

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 6, 2020; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance via Zoom Videoconferencing: Christine Ruder

Council Members in Physical Attendance: Rachel Schneider, Terry Higgins, Matthew Crowell, Ann Murphey, Lister B. Florence, Jr., David Schott, Jody Eberly, Carrolyn Bolin, Marie Allen, and Deanne Lyons

Council Members Absent: John Meusch

Department Directors in Attendance via Zoom Videoconferencing: Parks Director Floyd Jernigan, Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, and Finance Director Steffanie Rogers

Department Directors in Physical Attendance: Fire Chief Ron Smith and Police Chief Sean Fagan

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

A member of the Rolla Ministerial Alliance opened the meeting with prayer.

Mayor Louis J. Magdits, IV called the meeting to order at approximately 6:32 p.m. and asked Councilwoman Carrolyn Bolin to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Bolin and seconded by Schott to approve the consent agenda as submitted. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried. The consent agenda consisted of the following:

(A) Approval of the Rolla City Council Minutes for the following:

- 1) City Council Meeting, June 1, 2020
- 2) City Council Meeting, June 15, 2020
- 3) City Council Closed Session Meeting, June 15, 2020
- 4) Special City Council Meeting, June 22, 2020

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II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

(A) Life Saving Award Presentation: Police Chief Sean Fagan presented Mr. Larry Seest with a “Life Saving Award” for his actions on June 19, 2020. He explained that on that day, Rolla Police Department Parking Officer Larry Seest was approached by Fidelity Cable Technician Jeremy Walny who told him he heard a smoke detector sounding and smelled smoke at a residence where he was scheduled to work. Mr. Walny told Mr. Seest he could not get anyone to come to the door. Chief Fagan explained that Mr. Seest observed the resident’s vehicle in the driveway and feared he was home. Mr. Seest then entered the residence, noticed it was full of smoke, and located Mr. Steven Hyatt who was asleep in a back bedroom. Mr. Seest attempted to wake Mr. Hyatt, but was unsuccessful. He then removed Mr. Hyatt from the bed and pulled him outside to safety. Mr. Hyatt was treated for smoke inhalation and released. Chief Fagan indicated the cause of the smoke was from a hot, empty grease skillet on the stove. If not for the immediate actions of Rolla Police Department Parking Officer Seest and Fidelity Technician Walny, this could have had a much different outcome.

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

Mayor Magdits referred the Council to the **(A)** the May 2020, Environmental Services Department Monthly Report; **(B)** the May 2020, Parks Financial Analysis; **(C)** the May 2020, Centre Financial Analysis; **(D)** the May 2020, Municipal Court Monthly Report; **(E)** the May 2020, Police Department Monthly Report; **(F)** the May 2020, Animal Control Division Monthly Report; **(G)** the May 2020 Building Codes Monthly Report; **(H)** the June 4, 2020, Board of Adjustment Meeting Minutes; **(I)** the June 16, 2020, Development Review Committee Meeting Minutes; **(J)** the May 2020 Rolla Municipal Utilities Monthly Report; **(K)** the May 26, 2020, Rolla Board of Public Works Meeting Minutes; and **(L)** the March and April 2020 City’s Cash Analysis Reports.

V. OLD BUSINESS

None.

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VI. NEW BUSINESS

(A) Discussion Regarding Amendment of Sec. 30-16.d.4(2): Municipal Judge James Crump asked the Council to consider amending Section 30-16.d.4(2) of the Rolla City Code. He informed the Council that the Office of State Courts Administrator (OSCA) has issued an opinion that because Section 30-16.d.4(2) of the Rolla City Code attempts to create a procedure similar to a violations bureau for a charge, which is not on the statewide, standardized schedule, it violates the provisions of Rules 37.49 and 37.495. Therefore, Judge Crump said the plead and pay provisions of Section 30-16.d.4(2) cannot be implemented.

Judge Crump explained that Section 30-16.d.4(2) of the Rolla City Code provides that certain individuals charged with possession of marijuana, (less than ten grams and no other prior drug conviction history), are not required to appear in court if only paying a fine. He pointed out that the charge of possession of marijuana is not on the statewide, standardized schedule. Judge Crump said the problem with this ordinance is that it runs afoul to the Supreme Court rule. If somehow there were no resolution this, then he would be forced to make everyone appear in court. Judge Crump said deleting the plead and pay provision of the subject section would take care of the problem.

Following discussion, Mayor Magdits stated that we came to this meeting with one purpose, which is to deal with the conflict that Judge Crump presented to the Council. He noted that questions were raised today by Councilman Schott and e-mails received today from citizens, regarding the elimination of jail time as an option for 35 grams or less.

For the next meeting, Mayor Magdits asked if City Counselor Lance Thurman would prepare a t-chart showing the comparison of the City's and State's fines.

The Council's consensus was to authorize staff to prepare an ordinance to amend Section 30-16.d.4(2) of the Code as outlined by Judge Crump.

Additionally, Mayor Magdits asked staff to gather some information and come back to the Council regarding the elimination of jail time as an option for 35 grams or less.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bid for Ballistic Helmets: Police Chief Sean Fagan began by stating there has been a lot of misunderstanding, e-mails, calling him to resign or to be fired because of his request to purchase replacement ballistic helmets. Chief Fagan showed the Council the current ballistic helmet that every Rolla Police Officer has had in their vehicles since 2000. He explained they were initially purchased from the United States military and manufactured in 1987. Chief Fagan informed the Council the helmets were made from Kevlar, which is said degrades over time. He said the helmets were manufactured with the understanding they would be replaced after ten years and not used after fifteen years because they would no longer be ballistically sound. Chief Fagan said he is simply requesting to replace these Kevlar helmets. He mentioned the rumor on social media is that he was asking for riot helmets and he said nothing could be further from the truth. Chief Fagan stated the Police Department has always had riot gear in their vehicles. However, there has never been a need to use it. He pointed out the helmets are not just for riots. They would be used during active shooter incidents, hostage situations and any time there is a chance an officer is going to be shot.

Chief Fagan said he is asking for the helmets now because there is a \$15,000 surplus in the training budget, due to the COVID situation. If the training funds are not used by October 1, 2020, it will go back into the General Fund and there is no assurance the Police Department would get it back.

A motion was made by Bolin and seconded by Murphey to award the bid for the ballistic helmets to Kiesler Police Supply, Jeffersonville, Indiana for \$15,719.45. A hand count on the motion showed nine ayes, two nays, and one absent. Motion carried.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Follows Item VIII. A. below.

(B) Comments Regarding Ordinance No. 4566 – Ms. Sarah Snodgrass: Ms. Sarah Snodgrass, 1113 Murry Lane, told the Council that during the past two months she has been talking to small business owners about how they have been impacted by COVID. The business owners she talked with were thankful for the amendment made during the June 15 meeting. Ms. Snodgrass encouraged the Council to continue moving forward and, with hope, not move backward. She said your small businesses still need you and

VIII. CITIZEN COMMUNICATION (continued)

(B) Comments Regarding Ordinance No. 4566 – Ms. Sarah Snodgrass (continued):

she begged the Council to reach out to the small businesses and not the other way around. Additionally, she said the small businesses told her they are afraid to speak out to the City because they do not want repercussions and the City Council does not care about small businesses. Ms. Snodgrass concluded by asking the Council to check on the small businesses to see how they are doing.

(C) Mr. Daniel Jones stated he is here because once again this administration has a chance to make a difference in a positive way to a large populous of Rolla and tonight you are being asked to remedy a mistake. Administration has given you two options to remedy it. One option is to fix the mistake and continue to penalize cannabis users. Another is to hire more court staff to combat the problems. What they did not put in your packet to help with these issues is option three - decriminalization. Mr. Jones told the Council that some people could not take the legal road of getting a medical marijuana card and some are living with the stigma and false fears that criminalizing cannabis for so long brings. Prohibition of cannabis has never proven to work. He asked the Council to decriminalize the prohibition of cannabis and stop harming people for possessing under 35 grams.

(D) Mr. Thomas Naples, Ward I constituent, said he is here because he was misinformed about the ballistic helmets. He told Chief Fagan that he did a great job explaining the need. Mr. Naples said he does not want a militarized police force.

Mr. Naples added that cannabis is the only thing that helped him get off the drugs.

(E) Ms. Shirley Martin, Ward VI constituent, said she is a productive member of this community and sits on the board of a non-profit. She told the Council the reason she attended the meeting is that she is a very sick woman. Ms. Martin told the Council that in addition to Lupus, she has two other disorders (tremors, seizures) and was on 23 medications before medical marijuana and now she is on three. She said the City has made her and her husband a criminal.

City Counselor Lance Thurman told Ms. Martin the Council is unable to decriminalize marijuana. It has to be done at the congressional level because at the Federal level marijuana is considered a Schedule 1 narcotic, which means it has no medicinal value. Until that changes, Mr. Thurman said it is always going to be against the law and will be

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VIII. CITIZEN COMMUNICATION (continued)

(E) a crime, not because it should be, but because some people in Washington D.C. got together and voted in favor of it. Mr. Thurman encouraged Ms. Martin to speak with her congressman and State legislators. He said it must first be passed in Congress and then at the State level.

(F) Mr. Steve Reece, 810 Bray Avenue, asked the Council who wrote the memorandum stating that the helmets were for civil unrest. Councilman Schott and Councilwoman Lyons both indicated they were told the Chief's secretary wrote it. He said he was disappointed in the Council for voting before hearing any public comment. As elected officials, he said you are supposed to enact the will of people who voted for you. Mr. Reece said Chief Fagan stated the Florissant protestors were outsiders. Mr. Reece said this is 100% false because he is from Florissant, he was at those protests, and everybody there was a St. Louis resident outraged by the murder of black men by police, which has been happening there. Mr. Reece told the Council that maybe if you cannot spend all of your training money on training, you should not have it in the first place. The money being used for helmets was earmarked for training and that is what it should be used for. He added the Crisis Intervention Team (CIT) should not be conducted by armed agents of the State in the first place.

(G) Ms. Tara Anura stated we are in unprecedented times and we need to set aside our differences. She apologized for the inappropriate e-mails the Council may have received. She said the intent was to come together tonight and have this discussion about a solution, how we use our money. Ms. Anura stated we have white supremacy in our city. We need community groups that are working with the police and need to come together on how to address drugs and homelessness.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Dr. Delbert Day to the Airport Advisory Committee (July 2022): A motion was made by Schneider and seconded by Eberly to reappoint Dr. Delbert Day to the Airport Advisory Committee. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Motion Reappointing Councilwoman Jody Eberly to the Airport Advisory Committee (July 2022): A motion was made by Bolin and seconded by Schott to reappoint Councilwoman Jody Eberly to the Airport Advisory Committee. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Motion Reappointing Dr. Ronald D. Wilkerson to the Airport Advisory Committee (July 2022): A motion was made by Allen and seconded by Murphey to reappoint Dr. Ronald D. Wilkerson to the Airport Advisory Committee. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(D) Holloway Street Manholes: Councilman Schott asked if there was anything the City could do about the uneven manholes on Holloway Street from Tenth Street to Salem Avenue.

City Engineer Darin Pryor said the City is responsible for repairing the uneven manholes. He plans to bring the bid award to Council at its next meeting for equipment to take care of this problem.

(E) Williams Road Concerns: Councilwoman Allen said she received an e-mail from a citizen about the state of the landscaping and there has been some dumping which includes an old bathtub and construction debris.

City Administrator John Butz indicated that is the responsibility of the adjacent property owner. The City will ask Community Development and Environmental Services to check into the matter.

(F) Lions Club Drive: Councilwoman Eberly reminded residents that the street folks have started working on Lions Club Drive repaving. She said if you regularly use Lions Club Drive, you might want to travel a different route.

X. COMMENTS FOR THE GOOD OF THE ORDER

Mayor Magdits said it is going to be difficult for this Council to get a majority or consensus on what to do in the community as it relates to COVID. Rather than trying to fight that fight, either way, he encouraged everyone to use some common sense by practicing social distancing and if you cannot social distance, wear a mask. Mayor

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

Magdits appealed to the citizens to not forget those responsibilities and please try to just make some small lifestyle changes for the good of all of us.

City Administrator John Butz reminded the Council that the City's current COVID ordinance expires July 21 unless there is some suggestion about an extension and/or modification.

Mayor Magdits noted Summerfest would be held this weekend and the group has put a lot of effort as to how they will plan the event from a health perspective.

Mayor Magdits said the City obtained an update from the University and they are taking this issue very seriously. He told the Council that incoming students would be required to fill out a form because they would not be able to test all 7,000 to 8,000 students the day they arrive on campus. Mayor Magdits noted that based on the screening, they would selectively look for potentials, i.e., where that person has travelled and where they are coming from.

XI. CLOSED SESSION

A motion was made by Eberly and seconded by Murphey to adjourn into Closed Session pursuant to RSMo. 610.021 to discuss contract negotiations. A roll call vote on the motion showed the following: Ayes; Eberly, Allen, Murphey, Bolin, Schneider, Ruder, Higgins, Lyons, Crowell, Schott, and Florence. Nays; None. Absent; Meusch. Motion carried.

The Council adjourned into Closed Session at approximately 8:39 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:04 p.m.

City Counselor Lance Thurman reported that during closed session the Council discussed one matter of contract negotiations. No final action was taken.

XIII. COMMENTS FOR THE GOOD OF THE ORDER

Councilman Florence asked about the procedure for citizen comments.

Mayor Magdits said he usually allows citizens three to five minutes to address the Council. He indicated he would not tolerate personal attacks and would not hesitate to have someone removed from the meeting.

Mayor Magdits stated that although the Council may agree with a citizen, he urged them not to applaud. He said this can be viewed very differently.

Councilwoman Lyons asked if any City Council training opportunities are available.

City Administrator John Butz indicated he would send some information to the Council regarding training opportunities with the Missouri Municipal League.

XIV. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 9:10 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR