

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 7TH, 2024; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits IV

Council Members in Physical Attendance: Mattias Penner, Joshua Vroman, Megan Johnson, Nathan Chirban, Steve Jackson, William Hahn, Rob Kessinger, Kevin Greven, Victoria Steen, Tina Balch

Council Members Absent: Stanley Mayberry (resigned 09/03/24) and Matt Fridley

Department Directors and Other City Officials in Physical Attendance: Public Works Director Darin Pryor, Fire Chief Jeff Breen, Police Chief Sean Fagan, Finance Director Steffanie Rogers, Parks Director Floyd Jernigan, Environmental Services Director Roger Pankey, Comm. Dev. Director Dawn Bell, and City Counselor Nathan Nickolaus.

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

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Minutes – September 3rd, 2024
2. City Council Closed Session Minutes – September 3rd, 2024
3. City Council Minutes – September 23rd, 2024

A motion was made by Johnson and seconded by Vroman to approve the minutes. A voice vote showed 10 Ayes, 0 Nays, 1 Absent.

B. Consider Motion to accept multiple easements from:

1. RCDC to allow access to the RMU water well in HyPoint Industrial.
2. RCDC and Dollar General to allow utilities on Route V in HyPoint Industrial.
3. Travis and Amanda Bahr for the installation of utilities and the possible installation of a future sidewalk at 2329 North Bishop.

PW Director Darin Pryor briefly explained the purpose of each easement request was to gain access to the subject properties for utilities or future services.

A motion was made by Hahn and seconded by Jackson to accept the easement. A voice vote showed 10 Ayes, 0 Nays, 1 Absent.

II. PUBLIC HEARINGS – None

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

- a. Environmental Services Department Monthly Report August 2024
- b. Building Codes monthly report – August and September 2024
- c. Police Department Monthly Report – August 2024
- d. Animal Control Division Report – August 2024
- e. Rolla Municipal Court Summary – August and September 2024
- f. Rolla Board of Public Works Minutes for July 30, 2024
- g. The Centre Income Statement ending August 2024
- h. City of Rolla Financials ending August 31st, 2024
- i. P&Z Commission Minutes for September 10th, 2024

October 7th, 2024

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. Josh Stephens, Interim Recreation Centre Director and Power Wellness shared The Centre’s achievement as being the first in Missouri to achieve Medical Fitness Certification. They have also been awarded the Gold Stamp of approval for safety and cleanliness. Being certified at such a high rating holds the Centre to the highest standards of service and assurance for patrons/participants. It was also noted that the Fit RX program is gaining momentum , having had the most participants/medical referrals over the last two months.

Note: At this time, Mayor Magdits moved ahead to item X.A.1 regarding Boo Palooza. (See X.A.1)

V. OLD BUSINESS –

- A. **Ordinance** to amend Ch. 28 of the Rolla City Code to establish the Administrative Search Warrant Process. City Administrator John Butz shared the amendments made on the proposed ordinance based off of Council concerns at the previous meeting on September 23rd .

City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: AN ORDINANCE TO AMEND CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ROLLA, MISSOURI, FOR THE PURPOSE OF UPDATING THE ADMINISTRATIVE SEARCH WARRANT PROCESS.

A motion was made by Chirban and seconded by Vroman to amend the amended version, removing the last sentence of Sec 28-14 (A) which says, “City Council shall authorize the application of an administrative search warrant within a building or structure”. A voice vote showed 7 Ayes, 3 Nays (Johnson, Jackson, and Greven), 1 Absent (Fridley). Motion passed

A motion was made by Chirban and seconded by Balch to accept the ordinance in the amended state. A roll call vote showed the following: Ayes: Hahn, Chirban, Greven, Vroman, Steen, Kessinger, Penner, Balch, and Jackson. Nays: Johnson. Absent: Fridley. Motion passed

A motion was made by Hahn and seconded by Greven to accept the final amended version of the ordinance. A roll call vote showed: Ayes: Jackson, Greven, Chirban, Kessinger, Hahn, and Balch. Nays: Vroman, Steen, Penner, and Johnson. Absent: Fridley. Motion failed.

Bringing back the original motion by Fridley that was seconded by Jackson at the September 23rd meeting, to accept the ordinance presented at the September 23rd meeting as written. A roll call vote showed: Ayes: Greven, and Hahn. Nays: Kessinger, Penner, Vroman, Steen, Chirban, Balch, Johnson, and Jackson. Absent: Fridley. Motion failed. Ordinance failed

- B. **Ordinance** to rezone 410 W. Christy Drive from R-1 and C-2 to R-3 and to remove a PUD overlay. (Comm. Dev. Director Dawn Bell) City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: ORDINANCE 4825: AN ORDINANCE TO APPROVE THE RE-ZONING OF PROPERTY ADDRESSED AS 410 W CHRISTY DRIVE FROM THE R-1, SUBURBAN RESIDENTIAL AND C-2, GENERAL COMMERCIAL DISTRICTS TO THE R-3, MULTI-FAMILY RESIDENTIAL DISTRICT AND REMOVING A PUD, PLANNED UNIT DEVELOPMENT ZONING OVERLAY. A motion was made by Jackson and seconded by Chirban to approve the ordinance. A roll call vote showed the following: 10 Ayes, 0 Nays, 1 Absent.
- C. **Ordinance** to vacate certain easements and a portion of Christy Drive at 410 W. Christy Drive. (Comm. Dev. Director Dawn Bell) City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: ORDINANCE 4826: AN ORDINANCE APPROVING THE VACATION OF A PORTION OF CHRISTY DRIVE AND CERTAIN EASEMENTS. A motion was made by Chirban and seconded by Balch. A roll call vote showed the following: Ayes: Chirban, Balch, Greven, Vroman, Steen, Kessinger, Penner, Hahn, Jackson, Fridley, and Johnson. Nays: none. Absent: Fridley.
- D. **Ordinance** to vacate the remaining alleys of Newman’s Addition (area generally bound by 1st Street, Walnut Street, Hwy 72, and Oak Street). (Comm. Dev. Director Dawn Bell) City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: ORDINANCE 4827: AN ORDINANCE APPROVING THE VACATION OF THE REMAINING ALLEYS IN BLOCKS 1, 2, 4, 5, 6, AND 7 OF NEWMAN’S ADDITION TO THE CITY OF ROLLA. A motion was made by Chirban and seconded by Greven. A roll call vote showed the following: Ayes: Greven, Penner, Steen, Chirban, Balch, Johnson, Jackson, Hahn, and Vroman. Nays: Kessinger. Absent: Fridley.
- E. **Ordinance** to approve the final plat of Cedar Trail Planned Unit Development plat #4. (Comm. Dev. Director Dawn Bell) City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: ORDINANCE 4028: AN ORDINANCE TO APPROVE THE FINAL PLAT OF CEDAR TRAIL PLANNED UNIT DEVELOPMENT PLAT NO. 4 (AMENDED). A motion was made by Jackson and seconded by Vroman. A roll call vote showed the following: Ayes: Balch, Chirban, Greven, Vroman, Jackson, Kessinger, Penner, Hahn, Johnson, and Steen. Nays: none. Absent: Fridley.

VI. NEW BUSINESS –

- A. **Resolution** to approve License Agreement with Mark 9, LLC (Public House). PW Director Darin Pryor explained that this would allow Public House to remove the old stairs and put in new steel stairs. City Counselor Nathan Nickolaus read the resolution for one reading, by title: RESOLUTION 2041: A RESOLUTION GRANTING THE MAYOR TO EXECUTE A CERTAIN LICENSE AGREEMENT BETWEEN THE CITY OF ROLLA AND MARK 9, LLC. A motion was made by Johnson and seconded by Greven to approve the resolution. A voice vote showed 9 Ayes, 1 Nays (Jackson), 1 Absent.
- B. **Resolution** to execute documents to grant easement to RCDC for access in HyPoint Industrial Park. PW Director Darin Pryor explained that this would grant RCDC access to their property as it is landlocked. City Counselor Nathan Nickolaus read the resolution for one reading, by title: RESOLUTION 2042: A RESOLUTION GRANTING THE MAYOR TO EXECUTE A CERTAIN EASEMENT AGREEMENT BETWEEN THE CITY OF ROLLA AND THE ROLLA COMMUNITY DEVELOPMENT CORPORATION. A motion was made by Jackson and seconded by Penner to approve the resolution. A voice vote showed 10 Ayes, 0 Nays, 1 Absent.

- C. **Resolution** to execute the MOU with Sustainable Ozarks Partnership (Ft. Leonard Wood Liaison). (City Administrator John Butz) City Counselor Nathan Nickolaus read the resolution for one reading, by title: RESOLUTION 2043: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE SUSTAINABLE OZARKS PARTNERSHIP (SOP). A motion was made by Johnson and seconded by to approve the resolution. A voice vote showed 9 Ayes, 0 Nays, 1 Absent (Fridley), Abstention: 1 (Greven).

VII. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion to award and Resolution** to execute a service agreement with Olis Akers Arney for Health Insurance Consultant/Broker services. (City Administrator John Butz)

City Counselor Nathan Nickolaus read the resolution for one reading, by title: RESOLUTION 2044: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND OLIS AKERS ARNEY FOR HEALTH INSURANCE CONSULTANT AND BROKER SERVICES. A motion was made by Kessinger and seconded by Balch to award the proposal and approve the resolution. A voice vote showed 9 Ayes, 0 Nays, 1 Absent (Fridley), Abstention: 1 (Greven).

VIII. CITIZEN COMMUNICATION

- A. David Dukes – Expressed continued frustration with time spent on certain topics of discussion, lack of prosecution on crime, and lack of enforcement on gambling machines.

IX. MAYOR/CITY COUNCIL COMMENTS

- A. Councilman Hahn asked how the city can currently address the gambling machines. City Counselor Nathan Nickolaus said an order could be given to the Chief of Police to seize the machines and issue citations. Doing so would trigger a lawsuit that the city would have to defend and recommended waiting to see the results of Springfield’s case to see how to proceed.
- B. Mayor Magdits congratulated Councilman Jackson on achieving the designation of Certified Municipal Official and Councilwoman Johnson for completing the Advanced Certification Program from the Missouri Municipal Leagues’ Municipal Governance Institute.

X. COMMENTS FOR THE GOOD OF THE ORDER

- A. **Information** on Downtown Boo Palooza Pine Street Closures. PW Director Darin Pryor and Rachel Guth shared information regarding Boo Palooza which will be hosted by The Hooligans (a local Not for Profit) on Thursday, October 31st on downtown Pine Street from 5pm -7pm.
- B. **Discussion** on possible date for Council Workshop regarding the Centre on Wednesday, October 16th. Discussion showed a conflict on most dates suggested. An email poll will be issued to Council for possible available dates.
- C. RMU GM Rodney Bourne extended an invitation to the 9th Annual Public Power Celebration, Wednesday, October 9th from 11 a.m. to 1 p.m held on the back parking lot of the City Hall. Free lunch will be available to all who attend.

- D. Police Chief Sean Fagan – School Safety Protocols: Chief Fagan shared that officers are well trained in active shooter situations and training involves all the schools in the city. EMS and Law Enforcement agencies in Phelps County have an incredible working relationship which makes the procedures/incidents run efficiently and smoothly.
- E. **Discussion** on the City’s current policy of adding fluoride to Rolla’s drinking water. Councilwoman Johnson shared that communities are trending away from fluoridation of water sources. Councilman Kessinger shared that an article by Judge Edwin Chen in 2004 on a court ruling that shows that exposure of certain levels of fluoride have unreasonable risks to susceptible subpar populations. RMU GM Rodney Bourne said he believed fluoride and chlorine combined was around \$15K a year. Mayor Magdits read from the ADA that issued a statement saying community water fluoridation was the single most important health measure to prevent tooth decay. Additionally, CDC proclaimed community water fluoridation was one of the top 10 community health achievements in the 20th century. Council agreed they wanted to move forward with continued conversation on possibly removing fluoride from the water and hearing from professionals in the field.
- F. **Discussion** on City regulation concerning signage on public property and on private property. Councilwoman Johnson shared issues with nuisance violations regarding sign placement during an election. Councilman Jackson made a motion to not enforce the code regarding sign placement on private property until November 12th (after the election).
- G. Next Meeting Date, Monday, October 21st, 2024

XI. **CLOSED SESSION** –

- A. Closed Session per RSMo 610.021- None

XII. **ADJOURNMENT** -

With nothing further to discuss, the meeting was adjourned at 9:34.

Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR