

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 21, 2014; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor William S. Jenks, III

Council Members in Attendance: Jonathan Hines, Monty Jordan, Greg Sawyer, Steven Leonard, Kelly Long, Susan J. Eudaly, Don Morris, Lou Magdits, Jim Williams, Brian Woolley, Walt Bowe and Tony Bahr

Newly Elected Officials in Attendance: Municipal Judge James T. Crump, City Attorney Brendon J. Fox, and Ward II Councilman Matthew R. Miller

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

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, and City Clerk Carol Daniels

Mayor Jenks called the meeting to order at approximately 6:30 p.m. and asked Councilman Steve Leonard to lead in the Pledge of Allegiance.

I. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Execute a Certain Real Estate Contract for Southeast Wastewater Treatment Plant Property (Broxton): Public Works Director Steve Hargis recalled during its recent Closed Session Meeting, the City Council conducted the first reading of the subject ordinance, which would authorize the Mayor to enter into a contract to purchase real estate from Ms. Michele Broxton for \$152,380. Consisting of 40.1 acres, the property is located adjacent to the City's Southeast Treatment Plant. Mr. Hargis informed the Council that Ms. Broxton accepted the lower price as discussed by the Council.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4137: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN REAL ESTATE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND MICHELE BROXTON.

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I. OLD BUSINESS (continued)

(A) Ordinance Authorizing the Mayor to Execute a Certain Real Estate Contract for Southeast Wastewater Treatment Plant Property (Broxton) (continued): 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; Jordan, Williams, Bahr, Hines, Woolley, Leonard, Bowe, Sawyer, Magdits, Long, Morris, and Eudaly. Nays; None. Absent: None. Motion carried. The ordinance passed.

(B) Motion Accepting the April 8, 2014, Certified Election Results: A motion was made by Williams and seconded by Long to accept the April 8, 2014, election results as certified by Phelps County Clerk and Election Authority Carol A. Bennett. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Motion to Appoint Mr. Dennis Peterman to the Rolla Historic Preservation Commission: A motion was made by Eudaly and seconded by Morris to appoint Mr. Dennis Peterman to the Rolla Historic Preservation Commission with his term expiring April 2019. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

II. ELECTED OFFICIALS SWEARING-IN CEREMONY:

(A) City Clerk Carol Daniels administered the oath of office to the following newly elected officials: Mayor Louis J. Magdits, IV, Municipal Judge James T. Crump, City Attorney Brendon J. Fox, Ward I Councilman Monty Jordan (two-year term), Ward I Councilman Jonathan Hines (one-year unexpired term); Ward II Councilman Matthew R. Miller, Ward III Councilman Kelly Long, Ward IV Councilman Don Morris, Ward V Councilman Jimmy Dale Williams, Ward VI Councilman Walter L. Bowe, III (two-year term), and Ward VI Councilman Anthony M. “Tony” Bahr (one-year unexpired term).

(B) Comments/Recognitions: Mayor Magdits presented retiring Councilman Steve Leonard with a plaque in appreciation for his dedicated service to the City of Rolla from April 2012 to April 2014.

Mayor Magdits also presented a plaque and expressed the City’s appreciation to retiring Mayor Williams S. Jenks, III, for his eight years of dedicated service to the City of Rolla.

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Mayor Jenks then turned the gavel over to Mayor Magdits who continued with the meeting by mentioning he would like to amend the agenda under Item VII. A., “Mayor/City Council Comments,” by adding some comments regarding Proposition A.

III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Review of Fiscal Year 2013 City of Rolla Independent Audit: Mr. Andy Marmouget, shareholder with KPM CPAs, reported his firm has completed the audit of the City’s financial statements for the year ended September 30, 2013. He then provided an overview of the audit report and management letter with the entire Council. Mr. Marmouget said he was pleased to report no material weaknesses were noted.

(A.1.) Motion Accepting the Fiscal Year 2013 Independent Audit: Finance Director Steffanie Rogers, addressed the Council regarding the two informational recommendations made by the City’s auditor, Mr. Andy Marmouget. She informed the Council that City staff is currently in compliance with the Affordable Health Care Act and has been for the past two years. Ms. Rogers told the Council that GASB Statement Number 68 Implementation is scheduled and will be included in the 2016 financial statements.

A motion was made by Williams and seconded by Bowe to accept the independent audit for Fiscal Year 2013. A voice vote on the motion showed eleven ayes, zero nays, and zero absent. Motion carried.

(B) Rolla Regional Economic Commission (RREC) Report: Rolla Regional Economic Commission (RREC) Executive Director Cyndra Lorey outlined the RREC’s role and the economic environment in addition to updating the Council on the status of projects and prospects.

IV. PUBLIC HEARINGS

(A) Ordinance Annexing a 0.91 Acre Tract Adjacent to 10241 State Route V and Zoning the Property from No Zone (NZ) to R-3 (Multi-Family District) Zoning (Lincoln): Community Development Director John Petersen pointed out the subject request contains two elements. One involves the annexation of a .91-acre site and the zoning of the tract. In this case, Mr. Petersen said the applicant is requesting the property be zoned to R-3 (Multi-Family District). He explained the annexation is requested because the onsite well is drying up and not likely to refill adequately to be able to

IV. PUBLIC HEARINGS (continued)

(A) Ordinance Annexing a 0.91 Acre Tract Adjacent to 10241 State Route V and Zoning the Property from No Zone (NZ) to R-3 (Multi-Family District) Zoning (Lincoln) (continued): function properly. Mr. Petersen told the Council Rolla Municipal Utilities (RMU) would allow connection to the water line, located across Highway V from the subject property. The property owner would be responsible for the costs involved to connect. Mr. Petersen reported the Planning and Zoning Commission reviewed this request and unanimously recommend approval of the annexation and zoning.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject annexation and zoning request. No one present responded. Mayor Magdits closed the public hearing.

Following some discussion, City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO ANNEX A .91 ACRE TRACT ADJOINING STATE ROUTE V AT 10241 AND ANNEX SAID PROPERTY IN TO THE CITY PURSUANT TO THE PROVISIONS OF SECTION 71.012 RSMo. AND ZONE THE PROPERTY TO R-3 (MULTI-FAMILY DISTRICT) ZONING (LINCOLN).

(B) Ordinance Rezoning Property Located at 1301 N. Elm Street from C-1 (Neighborhood Business District) to the 13th Street PUD (Planned Unit Development) (Frueh): Community Development Director John Petersen explained the subject property consists of approximately 5,300 square feet and is located at the intersection of 13th and Elm Streets. He said the applicant is proposing to rezone the subject property to a Planned Unit Development (PUD) to permit the development of three townhouse-type units on three floors with eight bedrooms per unit. Mr. Petersen noted the Planning and Zoning Commission recommend approval of the requested PUD.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request.

Mr. Robert Frueh, petitioner, 11725 County Road 8070, Rolla, Missouri, thanked the Council for their consideration of his rezoning request. He asked the Council to consider conducting the first and final readings of the subject ordinance at this meeting.

No one else present addressed the Council concerning the subject-rezoning request. Mayor Magdits closed the public hearing.

IV. PUBLIC HEARINGS (continued)

(B) Ordinance Rezoning Property Located at 1301 N. Elm Street from C-1 (Neighborhood Business District) to the 13th Street PUD (Planned Unit Development) (Frueh) (continued): City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4138: AN ORDINANCE TO REZONE PROPERTY LOCATED AT 1301 NORTH ELM STREET FROM C-1 (NEIGHBORHOOD BUSINESS DISTRICT) ZONING TO THE 13TH STREET PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING (FRUEH). A motion was made by Eudaly 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 ten ayes, and one nay, and zero 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 Bahr to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Woolley, Bowe, Miller, Williams, Hines, Bahr, Long, Morris, Sawyer, Eudaly, and Jordan. Nays; None. Absent; None. Motion carried. The ordinance passed.

V. NEW BUSINESS

(A) Discussion Pertaining to UTW Rolla Development, LLC Proposal for Approximately 154 Acres Near the Kingshighway Interchange: Mayor Magdits stated the Council would be hearing about two exciting opportunities for Rolla. The first opportunity could very well be one of the biggest in Rolla's history. Mayor Magdits said tonight is the first step in a very long and complex process. The project will be introduced at this meeting in what we hope to be as our preferred developer.

Mayor Magdits then outlined the scope of the proposed project. He said the development proposes to develop the area, which we know as Rolla West, primarily as a regional retail center. In addition, complementary, non-retail, commercial, hospitality and recreational uses are anticipated for this area. The project will be known as Westside Marketplace. Although there will be a mix of retail, commercial, and recreational uses, he said the development would be master planned to provide a consistent and attractive identity to the use of trademark, thematic design, hardscape and landscape features. Mayor Magdits noted the retail component of Westside Marketplace is primarily designed to attract national retailers and function as a regional center serving the Rolla community, adjacent communities, including Fort Leonard Wood and St. Robert, and the greater Phelps County area. He then turned the floor over to City Administrator John Butz, who provided some background on the subject project.

V. NEW BUSINESS (continued)

(A) Discussion Pertaining to UTW Rolla Development, LLC Proposal for Approximately 154 Acres Near the Kingshighway Interchange (continued): Mr. Butz recalled on January 21, 2014, the City Council authorized the formal solicitation of Development Proposals for a 154-acre site in Rolla West. He informed the Council the only response received was from UTW Rolla Development, LLC, who initially made contact with the City and had made some diligence into the project. Mr. Butz referred the Council to the proposal, contained in the agenda materials, as well a draft resolution, which would establish UTW Rolla Development, LLC as the project's "Preferred Developer" and would authorize execution of the "Preliminary Funding Agreement." In order to get into more detail on this project and the Forum Plaza redevelopment proposal, which will be discussed next, Mr. Butz said staff is recommending a Council Workshop be held tomorrow evening. He pointed out the Council would be asked to consider the subject resolution, designating UTW Rolla Development, LLC, as the preferred developer during the May 5, 2014, Council meeting.

Mr. Alan B. Bornstein, President of UTW Realty, a St. Louis based real estate development company, addressed the Council. He said most of UTW Realty's development activity is focused on retail shopping center development. As mentioned in the material submitted to the City, Mr. Bornstein said the company does certain ancillary developments related to retail, a project that could include a hotel, entertainment, theater, restaurants, parks, and recreation areas. He said the company intentionally focuses on doing a small number of projects, works on them diligently, and tries not to undertake too many activities that would cause them not to complete any of the activities. As portfolio developers, Mr. Bornstein said they look for opportunities to make long-term investments in communities for projects they intend to hold for an extensive period.

Regarding tomorrow evening's Council workshop, Mr. Butz said staff would be available to answer questions and provide more detail on Tax Increment Financing (TIF) and Transportation Development Districts (TDD). On May 5, 2014, the Council would be asked to consider UTW Rolla Development, LLC, as the preferred developer for this project.

(B) Discussion on Redevelopment Proposal for Forum Plaza: City Administrator John Butz said the City was approached by the Husch Blackwell legal firm who represents Super Market Developers, Inc. Super Market Developers, Inc., is interested in acquiring and doing a total substantial renovation and remodel on major elements of the

V. NEW BUSINESS (continued)

(B) Discussion on Redevelopment Proposal for Forum Plaza (continued): Forum Plaza Shopping Center, which is located at Forum Drive and Tenth Street. Mr. Butz indicated \$4 million in public support through the self-imposed sales tax and property tax relief would support the \$14 million project. He said this project did not work well with Tax Increment Financing (TIF). However, there are other financing tools such as a Community Improvement District (CID) and a Chapter 353 Redevelopment Corporation.

Mr. Charles Renner, attorney with Husch Blackwell, and Mr. Scott Wilmoski representing Super Market Developers, LLC, said their purpose is the acquisition of the shopping center, relocating some of the tenants to provide for a brand new, modern, up-to-date facility, probably close to twice the size, on the northern end of the shopping center. Mr. Renner said there would be new construction of the grocery store and a total rehab of the shopping center. Mr. Wilmoski said this is something that will materialize very quickly with the cooperation of the City. If things go as planned, there should be a first class grocery store constructed between Easter and Memorial Day of 2015.

Mr. Renner added the grocery store anchor would be increased from about a 30,000 square feet facility to about 46,000 square feet. He said this is a public/private partnership and the goals they are looking to achieve are 1) to preserve and increase the tax base for the City and the County; 2) to preserve and improve this urban shopping center, and; 3) to provide a high quality grocery store anchor on the site. Mr. Renner said they are anticipating the use of private equity, private investment, experience, expertise, the assistance of a Community Improvement District (CID) to address additional costs and the use of Chapter 353 Redevelopment Corporation.

After a brief discussion, the Council decided to change the time of workshop scheduled for Tuesday, April 22 to 6:30 p.m.

(C) Resolution Authorizing the Mayor to Enter into a Pasture Lease with Mr. Adam Housewright: Environmental Services Director Brady Wilson informed the Council the City owns a 40-acre parcel that is located north of the HyPoint Industrial Park and north of the old Phelps County Landfill. For the last 15 to 20 years, the City has leased the property to a neighboring farmer for the sole purpose of pasturing livestock. Mr. Wilson said the current lease is up for renewal and the farmer who has leased the property for the last few terms, is still interested. He pointed out the subject property is landlocked, making the use of it somewhat limited. Mr. Wilson stated staff is recommending continuing to lease the property for pasturing purposes.

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V. NEW BUSINESS (continued)

(C) Resolution Authorizing the Mayor to Enter into a Pasture Lease with Mr. Adam Housewright (continued): Following discussion, which included possibly selling the property, City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1817: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A PASTURE LEASE BETWEEN THE CITY OF ROLLA, MISSOURI, AND ADAM HOUSEWRIGHT. A motion was made by Morris and seconded by Eudaly to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and zero absent. Motion carried. The resolution passed.

(D) Motion Approving “Naming Rights Policy” – Committee Report: City Administrator John Butz reported the “Naming Rights Committee,” consisting of Council members Bowe, Eudaly, Long and Morris, met via e-mail since the last Council meeting and made some modifications based on the Council’s last review. He said the proposed policy now includes a “revocation” process. Additionally, a comment was made about including the duration of the designation. Mr. Butz said it was the consensus of the committee to not establish duration. The Committee said they felt the Council still controls this process and we are going into it with a long-term recognition.

After a brief discussion, a motion was made by Bahr and seconded by Morris to adopt the Naming Rights Policy as submitted. A voice vote on the motion showed eleven ayes, zero nays, and zero absent. Motion carried.

(E) Discussion Pertaining to Animal Shelter Preliminary Site Options: City Administrator John Butz began by stating since the City is only in the discussion stage regarding a new animal shelter, the City is not needing to narrow down on a specific location. He said the City has retained a consultant, Shelter Planners of America, who is prepared to come to Rolla to provide a needs assessment. Part of the needs assessment is not only understanding what the current utilization and services are, but what we need for the next 20 to 30 years. Mr. Butz indicated Shelter Planners of America would do everything from identifying the volumes, determining square footages, arriving at preliminary operating costs, and preliminary construction costs. The City will have a much better feel in about three months as to what this project scope is going to be. Mr. Butz stated one of the elements is an idea of the kind of property where the facility would be placed. The idea of selecting three types of properties around town and have Shelter Planners of America do an analysis on it, factor in some costs, and tell the City how it might fit on the property. Mr. Butz noted he described four possible locations during the last Council meeting. He recalled the Council asked if any of the City’s existing parks

V. NEW BUSINESS (continued)

(E) Discussion Pertaining to Animal Shelter Preliminary Site Options (continued):

had been considered. He said staff looked at parks containing one to two acres and the only one that fit was Buehler Park. Mr. Butz emphasized he is not advocating one particular park or site over another. He outlined a few possible locations as follow: 1) Public Services Yard Property; 2) Park Shop Property on 18th Street; 3) Olive Street Property next to Green Acres Park; 4) Buehler Park on Kingshighway, and; 5) Old Ransdall Site on 18th Street. Although the City is not under a timeframe to make a decision on a location, Shelter Planners of America will want the City to show them some sample locations when they come for their first visit, so they can begin to work on a conceptual floor plan on the spot, talk about traffic flows, needed utilities, etc.

Mayor Magdits asked the Council if they prefer to pre-select sites, or have staff and the consultant drive around and give their opinion on what they suggest. The Council's consensus was to have staff work with the consultants and put the two properties on Eighteenth Street as potential sites. Councilwoman Eudaly said she would like to take Buehler Park off the list.

VI. CLAIMS and/or FISCAL TRANSACTIONS

None.

VII. MAYOR/CITY COUNCIL COMMENTS

(A) Mayor/Council Appointments:

1) Council Appointment of Mayor Pro-Tempore: Mayor Magdits opened the floor for nominations for the position of Mayor Pro-Tempore. Councilwoman Eudaly nominated Councilman Monty Jordan as Mayor Pro-Tempore. Councilman Woolley then nominated Councilwoman Eudaly as Mayor Pro-Tempore. Councilman Williams then nominated Councilman Bahr as Mayor Pro-Tempore. Mayor Magdits asked the voting to be done by secret ballot. City Clerk Carol Daniels counted the ballots and Mayor Magdits announced Councilman Monty Jordan was selected as Mayor Pro-Tempore.

2) Council Appointment of City Council Planning & Zoning Commission Representative: Mayor Magdits opened the floor for nominations for the City Council Planning and Zoning Commission Representative. Councilman Jordan nominated

VII. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Mayor/Council Appointments (continued):

2) Council Appointment of City Council Planning & Zoning Commission Representative (continued): Councilman Greg Sawyer for position. Councilman Long seconded the nomination. A voice vote on the nomination showed eleven ayes, zero nays, and zero absent. Councilman Sawyer was announced as the City Council Planning and Zoning Commission Representative.

3) Comments from Mayor Magdits Regarding Proposition A: Mayor Magdits made the following statement regarding Proposition A: "The final outcome was just shy of what we had hoped for but there is much to learn from the process in that outcome. The citizens, voters, and even some from the group that worked against the passage of Prop. A seemed to agree that our outdoor park and recreation system needs to be improved and expressed the willingness to pay for those improvements. Regardless if one is an active user or not of SplashZone and The Centre, both should be a sense of pride for Rolla. We are fortunate for a city our size in an out-state area to have such facilities. Both contribute to our quality of life, regional commerce and they give us another way to differentiate ourselves when companies, medical providers, prospective faculty, and retirees come look at Rolla. There were some advertisements that suggested monies were redirected from other areas of the City's budget to The Centre. To date, this is simply not true. In fact, this fund has been segregated since its inception and just over \$1.1 million has been transferred from The Centre Fund to the General Fund for overhead. Sixteen years ago, it was the goal of City Administration and a citizens' group that SplashZone and The Centre would financially break even. We have not yet realized this goal but that does not mean citizens were lied to or that City Administration is inept. We have heard the message, many of our citizens do want us to achieve this goal and we will take steps to make changes in effort to get there. The basic reasons for Prop. A remain and, in fact, declining sales tax revenues will put more pressure on our outdoor parks as well as other areas of the budget. As civic leaders, we do need to listen very carefully as to what our citizens want for any future proposition as well as what they don't want. I have asked members of the Support Prop. A Committee to remain engaged. I have met with some of those representing the Oppose Prop. A Committee and asked them to be part of a solution to our outdoor parks and recreation. Any suggestions are welcome. In the next few weeks, John Butz and I will meet with citizens in a focus group setting. We seek out individuals that oppose Prop. A. Our objective will be to determine what they want for our parks and what they want to see on a future ballot that they are willing to support. We will also look at The Centre and let the Citizens Advisory

VII. MAYOR/CITY COUNCIL COMMENTS (continued)

3) Comments from Mayor Magdits Regarding Proposition A (continued):

Committee make recommendations in order to have the best chance of achieving our break-even goal. Finally, it is my intention to be in a position for City Administration to recommend to you, the City Council, a revised ballot initiative for the earliest possible consideration. In August, the Council can assess where we are and make that determination. Thank you.”

4) Councilman Williams: Councilman Williams said he agrees with Mayor Magdits’ statement, and the Recreation Committee wanted something that was affordable for everyone in the community. Mr. Williams said he believes it is affordable to use The Centre. He noted the business community says the City is competing against them and the City is berated because the City does not increase its user fees. Mr. Williams pointed out the City is not competing with anyone.

VIII. CITIZEN COMMUNICATION

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

1) Buehler Park: Mr. Tom Sager, 8 Laird, Rolla, Missouri, addressed the Council regarding the animal shelter and Buehler Park. He pointed out Buehler Park is a well-used park and said he contacted the Chamber of Commerce about marketing Buehler Park to get people to come to Rolla and spend a night or afternoon in Rolla. Mr. Sager said the City should not be considering well-used parkland for an animal shelter because there are many other possibilities. He pointed out the City is under a court order not to do anything to Buehler Park that is inconsistent with its use as a public park. Mr. Sager asked the Council to take Buehler Park off the chopping block because there are plenty of other places for an animal shelter than a park. He added Prop. A needs to again be put on the ballot and to make it clear we are talking about parks, because we need to put money into our parks.

2) Fat Cats Entertainment Complex: Mr. Jim Corey, 414 Bill Avenue, Rolla, Missouri, reported he recently signed two noise citations against Fat Cats Entertainment Complex. He said the owner of Fat Cats has two pages full of citations for noise violations. Mr. Corey informed the Council he phoned the Police Department on Saturday night and then phoned Councilman Morris. He also told the Council the bar escalated to outside the building. Mr. Corey said it is time the City Council takes a second look about what is going on over there.

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

2) Fat Cats Entertainment Complex (continued): Councilman Morris informed the Council he received a call from a constituent Saturday night. He said he drove to their home and the noise from the bass guitar was coming in on the baby's monitor. By the time the Police arrived, the noise had stopped. The Police went to Fat Cats and spoke with the owner, Mr. Josh Noe. He told the Police they were welcome to write him a citation, he would pay the fine, but was going to continue to play the music. Mr. Morris said you are not hearing the music, per se, or the words, but the "thump, thump, thump." He said the officer who responded to the noise complaint, told him they have written numerous citations to Mr. Noe for noise violations. Mr. Morris said he does not know what the answer is and if he lived in that neighborhood, he would not be happy about it.

At the request of Mayor Magdits, City Counselor Lance Thurman explained the citations would go to the City Prosecuting Attorney, who would review them along with the available police reports to determine whether he intends to file a charge. Mr. Thurman pointed out just because a police officer writes a citation does not make it a charge. Once the prosecutor decides whether he will file a charge, a summons would be issued and Mr. Noe would be required to answer the summons in Municipal Court and where it goes from there, will depend on whether Mr. Noe pleads guilty or requests a trial. Mr. Thurman said Mr. Noe could request a municipal trial or a jury trial. If he requests a jury trial, it would go to associate court.

Mr. Thurman suggested the Council wait to see what happens with the citations currently filed. If they result in convictions, the Council can look at whether he is in violation of the Conditional Use Permit (CUP) granted by the Council.

Councilman Long said he visited with the same family Mr. Morris' visited and the wife of that family was at her wits ends. She said the noise from Fat Cats is keeping her baby awake. Mr. Long stated the Council needs to aggressively address this problem because it does not seem to be getting any better.

City Administrator John Butz added the City spoke about a stipulation in the Conditional Use Permit (CUP) that would indicate the number of complaints. He recalled City Counselor Lance Thurman advised this could not be imposed because a complaint is not a valid documentable proven situation. Mr. Butz said the Council has the right, when there are sufficient convictions, to consider possibly revoking a CUP or a business license.

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

3) Fluoride: Before Mr. Bob Stewart began his comments, City Counselor Lance Thurman asked Mr. Stewart if he intended to address the Council regarding the fluoride issue. Mr. Stewart indicated there is a new catch to it. Mr. Thurman informed Mr. Stewart the City has received a letter from an attorney, Ms. Carrie Gerischer, indicating she represents him. Mr. Stewart told Mr. Thurman she is not representing him. Mr. Thurman explained to Mr. Stewart that once the City receives a letter from an attorney indicating they represent an individual, unless the attorney indicates they are no longer representing that person, there is not a lot the City can discuss on this particular topic.

Mr. Stewart said this does not need to go to court. He pointed out Mayor Magdits knows chemistry and knows Rolla Municipal Utilities (RMU) is not putting fluoride in the water as the Council ordered in the 1990's. Rather they are adding hydrofluorosilic acid to the water, which is killing people.

Mr. Thurman indicated he has had a conversation with Ms. Gerischer who told him she is currently representing Mr. Stewart and she would be in contact with Mr. Stewart and speak on his behalf. However, Mr. Thurman said he has never received anything saying she no longer represents him.

Mayor Magdits told Mr. Stewart he understands he is passionate about this subject and the City wants to be respectful. However, in the future before allowing him to speak on this topic, Mayor Magdits indicated the City would need to hear from Ms. Gerischer whether she is or is not representing him.

4) Mr. George Pounds: Mr. George Pounds indicated he just moved into the city of Rolla on January 17 and addressed some comments Mayor Magdits made as well as those from retiring Councilman Steve Leonard. Mr. Pounds said he went to St. Louis Saturday and saw gas prices at \$3.55 per gallon. Today he discovered the price of a cup of large coffee at McDonalds had increased from \$1.07 to \$1.38, which is a 28% increase. Regarding Prop A, Mr. Pounds said he does not know why The Centre does not have more than 4,000 or 5,000 members. Maybe people cannot afford the membership or the one-half percent increase in sales tax. Mr. Pounds said he runs across many people who are having many problems right now and half the working people in this country are unemployed – that's the problem. He said if he does not want a membership in The Centre, it does not matter what the price is. Mr. Pounds informed the Council when he

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

4) Mr. George Pounds (continued): purchased his home in Rolla, he was encouraged by several people not to do it. He said people are having a tough time and every dime counts.

No one else present addressed the Council.

IX. COMMENTS FOR THE GOOD OF THE ORDER

None.

X. CLOSED SESSION

None.

XI. ADJOURNMENT

Having no further business, the meeting adjourned at 9:31 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

APRIL 21, 2014