

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 18TH, 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, Matt Fridley, William Hahn, Kevin Greven, Rob Kessinger, Victoria Steen and Tina Balch

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

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, City Planner Tom Coots, and City Counselor Nathan Nickolaus.

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

I. PUBLIC HEARINGS –

- A. **Public Hearing and Ordinance** for the rezoning of property located at the northeast corner of Richard Drive and Redbud Lane from R-1, Suburban Residential to the R-2, One and Two-family Residential District. City Planner Tom Coots shared that the applicant was seeking to rezone the subject property to allow the possibility of developing the lot with a duplex building. Mayor Magdits Opened the Public Hearing at 6:35 PM. Debbie Castle – Applicant and Managing member of Scotts Family Investments: Shared her father’s intent when he platted Scottsvale Manor. With no other comments, the public hearing was closed at 6:37 PM. City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE RE-ZONING OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF RICHARD DRIVE AND REDBUD LANE FROM THE R-1, SUBURBAN RESIDENTIAL DISTRICT TO THE R-2, ONE AND TWO-FAMILY RESIDENTIAL DISTRICT.
- B. **Public Hearing and Ordinance** for the Vacation of Lakeview Drive north of 12th Street adjacent to 205 E. 12th Street. City Planner Tom Coots shared that this property has been found to not be needed for public access at this time. Originally plat to serve as a cul-de-sac for adjoining properties all currently owned by the Sigma Nu Fraternity, vacating the ROW would remove the street from the maps and transfer ownership back to Sigma Nu. Mayor Magdits Opened the Public Hearing at 6:40 PM. There were no citizen comments, and the public hearing was closed at 6:41 PM. City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE APPROVING THE VACATION OF LAKEVIEW DRIVE IN LAKEVIEW ADDITION.

- C. **Public Hearing and Ordinance** for the Vacation of a portion of the right-of-way of Pine Street south of 1st Street. City Planner Tom Coots shared that this property has been found to not be needed for public access at this time. Originally plotted to extend Pine Street for additional lots. The lots were never developed and are currently under the same ownership. Vacating the ROW would remove the street from the maps and transfer ownership back to the adjacent property owner. Mayor Magdits opened the Public Hearing at 6:44 PM. At 6:45 PM the public hearing was closed. City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE RIGHT-OF-WAY OF PINE STREET IN RE-SUBDIVISION OF OLD TOWNE PLACE.

II. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. Life Saving Award presentation for a water rescue on November 5th, 2024. Fire Chief Jeff Breen presented plaques for providing lifesaving actions to Captain Chris Covey, Captain Scott Proffitt, Firefighter Kyle Leivian, and Firefighter Brad Woods.
- B. RMU 4th Quarter Report – Chad Davis RMU Engineering Manager shared 4th Quarter financials through September 30th, 2024 which showed a total operating income of \$32,106,288, an increase of \$865,185 compared to FY 2023. Total operating expenses were \$32,780,089, an increase of \$625,027 from FY 2023. Total Net Income was \$748,956 before audit, with a slight decrease of \$56,010 over the 4th Quarter of FY 2023.
- C. Fluoridation Information – Ozark Dental Society (area Dentists)
1. Dr. Bill Moorkamp – Moorkamp & Family Dentistry: explained the lawsuit against the EPA that claims .7 units of fluoride parts per million is an unreasonable risk. He explained how acid dissolves enamel and how fluoride, over time, make the enamel less dissolvable. Fluoride enhanced water is most beneficial for protecting a child’s dentition in the 1st 6 years of life. He shared the Colorado brown stain case from 1901 and how fluoride amounts were ultimately adjusted to .7 ppm.
 2. Dr. Emily Taylor - Pediatric Dentistry of the Ozarks: Spoke in favor, saying that Fluoride was a safe and cost-effective way to prevent childhood dental carries.
 3. Dr. Cloe Stuck - 4 Rivers Dental Director: Shared that there is a noticeable difference in dental health in the children in Rolla who have Fluoride treated water in comparison to those outside the city limits who do not.
 4. Dr. Dan Bruin Periodontist @ FLW: Stated that even though everyday diets and nutrition have deteriorated, the rate of decay is dropping because of fluoride.
 5. Dr. Robert Kessinger – Kessinger Health & Wellness Diagnostic: Asked if the benefit was worth the risk. He provided studies from major health journals that stated fluorinated water only resulted in “slightly” less tooth decay. He talked about the difference between systemic vs topical treatment.

A Council request was made for more anti-fluoride speakers. Mayor Magdits stated he would invite more speakers and is looking for anti-fluoride experts.

III. OLD BUSINESS – NONE

IV. NEW BUSINESS –

- A. **Public Notice** regarding the change of classification of the employees of the 911 Center from Telecommunication employees to Public Safety employees in the Lagers System. (City Administrator John Butz)

Note: Councilman Jackson exited the chambers at 8:14 PM and returned 8:18 PM

Councilwoman Balch exited the chamber at 8:16 PM and returned at 8:18 PM

City Administrator John Butz explained that the Public Safety Dispatchers are funded by a ¼ cent sales tax and are employees of the Phelps County Emergency Services Board. In 2022, LAGERS offered a new sub-category for public safety personnel such as jailers, EMS and dispatchers. The process for plan modification is a 45 day notification to the public and LAGERS before considering a Resolution for implementation. This begins the 45 day period for public comment.

- B. **Ordinance** to amend both Chapter 42 and Chapter 20 of the Rolla City Code pertaining to overnight shelters and soup kitchens, ord., allowing an exception for existing facilities (The Mission) (City Administrator John Butz)

City Administrator John Butz reviewed that the proposed code changes from June 2024, took overnight shelters out of Chapter 42 (land use) of City Code and put it into Chapter 20 (housing). This removes regulations from land use and puts it into licensing. The proposed provision (to be added to Chapter 42 and Chapter 20) would also allow an exception which would allow The Mission to continue as they are now.

Though Council regularly approves exemptions with CUP's/PUD's, concern for selectively applying City Code were raised. It was asked if The Mission was up to Fire Code. Chief Breen replied that the only element they do not have is the sprinkler system, so they cannot have dorm rooms.

Further discussion was had regarding changing the period to become compliant from 5 years to 1 year as well as not allowing an exception and enforcing code as is. A motion was made by Hahn and seconded by Vroman to postpone further discussion until a public hearing could be held. It was asked if the public hearing could be held as a special meeting. Hahn then amended his motion to postpone further discussion for a special public hearing to a future date. It was agreed that the special public hearing would be held before the next scheduled December 2nd meeting, at 5:30 PM and scheduled to end at 7:00 PM. The regularly scheduled meeting would then begin at 7:00 PM. A voice vote showed 11 Ayes, 0 Nays, and 0 Absent. City Administrator John Butz referred Council to the table showing proposed overnight shelter districts, which were reflected in red showing that overnight shelters would be allowed in R-3 and R-4 and Condition Use in C-C and Manufacturing. Soup Kitchens would be permitted in C-2 and Conditional in C-C and Manufacturing.

- C. Follow-up Discussion on Background Checks involving Youth Activities. City Administrator shared that City Counselor Nathan Nickolaus had provided a written legal opinion on the matter. Counselor Nickolaus said the general rule is that the City would not likely be held responsible for the action of 3rd parties. Too much regulation could warrant the city to take responsibility for actions that wasn't intended. Youth leagues already have these restrictions in place and should still be required but that one time events should not. It was asked that when creating an ordinance or policy as Counselor Nickolaus proposed, to reiterate RSMO 210.115. An ordinance or policy for Council consideration will be brought back at a future meeting.

V. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion** to Award Bid to Don Brown Chevrolet for five (5) Police vehicles. (Chief Sean Fagan) A motion was made by Johnson and seconded by Chirban to approve the purchase of 3 Tahoe's and 2 Chevrolet Trucks for \$251,193. A voice vote showed 11 Ayes, 0 Nays, and 0 Absent.
- B. **Motion** to Award Bid for the purchase of Patrol Rifles and Suppressors to Black Rain Ordnance. (Chief Sean Fagan) A motion was made by Kessinger and seconded by Penner to approve the purchase. A voice vote showed 11 Ayes, 0 Nays, and 0 Absent.
- C. **Motion** to Award Bid for Project #560-Hypoint Force Main Improvements to Bloomsdale Excavating Co., and **Ordinance** to enter into agreement with same. (PW Director Darin Pryor) A motion was made by Vroman and seconded by Johnson to award the bid to Bloomsdale Excavating Company. A voice vote showed 11 Ayes, 0 Nays, and 0 Absent. City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE BLOOMSDALE EXCAVATING CO., INC.

VI. CITIZEN COMMUNICATION

- A. John Sullivan – Volunteer Staff at the Mission: talked in support of the Mission. His comments were submitted in writing for the minutes at his request.
- B. Patrick Wilson: Shared his belief that God created a path to link his ministry to The Mission and encouraged everyone to love one another.
- C. Morgan Bearden – Timberline Dr.: Stated that he felt the current discussion regarding background checks was a thinly veiled attempt to shut certain people out from using City facilities. He stressed the ineffectiveness of background checks and pointed out several cases that have been in the paper recently regarding government officials (required to have regular background checks) who have been charged with sex offenses.
- D. Bela Holzer-Elk Creek: Worked on the original Amendment 3 petition and encouraged Council against taking any action to regulate abortions in the City of Rolla.
- E. Tara Anura – Spoke against any action by City Council to restrict women's healthcare.
- F. Brian Westbrook – Represents Coalition Life: Proposed that the City consider an ordinance to stop the commerce of abortion supplies from being mailed inside the city limits of Rolla. He gave the example of chemical abortion supplies being mailed to Planned Parent Hood in Rolla, to be carried out (beginning December 5th) by non-medical personnel with no recourse of criminal action.
- G. Bernadette Holzer – Mo State House HD143: Worked on the Amendment 3 petition and warned Council to expect resistance if Council chooses to attempt to regulate women's reproductive care.
- H. Dale Wands: Spoke against granting an exception for The Mission.
- I. Mark Lee Dixon – Right to Life in Texas: Commented on the ordinance proposed by Councilman Vroman regarding abortion restrictions and offered a less aggressive option that would require compliance to Federal laws already in place. He offered information for free legal counsel.
- J. Moriah Renaud – 301 S. Cedar: Shared concerns regarding Amendment 3 and encouraged Council to consider options.
- K. Joe Dalton – CEO Pregnancy Resource Center: Urged Council to consider the proposal regarding the regulation of reproductive care.

VII. MAYOR/CITY COUNCIL COMMENTS

- A. Mayor Magdits shared a proclamation declaring Small Business Saturday on November 30, and encouraged everyone to shop local.

B. Councilman Vroman - Regulation of Reproductive Healthcare Services

Councilman Vroman shared that Amendment 3 was passed at the November 5th election. He asked Council if they would be interested in passing an ordinance reiterating Federal Statutes to a Municipal level to implement more structure and protect women and children.

City Counselor Nathan Nickolaus stated that the City of Rolla was a statutory city (Dillons Law) which means the city government has only that authority that is expressly granted by the state legislature. The state removes municipal authority by removing the specified power or by occupying the field. RSMO 188.010 (3) states "...it is the intention of the general assembly of the state of Missouri to regulate abortion to the full extent permitted by the constitution of the United States, decisions of the United States Supreme Court, and federal statutes." Because of this, it is the opinion of legal counsel that the city has no authority to regulate anything regarding abortions.

Previous speaker, Mark Dickson with Sanctuary Cities For The Unborn, requested that City Counselor Nathan Nickolaus review the ordinance he proposed, which also addresses RSMO 188.010.

Mayor Magdits asked Council if they still wanted to consider restrictions on abortions. City Counselor Nickolaus again stated that the State of Missouri says the City cannot regulate abortions. Councilman Vroman made a motion to bring back this topic for a more in-depth discussion at a later scheduled meeting, motion was seconded by Steen. After some discussion, Councilman Vroman withdrew his previous motion and then made a new motion directing legal counsel to speak with the two previous speakers, Mark Dickson and Brian Westbrook, for a legal review of what was submitted and bring back his findings on the December 16th City Council meeting. A voice vote showed 9 Ayes, 2 Nays (Hahn and Fridley) and none Absent.

- C. Councilwoman Johnson shared a slide show reflecting community safety concerns from homelessness over the last few years.
- D. Motion to appoint Fred Stone to Board of Public Works for the unfinished term of Ted Read (exp Aug 2027) A motion was made by Johnson and seconded by Fridley to approve the appointment. A voice vote showed 11 Ayes, 0 Nays, and 0 Absent.
- E. Motion to appoint Matt Whittingham to the Health & Recreation Center Board for a 3-year term (exp Nov 2027) A motion was made by Fridley and seconded by Vroman to approve the appointment. A voice vote showed 11 Ayes, 0 Nays, and 0 Absent.
- F. Motion to appoint Christine Ruder to the Library Board for 1st – 3-year term. (exp May 2027) A motion was made by Hahn to approve the appointment, but failed due to lack of second.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

- A. Next Meeting Date, Monday, December 2nd, 2024.
There will be SPECIAL PUBLIC HEARING beginning at 5:30 PM and ending at 7:00 PM, regarding the Chapter 42 and Chapter 20 exception regarding overnight shelters. The regular scheduled meeting will begin at 7:00 PM or shortly thereafter.
- B. Mayor Magdits announced that the Christmas parade would be held on December 7th at 10:00 AM.
- C. Mayor Magdits updated Council on the outcome of an earlier meeting with RACC, regarding the three agreements (Fiscal Agent, Ground Lease, Tourism Agreement) all set to expire at the end of December. The two most notable proposed obligations for Council approval will include the establishment of a restricted fund (minimum amount specified by Council) to maintain the City Property currently being utilized as the Visitor Center and to include surrounding office/grounds buildings. It has also been proposed to appoint one or two Councilmembers to the Destination Grant Committee to better foster Council involvement regarding event planning and financial oversight.

IX. CLOSED SESSION –

- A. Closed Session per RSMo 610.021, NONE

X. ADJOURNMENT -

With nothing further to discuss, the meeting was adjourned at 11:01 pm.

Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR