

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 4, 2013; 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, Kelly Long, Susan J. Eudaly, Lou Magdits, Jim Williams, Carrolyn Bolin, and Fran Mazanec

Council Members Absent: Don Morris and Tony Bahr

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, and Finance Director Steffanie Rogers

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.

Mayor Jenks extended his appreciation to the Public Works Department and Parks Department personnel for doing an outstanding job during the recent ice and sleet event.

Mayor Jenks then asked a member of the Rolla Ministerial Alliance to give the invocation.

Following the invocation, Councilman Steve Leonard 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 – February 4, 2013
- 2) Rolla City Council Meeting – February 19, 2013
- 3) Rolla City Council Executive Session Meeting – February 19, 2013

MARCH 4, 2013

**CITY COUNCIL MEETING MINUTES
MARCH 4, 2013
PAGE 2**

II. PUBLIC HEARINGS

None.

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 January 2013 Centre Financial Analysis; (B) the January 2013, Rolla Municipal Utilities Monthly Report; (C) the January 30, 2013, Rolla Board of Public Works Meeting Minutes; (D) the February 12, 2013, Preliminary Minutes of the Planning and Zoning Commission meeting, and; (E) the January 29, 2013, Development Review Committee Meeting Minutes.

V. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Execute an Agreement with Phelps County for Pictometry Imaging Services: City Administrator John Butz recalled that in December 2012, the City Council approved, by motion, the City's participation in this multi-agency effort, the oblique imagery that is taking place throughout Phelps County. However, in December 2012, the City did not have the actual agreement. Mr. Butz informed the Council that Missouri Revised Statutes require intergovernmental agreements be authorized by an ordinance. The total cost over the six-year period to Phelps County for pictometry imaging is \$256,012 and the City's share is 15%.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4073: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CERTAIN CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, PHELPS COUNTY AND THE PHELPS COUNTY EMERGENCY SERVICES BOARD (PCESB) PERTAINING TO PICTOMETRY. A motion was made by Williams 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 ten

MARCH 4, 2013

CITY COUNCIL MEETING MINUTES
MARCH 4, 2013
PAGE 3

V. OLD BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Execute an Agreement with Phelps County for Pictometry Imaging Services: ayes, zero nays, and two 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 Leonard to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Eudaly, Magdits, Jordan, Williams, Lindgren, Bolin, Long, Mazanec, Sawyer, and Leonard. Nays; None. Absent; Bahr and Morris. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Approving Joint City/Phelps County Crime Prevention Contract: Police Chief Mark Kearse asked the Council to consider approval of the crime prevention contract with Phelps County for the continuation of crime prevention efforts. He explained this is a joint operation between the Rolla Police Department and the Phelps County Sheriff's Department to fight illegal drug use in our community.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4074: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT WITH THE PHELPS COUNTY COMMISSION FOR CONTINUATION OF A JOINT EFFORT CRIME PREVENTION PROGRAM. A motion was made by Williams 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 ten ayes, zero nays, and two 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 Bolin to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Leonard, Jordan, Lindgren, Bolin, Williams, Mazanec, Sawyer, Magdits, Long, and Eudaly. Nays; None. Absent; Bahr and Morris. Motion carried. The ordinance passed.

(B) Motion to Renew the Sharp Road Listing with Investment Realty: City Administrator John Butz noted the property located off Sharp Road (existing Public Works Yard and Animal Shelter) consisting of a total of 9.23 acres, and includes the former Ransdall building, has been listed with Investment Realty since 2006. He noted it was first listed at \$1.7 million and was lowered to \$1.4 million one or two years ago. Mr. Butz told the Council the listings are for one year and Investment Realty is interested in the listing the property for another year. He said staff recommends relisting the property, which is located in the TIF (Tax Increment Financing) area.

MARCH 4, 2013

**CITY COUNCIL MEETING MINUTES
MARCH 4, 2013
PAGE 4**

VI. NEW BUSINESS (continued)

(B) Motion to Renew the Sharp Road Listing with Investment Realty (continued):

Some discussion followed pertaining to possibly lowering the asking price. A motion was made by Williams and seconded by Eudaly to renew the Sharp Road listing with Investment Realty through February 28, 2014.

The Council discussed possibly extending the renewal for a lesser term and asking for proposals.

A hand count on the motion showed seven ayes, three nays, and two absent. Motion carried.

Mr. Butz stated that next year staff would request new proposals for the subject property about three months prior to the expiration of the renewal with Investment Realty.

(C) Ordinance to Approve the Final Plat of Bruss's 1st Addition (CVS# 10280):

Community Development Director John Petersen explained the applicant is requesting the consolidation of a portion of Block 11 and Block 49 of Bishop's 4th Addition. The property consists of approximately 1.2 acres. Mr. Petersen informed the Council the prospective developer of the subject property is CVS Pharmacy. He added the applicant has requested the Council consider the first and final readings of the subject ordinance.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4075: AN ORDINANCE APPROVING THE FINAL PLAT OF BRUSS'S 1ST ADDITION, A MINOR SUBDIVISION, AND PART OF BLOCKS 11 AND 49, OF BISHOP'S 4TH ADDITION, A SUBDIVISION IN ROLLA, MISSOURI (CVS #10280). A motion was made by Eudaly and seconded by Long 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 reading, by title. A motion was made by Williams and seconded by Eudaly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Leonard, Mazanec, Bolin, Williams, Lindgren, Magdits, Jordan, Long, Eudaly, and Sawyer. Nays; None. Absent; Bahr and Morris. Motion carried. The ordinance passed.

VII. CLAIMS and/or FISCAL TRANSACTIONS

None.

MARCH 4, 2013

VIII. CITIZEN COMMUNICATION

(A) Mr. Kodie Campbell – Request for Consideration of “Hookah Bar” in Rolla:

Mr. Kodie Campbell, 10728 Maries County Road 320, Vichy, Missouri, asked the Council to consider expanding its no-smoking ban to include provisions to allow a retail business that has 75% or more of their sales derived from tobacco or tobacco-related items to allow smoking inside the premises. He told the Council many states and cities across the United States that have enacted smoking bans have in place provisions to allow businesses like these where customers are coming for a specific known reason to partake of tobacco. Mr. Campbell said the spirit of Rolla’s no smoking ban is to keep consumers from being harmed by second hand smoke and or in businesses where smoking is incidental to the operation, such as in a restaurant, smoking is secondary. Mr. Campbell pointed out that many states have found success with different limits on smoking such as 51% of the sales in Arizona, 80% in Iowa, and 76% in Michigan. He noted the American Journal of Public Health conducted a study on the 100 largest cities in America based on the 2010 census data. Seventy-three of those cities had smoking bans and of those cities, 69 of them had provisions allowing Hookah Bars, cigar lounges, and smoking lounges to give people a place to go for the fellowship, community and being together in those activities.

(B) Dr. Muthanna Al Dahhan and Mr. Jamil Al-attar, World Wide Foods in Rolla – Request for Consideration of a “Hookah Bar” in Rolla:

Mr. Jamil Al-attar, 11988 Moreland Manor Court, St. Louis, Missouri, and Dr. Muthanna Al Dahhan, 189 Megan Court, Rolla, Missouri, told the Council they would like to have a Hookah Bar at 1033 Kingshighway, which currently serves Mediterranean food. Mr. Al-attar said they would like to convert the business to a Hookah Bar with pastry and coffee and possibly cold cuts. He said there are no plans to have cooking on the premises. Mr. Al-attar said there are three places in St. Louis, Missouri, close to Washington University, that are doing well with the same concept.

After discussion, City Administrator John Butz informed Dr. Al Dahhan and Mr. Al-attar that the City would not be able to give them an answer at this meeting regarding their request.

Mr. Butz told the Council there are very explicit videos available on You Tube that show the various stages of Hookah. He encouraged the Council to view some of these videos. Mr. Butz said another issue that needs to be considered is the burning of the charcoal.

The Council asked that this issue be placed on the Council’s next meeting agenda.

**CITY COUNCIL MEETING MINUTES
MARCH 4, 2013
PAGE 6**

VIII. CITIZEN COMMUNICATION (continued)

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

(A) Mr. Jim Corey, 414 Bill Avenue, Rolla, Missouri, informed the Council that on February 23, 2013, Mr. Josh Noe, owner of Fat Cats Entertainment Complex, came to his house, while he was away. He said Mr. Noe did not knock on his door, but pounded on his door and frightened his wife. Mr. Corey said his wife refused to answer the door because she did not know who it was. He informed the Council that on Monday he filed a complaint against Mr. Noe with the Rolla Police Department for trespassing. Mr. Corey informed the Council that Mr. Noe is operating as a bar and not a restaurant at his business.

(B) Mr. Josh Noe, 65 Rose Court and owner of Fat Cats Entertainment Complex located off Highway 72, recalled that when he last addressed the Council, he agreed to work on noise control and would stay in contact with his neighbors to make sure such regulations were taken. He commented on some noise issues he has had and on Mr. Jim Corey's previous comments. Mr. Noe told the Council he had previously discussed with Mr. Corey that he would stop by his home during the band sound checks to make sure the sound was not loud before the concert. He informed the Council that is why he had stopped by Mr. Corey's house. Mr. Noe said he is working on soundproofing the building, as requested by the Council. Mr. Noe then entertained questions and comments from the Council. He told the Council he has applied for a Conditional Use Permit through the City's Community Development Department in order to legally sell alcohol at his business.

Community Development Director John Petersen indicated Mr. Noe's Conditional Use Permit would be considered first by the Planning and Zoning Commission and then by the Rolla City Council.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Appointment of Mr. Robert Block, Sr., to the Police Personnel Board to Complete the Unexpired Term of Ms. Emily Woodward (June 2013) & the Reappointment for a Complete Term (June 2017): A motion was made by Williams and seconded by Eudaly to appoint Mr. Robert Block, Sr., to the Police Personnel Board

MARCH 4, 2013

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Appointment of Mr. Robert Block, Sr., to the Police Personnel Board to Complete the Unexpired Term of Ms. Emily Woodward (June 2013) & the Reappointment for a Complete Term (June 2017) (continued): to complete the unexpired term of Ms. Emily Woodward (June 2013) and the reappointment for a complete term ending June 2017. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

(B) Appointment of Councilman Kelly Long to the Audit Committee: A motion was made by Jordan and seconded by Eudaly to appoint Councilman Kelly Long to the Audit Committee. A voice vote on the motion showed ten ayes, zero nays, and two absent. Motion carried.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Public Hearing on the Potential Sale of Southern Half of Forest Service Property – March 18, 6:30 p.m.: Mayor Jenks reported a public hearing would be conducted during the March 18, 2013, City Council meeting, pertaining to the potential sale of the southern half of the Forest Service property located behind and south of the Rolla Visitor Center off Bridge School Road.

(B) Rolla City Attorney (Prosecuting Attorney) Resignation: Mayor Jenks reported that City Prosecuting Attorney Jeff Stoltz has submitted his resignation effective March 30, 2013. Mr. Stoltz will be moving from Rolla to Chicago, Illinois. Mayor Jenks told the Council he would have a recommendation for Mr. Stoltz's replacement at the Council's next meeting. Additionally, the Council will be asked to discuss whether the position should remain elected or appointed by the Council.

(C) Robotics Team: Councilwoman Bolin congratulated the Rolla Robotics Team for taking first place in their competition.

XI. EXECUTIVE SESSION

A motion was made by Williams 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

**CITY COUNCIL MEETING MINUTES
MARCH 4, 2013
PAGE 8**

XI. EXECUTIVE SESSION (continued)

showed the following: Ayes; Williams, Jordan, Eudaly, Bolin, Leonard, Mazanec, Sawyer, Magdits, Long, and Lindgren. Nays; None. Absent; Bahr and Morris. Motion carried.

The Council adjourned into Executive Session at approximately 7:38 p.m.

XII. EXECUTIVE SESSION ACTION

The Council reconvened into open session at approximately 7:50 p.m.

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

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at 7:51 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

MARCH 4, 2013