing proper ordinances to address the problem for the entire city.

Mayor Jenks told Mr. Hawley he would ask the City's Building Codes Department to determine what might be done to alleviate this problem.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Torn Canopy: Councilman Bahr noted the canopies on the building in the 600 block of Pine Street are torn and blowing in the wind. He asked that the property owner be contacted to have them removed.

(B) Former Toyota and Auto Zone Buildings: Councilman Williams mentioned an incident that recently occurred near the former Toyota and Auto Zone buildings. He said this is not the first time something like this has occurred in this area. Mr. Williams indicated he recently spoke with City Administrator John Butz, who has been in contact with the Warren Dean family and some progress is being made.

City Administrator John Butz commented this property (Highway 72 and 63) has been a frustration to the City for some time and the City is aware of problems with people accessing the buildings, drug activity, and graffiti. He informed the Council that the first huge step in improving that area was the construction of the new Auto Zone building, when the Dean family agreed to sell a piece of their property for new construction. Additionally, he mentioned the former Hillcrest Shopping Center property has been listed

VIII. COMMENTS FOR THE GOOD OF THE ORDER (continued)

(B) Former Toyota and Auto Zone Buildings (continued): with Investment Realty. Mr. Butz said all the City can do at this time is to make the Deans aware of the situation. He pointed out the cost to remedy that area would be cost prohibitive to the City. Mr. Butz indicated the City does not have a good solution to the problem, but the Police Department can spend more time monitoring that area. Additionally, he said he would speak with the Deans about other ways to enclose the property.

(C) Mowing of Rental Properties: Councilman Williams noted there appears to be a particular problem on Eleventh, Twelfth, and Thirteenth Streets, that when students move out of rental properties and fraternities, the lawns are not being mowed. Approximately 80% to 90% of the yards in this area need to be mowed. Mr. Williams also suggested the ordinance for high grass be amended to reflect eight inches instead of the current twelve inches. By the time the nuisance is reported to the City, the property owner is contacted, and the nuisance is abated, the grass exceeds twelve inches in height.

City Administrator John Butz indicated several cities have amended their high grass ordinances to between eight and ten inches. He told the Council he would provide the Council with a survey from other cities.

(C) Weeds Along Rolla Street: Councilman Morris asked who is responsible for the weeds growing along the sidewalk on Rolla Street, specifically from Christy Drive to Victoria Lane.

City Administrator John Butz stated primarily the adjacent property owners are responsible for mowing the grass to the curb or the sidewalk. The same applies with snow removal. Mr. Butz indicated State Statute stipulates that the adjacent property owner is responsible to the curb or to the sidewalk even in areas within the City's right-of-way or public right-of-way. Mr. Butz indicated this property would be reported to City staff.

IX. EXECUTIVE SESSION

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

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IX. EXECUTIVE SESSION (continued)

The Council adjourned into Executive Session at approximately 8:02 p.m.

X. EXECUTIVE SESSION ACTION

The Council reconvened into Open Session at approximately 8:45 p.m.

City Counselor Carolyn Buschjost reported that during Executive Session the Council discussed a litigation matter and no final action was taken.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:03 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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