

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 20, 2019; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Rachel Schneider, Daniel Jones, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Jim Williams, Marie Allen, Christine Ruder, and Tiffany Henry

Council Members Absent: None.

Department Directors in Attendance: Police Chief Sean Fagan, Environmental Services Director Brady Wilson, Community Development Director Steve Flowers, Parks Director Floyd Jernigan, Finance Director Steffanie Rogers, Interim Centre Director Marci Fairbanks, and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Counselor Carolyn Buschjost, City Engineer Darin Pryor, and City Clerk Carol Daniels

A member of the Rolla Ministerial Alliance gave the invocation.

Mayor Magdits called the meeting to order at approximately 6:32 p.m. asked Councilman David Schott to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Amending Chapter 42, Division 3 of the Rolla City Code Regarding Medical Marijuana: City Administrator John Butz began by outlining what Amendment 2 does and does not do as it pertains to the medical marijuana law that was approved by voters in November 2018. Mr. Butz noted the subject ordinance, which the Council first saw during its last meeting, has been updated based on the recent Planning and Zoning Commission meeting. He noted the Planning and Zoning Commission recommends the zoning classifications as initially proposed by staff but made two modifications. The Commission voted to increase the spacing requirement between dispensaries and churches, schools and daycare centers from 300 feet to 500 feet. Additionally, the Planning and Zoning Commission modified the proposed hours of operation to 8 a.m. to 8 p.m., Monday through Sunday. Mr. Butz pointed out the Planning and Zoning Commission affirmed the 500-foot separation between dispensaries. Mr. Butz then provided an overview of the proposed ordinance.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Chapter 42, Division 3 of the Rolla City Code Regarding Medical Marijuana (continued): After Council discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject ordinance.

Mr. Russell Schmidt, 702 Lariat Lane, Rolla, Missouri, stated medical marijuana is coming to Rolla. He said he has a son who would love to take medical marijuana for his pain. Mr. Schmidt stated he has nothing but good things to say about it. However, Mr. Schmidt expressed his concern about the people that this is going to bring to our community. If medical marijuana is placed in downtown Rolla, you are going to bring those people downtown. Mr. Schmidt suggested medical marijuana facilities be placed in C-2 (General Retail District).

Mr. Justin Dowler, 1107 Strobach, noted that he and his wife recently moved to Rolla and thinks it is a great town. He told the Council his aunt has cancer and his grandmother is 85. Mr. Dowler said his grandmother just tried CBD for the first time and was amazed at how well it worked. His aunt could use medical marijuana with her condition, but she cannot get up or move around. Mr. Dowler said this is not going to bring in “monsters” or horrible people. It will be the same type of people who go to pharmacies. He pointed out medical marijuana is a different medium and it helps people better than taking the medicines from pharmacies.

Mr. Paul Wheeler, South Spilman Avenue, said he does not believe there is any reason that downtown should avoid any opportunities for business. Statistics show the need for medical marijuana and this is going to be helping people. This is just a profound opportunity and it is going to be so well regulated. Mr. Wheeler added that he believes marijuana is an exit drug and not a gateway drug and it is keeping people from getting gainful employment.

Mr. Richard Hall, Christopher Drive (about one mile outside the city limits), Rolla, Missouri, liked the notion that it is not about the pot but about the kind of people. People are not opposed to marijuana so much, rather they are opposed to the kind of people that smoke marijuana. Mr. Hall pointed out there is a lot of data available about the legalization and medical pot now. In states that have legalized pot or medical pot, crime has decreased. Alcohol sales have gone down 15% where pot is legal. The same applies to the use of opiates. Mr. Hall stated marijuana is an alternative to alcohol.

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I. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Chapter 42, Division 3 of the Rolla City Code Regarding Medical Marijuana (continued): Mr. Scott Micke, Peace of Mind Store on Pine Street, Rolla, Missouri, noted the law for alcohol establishments is currently 100 feet. Yet there are 37,000 people dying annually from alcohol-related deaths. There has never been a marijuana related death ever. Mr. Micke said pushing that type of business completely out of downtown is silly. All the dispensaries he has been to or seen are downtown. As far as children walking by or attracting a negative element, if anything you are going to be eliminating the negative element and eliminating the need for drug dealers. He asked the Council to keep in mind they are pushing a whole industry out of downtown. Mr. Micke told the Council he has applied to distribute and manufacture medical marijuana.

Ms. Courtney Wright an employee of Peace of Mind, said when you offer medicine to a patient our goal is to make it available to the patient. We know the facility is going to be regulated. People are not going to be able to throw a rock through a window. It is going to be a nice area where you sit down and your card will be checked before you come to the door. Ms. Wright said working at Peace of Mind many people come into our shop to buy CBD among other items. She said when you walk into our shop, it is a kid-friendly store. When we see a child enter, we immediately close the back door. Peace of Mind is accessible to them because they do not have a vehicle. Downtown is very accessible place for many people in our community that can just walk downtown. She reiterated it is medicine and it is about making it more accessible.

Mr. Roy Jacobs, Rolla, Missouri, said he has been in this town his whole life and for decades, people are saying, “what can we do about downtown Rolla. How can we bring jobs and businesses?” Here we have a gold mind wanting to come to downtown Rolla and we are arguing about it. We have an opportunity here.

Mr. Ben Bell, II, Forum Drive and owner of Giddy Goat Coffee House, stated that when he and his wife took over the shop in 2008 they were located at 11th and Pine Streets. Within a year, the house that was directly behind that opened up and they decided to move into it. Mr. Bell said he has honestly seen more problems with alcohol in all the years he has owned the shop than he has from anybody using cannabis. He told the Council he has had quite a few sleepless nights listening to drunken students and has experienced vandalism. Mr. Bell echoed Mr. Jacobs’ comments in that we are sitting on a gold mine and there are many tax dollars waiting to come into town. He thinks everyone needs to stop and to get fully educated on the matter and see where we can go

I. PUBLIC HEARINGS (continued)

(A) Ordinance Amending Chapter 42, Division 3 of the Rolla City Code Regarding Medical Marijuana (continued): from there. Mr. Bell said he thinks it is a good thing for downtown. He reminded the Council these are heavily regulated individual operations that are under strict State scrutiny. Mr. Bell encouraged the Council to do their own research and to focus on cannabis.

Mr. Jonathan Hines, 621 Salem Avenue, Rolla, Missouri, said he attended the Planning and Zoning Commission meeting. He said medical marijuana is the law and it is primarily for our discussions emphasizing to remember it is about medical treatment. Mr. Hines agreed there are some people who might not be what we call the upper crust of society that need medical treatment, but they need it. He said he has known people who have benefited personally and people who have used it to withdraw from opioid addiction when it was their choice to break the law or remain an addict. Mr. Hines said the issue is the proper implementation of the law. Policy should be done in an objective manner not necessarily, as moving as they are, from personal stories and business initiatives and desires. At the Federal level, this is viewed as a substance no different from cocaine, heroin, or fentanyl. They are keeping it legal and making it legal in Missouri for medical purposes. He encouraged the Council to err on the side of caution. You can make it smaller later if you decide we do not need any buffer. If there is no problem in three to five years, it can be zeroed out. You can never make it any larger because they will be grandfathered in. If there are problems, it is too late. He said that is why he supports the 500-foot buffer.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

Councilman Schott indicated he received a number of signatures from downtown business owners who were in favor and supportive of allowing dispensaries within the Rolla downtown area. Mayor Magdits suggested this petition be made part of the public record.

Following Council dialogue primarily pertaining to the buffer, City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING CHAPTER 42, ARTICLE III OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI REGARDING MEDICAL MARIJUANA.

I. PUBLIC HEARINGS (continued)

(B) Ordinance Rezoning 601 E. 10th Street from R-3 (Multi-Family District) to C-O (Office District) Zoning: Community Development Director Steve Flowers explained the request is to rezone Lots 5-8, Block 19, Holloway from R-3 (Multi-Family District) to C-O (Office District) zoning. The applicant is Allergy and Asthma Consultants who own the parcel. The subject parcel is approximately .5 acres, 255 feet deep and 10 feet wide and is currently vacant. Mr. Flowers indicated he received an e-mail from someone expressing concern about a water problem. The lots sit low and there is a lot of runoff. Mr. Flowers noted there is a storm sewer on the corner of the lot. If and when the property is developed, the applicant would be responsible for onsite detention of the water on the lot. The Planning and Zoning Commission unanimously voted to recommend approval of the rezoning request.

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

Ms. Barbara Wilkins, Manager of Spring Properties, LLC, told the Council they own and manage the immediate adjacent property. Ms. Wilkins pointed out a portion of their property never dries out. She said she can understand the desire of the current owner to develop the property, which is why she said she is neutral to the rezoning request. Ms. Wilkins said she wants to be certain the water runoff is going to be managed appropriately. She requested that a condition be placed that before any building is done that a hydrology specialist determines where the water is coming from.

Mr. Chad Siehr, 802 E. 12th Street, stated he believes there used to be a creek on the property.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. **ORDINANCE: AN ORDINANCE APPROVING THE REZONING OF 601 EAST 10th STREET, FROM R-3 (MULTI-FAMILY DISTRICT) ZONING TO C-O (OFFICE DISTRICT) ZONING, CITY OF ROLLA, PHELPS COUNTY, MISSOURI (Allergy and Asthma).**

II. SPECIAL PRESENTATIONS

None.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Ordinance Enacting Article VII to Chapter 31 of the Code Regulating Trees on Public Property: Parks Director Floyd Jernigan referred the Council to the first draft of an ordinance that would protect and promote public health, safety, and welfare by providing for the management of the planting, maintenance and removal of trees, shrubs and other woody plants within the city on City-owned property. Mr. Jernigan also noted the ordinance would serve as one of the four standards for the application process for the City to be designated as a Tree City USA city. Passing of the ordinance is one of four standards. Mr. Jernigan said this was presented to the Parks Advisory Commission on May 8th and they voted to accept the responsibility of serving as the Tree Board..

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE ENACTING ARTICLE VII, CHAPTER 31, PARKS AND RECREATION, OF THE ROLLA CITY CODE REGULATING THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES, SHRUBS AND OTHER PLANTS UPON CITY PROPERTY IN ROLLA, MISSOURI.

(B) Ordinance Amending Section 27-89 of the Code Pertaining to Stop Intersections: City Engineer Darin Pryor reported that staff received a request from PhelpsHealth to create a new stop condition on Eleventh Street near the hospital.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 27-89 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO STOP INTERSECTIONS.

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IV. NEW BUSINESS (continued)

(C) Ordinance Amending Chap. 27 of the Code to Allow Bicycles to make an Idaho Stop: Public Works Director Steve Hargis asked the Council to consider an ordinance that would allow bicycles to make an “Idaho” stop. He explained an Idaho stop ordinance would allow a bicycle to treat stop signs as a yield sign and a red light as a stop sign. Mr. Hargis said advocates for the Idaho stop argue they improve safety. He told the Council that several cities throughout the country have adopted this law.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING ARTICLE III, CHAPTER 27 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI RELATING TO TRAFFIC.

(D) Ordinance Authorizing the Mayor to Enter into a Block Grant Agreement with the Missouri Highway & Transportation Commission: Public Works Director Steve Hargis told the Council the subject ordinance would authorize the Mayor to execute a block grant agreement with the Missouri Department of Transportation for the design of Runway 4/22 Pavement Rehabilitation and the Property Exhibit A Update. Mr. Hargis asked the Council to consider the first and final readings of the subject ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4487: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN STATE BLOCK GRANT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION. A motion was made by Williams and seconded by Eberly 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, two nays, and zero absent. Motion carried. Ms. Buschjost then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Jones to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Ruder, Murphey, Jones, Schneider, Allen, Williams, Henry, Crowell, Meusch, Rohter, Schott, and Eberly. Nays; None. Absent; None. Motion carried. The ordinance passed.

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IV. NEW BUSINESS (continued)

(E) Ordinance Authorizing the Mayor to Enter into an Agreement with JViation, Inc., for Consulting Services: Public Works Director Steve Hargis told the Council this is the consulting agreement for the block grant ordinance that was just approved. The ordinance would authorize the Mayor to enter into an Aviation Project Consultant agreement for the rehabilitation of Runway 4/22 at the Rolla National Airport.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND JVIATION, INC. FOR CONSULTING SERVICES.

(F) Review of Bicycle Pedestrian Advisory Committee Year End Summary: Public Works Director Steve Hargis noted it has been a year since the Bicycle Advisory Committee was formed. He referred the Council to the year-end summary, included in the agenda materials, which recapped what transpired over the year.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Project 492 – 2019 Parking Lot Overlays; and an Ordinance Authorizing the Mayor to Enter into an Agreement for Same: Public Works Director Steve Hargis reported three bids were received for the subject project. Staff is recommending the bid be awarded to Pierce Asphalt, LLC, Rolla, Missouri for \$42,271.35. This project would overlay the Holloway House parking lot and the loop around the Centre parking lot.

A motion was made by Williams and seconded Jones to award the bid for Project 492 – 2019 Parking Lot Overlays to Pierce Asphalt, LLC, for \$42,271.35. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT, LLC FOR 2019 PARKING LOT OVERLAYS, PROJECT #492.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. James Marcellus (May 2022, 3rd Term) and Ms. Brenda Linkeman (May 2022, 2nd Term) to the Library Board: A motion was made by Williams and seconded by Meusch to reappoint Mr. James Marcellus to the Library Board (May 2022, 3rd Term). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

A motion was made by Meusch and seconded by Eberly to reappoint Ms. Brenda Linkeman to the Library Board (May 2022, 2nd Term). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Reappointing Mr. Steven Shields (February 2022) and Mr. Russell Schmidt (May 2022) to the Planning and Zoning Commission: A motion was made by Williams and seconded by Meusch to reappoint Mr. Steven Shields to the Planning and Zoning Commission (February 2022). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

A motion was made by Meusch and seconded by Eberly to reappoint Mr. Russell Schmidt to the Planning and Zoning Commission (May 2022). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Motion Reappointing Mr. Cody Norris and Councilman David Schott (April 2022) to the Bicycle Pedestrian Advisory Committee: A motion was made by Eberly and seconded by Jones to reappoint Mr. Cody Norris to the Bicycle Pedestrian Advisory Committee (April 2022). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

A motion was made by Eberly and seconded by Jones to reappoint Councilman David Schott to the Bicycle Pedestrian Advisory Committee (April 2022). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(D) Motion Reappointing Ms. Francine Merenghi and Dr. Kent Wray (April 2022) to the Health & Recreation Center Board: A motion was made by Williams and seconded by Eberly to reappoint Ms. Francine Merenghi to the Health and Recreation Center Board (April 2022). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) Motion Reappointing Ms. Francine Merenghi and Dr. Kent Wray (April 2022) to the Health & Recreation Center Board (continued): A motion was made by Williams and seconded by Eberly to reappoint Dr. Kent Wray to the Health and Recreation Center Board (April 2022). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(E) 9th and Rolla Street: Councilman Williams asked Public Works Director Steve Hargis if he could do anything about marking off a parking area at 9th and Rolla Streets.

Mr. Hargis said the man asked if the City could remove the parking and Mr. Hargis asked him to submit his request in writing.

Mr. Williams noted it is difficult to see oncoming vehicles because of shrubbery when you make a turn. He asked Mr. Hargis to look into this.

(F) 10th and Pine Street: Councilman Williams stated a left hand turn signal is needed at 10th and Pine Street going east. He also asked Mr. Hargis to look into this.

(G) 1602/1604 LeRoy Street: Councilman Jones noted a pickup truck has been parked in front of the houses at 1602 and 1605 LeRoy Street for some time.

(H) Cars Parked in Yard: Councilman Meusch asked if vehicles can be parked in yards. City Administrator John Butz explained vehicles must be parked on a hard surface.

(I) Concrete Work on Kingshighway: Councilwoman Eberly said she noticed workers doing the concrete work on Kingshighway very early in the morning so they do not impact traffic. She said this is a good idea.

(J) 1207 Elliott Drive Report: Mayor Magdits asked if there is anything to report on the nuisance abatement at 1207 Elliott Drive. City Administrator John Butz said there is nothing new to report and it is scheduled for a court hearing.

(K) Powell and 13th Street: Councilwoman Ruder noted that on Powell and 13th Street where the hospital has extended the road through to the hospital, a stop sign has been placed on the hospital side and yield sign has been placed on the 13th and Powell side of it. Since this road has been opened, people are speeding through. Ms. Ruder suggested possibly changing the yield sign to a stop sign.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(L) Crosswalk on Forum Drive: Councilwoman Murphey noted there is a crosswalk on Forum Drive across from the Rolla Towers. She said she has noticed a number of folks who are in wheelchairs. Ms. Murphey asked if crosswalk lights could be installed at this location.

Councilman Schott said he agrees with Ms. Murphey and indicated when he turned to cross the street three to five vehicles went by before anyone yielded. He suggested the flashing lights or “little men” in the middle of the road would help.

VII. CITIZEN COMMUNICATION

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

(1) Mr. Roy Jacobs, Rolla, Missouri, stated he is an avid bicyclist and runner and said when he comes to an intersection he makes eye contact with the drivers on the right/left to make sure they see him and he sees them. Mr. Jacobs said when the “little men” on the ACORN trail were up, drivers would yield. Anything about bike safety needs to be promoted.

Mr. Jacobs asked if the widening of the sidewalks is for ADA compliance.

City Administrator John Butz said it is just for a joint use with the idea of having more pedestrians and bikers.

(2) Mr. Russell Adams, 13810 County Road 448, St. James, Missouri, stated he wanted to bring the Council a couple of items related to his agricultural lease at the Rolla National Airport. Mr. Adams informed the Council that in 2015 a burn pile was located on the property. When analyzed by Anderson and Associates the test showed chromium and lead in it. He relayed he had concern that lead had entered the water supply and affected his cattle. Fortunately, a sample was taken from the cattle for lead contamination and the lead content in the blood was less than the maximum allowable federal regulations. These analyses cost him \$1,645.

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VII. CITIZEN COMMUNICATION (continued)

(2) continued: The second incident, which occurred in 2013, pertained to him being accused of placing muddy tracks from his tractor on the runway at the Rolla National Airport. Mr. Adams noted the tracks were ultimately discovered to be from a piece of City equipment. An airport employee said he was going to report Mr. Adams to the FAA.

Mr. Adams said these are just a couple of instances. He said he is a “little old man” and is still a person who deserves some respect. He noted there are other instances but these are fairly significant. Mr. Adams said he never heard from FAA and now wonders if it just wasn’t harassment. He said he has tried to accommodate in whatever they want to do to develop the airport. Mr. Adams said his response to all of this stuff is to “roll with the punch.”

(3) A representative from Your Community Health Center in Rolla, Missouri, provided the Council with “Language Matters Cards.” As leaders, she said the Council can watch the language that is used. The pocket cards will remind you to not say some of the language she has heard this evening. For instance instead of saying “addict” you say “a person with a substance abuse.”

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

IX. CLOSED SESSION

A motion was made by Schott and seconded by Rohter to adjourn into Closed Session pursuant to RSMo. 610.021 to discuss real estate. A roll call vote on the motion showed the following: Ayes; Murphey, Henry, Allen, Williams, Schneider, Ruder, Meusch, Jones, Eberly, Rohter, Schott, and Crowell. Nays; None. Absent; None. Motion carried.

The Council adjourned into Closed Session at approximately 9:08 p.m.

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X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:24 p.m.

City Counselor Carolyn Buschjost reported the Council met in Closed Session and discussed two real estate matters. No final action was taken.

XI. ADJOURNMENT

The meeting adjourned at approximately 9:25 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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