

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 2nd, 2024; 5:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Pro-Tempore Matt Fridley

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) and Keven Greven

Department Directors and Other City Officials in Physical Attendance: Public Works Director Darin Pryor, Fire Chief Jeff Breen, Police Chief Sean Fagan, Parks Director Floyd Jernigan, Comm. Dev. Director Dawn Bell, City Planner Tom Coots, and City Counselor Nathan Nickolaus.

City Counselor Nathan Nickolaus began by informing Council that neither Mayor Magdits or Mayor Pro-Tempore Kevin Greven were available for that night's meeting and that a replacement would have to be appointed by Council. A motion was made by Johnson and seconded by Vroman to appoint Chirban as Mayor Pro-Tempore for the night. Councilman Chirban asked if anyone else would like to do it. Councilman Fridley volunteered and said he would. Chirban then rejected his nomination and made a motion, seconded by Kessinger, to appoint Matt Fridley as the night's Mayor Pro-Tempore. A voice vote showed 10 Ayes, 0 Nays, 1 Absent (Greven).

Mayor Pro-Tempore Matt Fridley called the meeting to order at approximately 5:30 p.m. and asked Councilwoman Steen to lead in the Pledge of Allegiance.

Note: Councilman Hahn entered at 5:35 PM.

SPECIAL PUBLIC HEARING –

- A. **Special Public Hearing:** Discussion on draft ordinance amending Ch. 42 and Ch. 20 of the Rolla City Code pertaining to the regulation of overnight shelters, soup kitchens and transitional living, and the granting of an exception to The Mission to continue operations at 708 N. Main St.

Mayor Pro-Tempore Matt Fridley opened the public hearing at 5:41 PM.

9 letters/emails received from citizens were submitted for record from Cynthia Hobart, Wayne Langston, Gayle Bodenhamer, Susan Wrasmann, Ryan Feeler, Leslie Bearden, Patti Fleck, Lynne Reed, and Jessica Barron.

There were 19 speakers with various views supporting and opposing the proposed text amendment/exception to both Chapter 42 and Chapter 20.

1. Jody Eberly – City resident and Mission volunteer: Stated the solution is to connect the homeless to organizations and agencies to ensure they are successful. This is what the Mission does. She asked Council to vote yes to the exception.
2. Dorene Sutton-Business Owner on Pine Street: Stated that as a 2-year business owner on Pine Street, she has not witnessed issues from her store window; removing the Mission will not remove the homeless.
3. Donna Clark – City resident: Encouraged love for God and your neighbor.

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4. Ryan Feeler – In 13 years of working downtown, he has never had a negative experience; Rolla needs the services the Mission Provides.
5. David Dukes: Spoke on the importance of unity in the community.
6. Lonna Sowers – On behalf of the RDBA shared multiple incidents and crimes against local downtown businesses and stressed concern on behalf of individuals investing private funds to revitalize the downtown.
7. Mike Ren: Stressed that not all downtown crime can be blamed on the homeless and was in favor of the amendment.
8. Rev. Lindy Harwich: Spoke in favor of the proposed exception for The Mission and shared positive personal experiences.
9. Michelle Wilson: Spoke in favor of The Mission and shared positive experiences.
10. Dale Wands: Cautioned that allowing an exemption for one person or entity that isn't up to code will cause issues later.
11. Patrick Wilson – Spoke on the benefits of collaboration and expressed support for the proposed exemption.
12. Lynne Reed – Encouraged Council to tour The Mission because the services provided are beyond what most people realize.
13. Jessica Barron – Business on 6th Street: Spoke in support of The Mission and shared statistics of services provided by The Mission.
14. Bill Priesmeyer – Business owner and Volunteer at the Mission: Recapped the 2019 proposal by The Mission to move and build in another location and encouraged an energy of collaboration.
15. Bryce Crowley – Downtown Business Owner and Legal Counsel for The Mission: Clarified certain points throughout the process of the overnight shelter ordinance and that the Mission is up to Fire Code.
16. Zephyrine Mitbrandt – Spoke in favor of the Mission
17. Marsha Ray – 4-year overnight volunteer with the Mission; has never had any issues or felt unsafe.
18. Matt Hulme – Current resident of the Mission; Shared his personal testimony of how the Mission is helping him recover, heal, and become self-reliant.
19. Elaine Grover – Stated the unfairness for one entity to negatively impact another and that the Mission should feel a responsibility to protect surrounding neighbors from adverse impacts.
20. Lonna Sowers – (Was offered another 3 minutes since she was representing multiple businesses): Reiterated that the RDBA isn't opposed to the good works of The Mission; Downtown business owners are battling costly destruction of property, threats, harassment, and hazardous and unsanitary waste.

With no other speakers, at 6:50 PM, Mayor Pro-Tempore Matt closed the hearing.

I. CONSENT AGENDA –

A. Consider Approval of the City Council Minutes of:

1. City Council Minutes – November 4th, 2024
2. City Council Closed Session Minutes – November 4th, 2024
3. City Council Minutes – November 18th, 2024

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

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

- a) Building Codes monthly report – October 2024
- b) Environmental Services Department Monthly Report October 2024
- c) Police Department Monthly Report – October 2024
- d) Animal Control Division Report – October 2024
- e) Rolla Municipal Court summary – October 2024
- f) The Centre Income Statement ending October 2024
- g) City of Rolla Financials ending October 31st, 2024
- h) P&Z Commission Minutes for November 12th, 2024
- i) Park Advisory Commission Meeting Minutes for October 7, 2024

Councilman Hahn asked what steps were being taken to improve Centre memberships as far as new programs or retention offers. City Administrator John Butz stated there would be a report on this topic on the next agenda as stipulated by Council in the adoption of the FY 2025 budget which appropriated 25% of the budget for the Centre.

III. PUBLIC HEARINGS – None

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – None

V. OLD BUSINESS –

A. 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) City Counselor Nathan Nickolaus read the ordinance for its first reading; by title: Ordinance 4831: 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. A motion was made by Chirban, seconded by Johnson, to approve the ordinance. A roll call vote showed: Ayes: Balch, Chirban, Vroman, Steen, Kessinger, Jackson, Hahn, Johnson, Fridley, and Penner, Nays: none. Absent: Greven.

B. Ordinance for the Vacation of Lakeview Drive north of 12th Street adjacent to 205 E. 12th Street. (City Planner Tom Coots) City Counselor Nathan Nickolaus read the ordinance for its first reading; by title: Ordinance 4832: AN ORDINANCE APPROVING THE VACATION OF LAKEVIEW DRIVE IN LAKEVIEW ADDITION. A motion was made by Chirban, seconded by Jackson, to approve the ordinance. A roll call vote showed: Ayes: Johnson, Fridley, Steen, Vroman, Penner, Chirban, Balch, Kessinger, Jackson, and Hahn. Nays: none. Absent: Greven.

- C. **Ordinance** for the Vacation of a portion of the right-of-way of Pine Street south of 1st Street. (City Planner Tom Coots) City Counselor Nathan Nickolaus read the ordinance for its first reading; by title: Ordinance 4833: AN ORDINANCE APPROVING THE VACATION OF A PORTION OF THE RIGHT-OF-WAY OF PINE STREET IN RE-SUBDIVISION OF OLD TOWNE PLACE. A motion was made by Johnson, seconded by Penner, to approve the ordinance. A roll call vote showed: Ayes: Hahn, Chirban, Vroman, Steen, Kessinger, Penner, Balch, Johnson, Fridley, and Jackson. Nays: none. Absent: Greven.
- D. **Ordinance** to enter into agreement with Bloomsdale Excavating Co. for Project #560-Hypoint Force Main Improvements. (PW Director Darin Pryor) City Counselor Nathan Nickolaus read the ordinance for its first reading; by title: Ordinance 4834: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE BLOOMSDALE EXCAVATING CO., INC. A motion was made by Jackson, seconded by Johnson, to approve the ordinance. A roll call vote showed: Ayes: Vroman, Jackson, Steen, Penner, Chirban, Fridley, Johnson, Kessinger, Hahn, and Balch. Nays: none. Absent: Greven.

VI. NEW BUSINESS –

- A. **Ordinance** to amend both Chapter 42 and Chapter 20 of the Rolla City Code pertaining to overnight shelters and soup kitchens and allowing an exception for existing facilities (The Mission)
- City Administrator John Butz briefly reviewed the proposed revisions for Council.

City Counselor Nathan Nickolaus read the ordinance for its first reading: AN ORDINANCE AMENDING CHAPTER 20, “HOUSING” OF THE ORDINANCES OF THE CITY OF ROLLA, MISSOURI TO ESTABLISH ARTICLE III, SHELTERS; AND AMENDING CHAPTER 42, “PLANNING AND ZONING”, ARTICLE II, ZONING DISTRICTS; ARTICLE IV, SPECIAL REGULATIONS; AND ARTICLE VII, APPENDIX REGARDING OVERNIGHT SHELTER, SOUP KITCHENS, AND TRANSITIONAL HOUSING USES.

- The question was raised as to the legality of writing an exception into an ordinance in which City Counselor Nickolaus reiterated that that it could legally be done.
- When suggested that The Mission apply for an exception through the use of a PUD or CUP, City Counselor Nickolaus replied that they could apply for a CUP to remain where they are or a PUD to move somewhere else but that there wasn’t a CUP to combine both overnight shelters and soup kitchen.
- When hypothetically asked about the “day after” if the exception isn’t granted, City Counselor Nickolaus stated that if there isn’t some sort of an exception to give The Mission a path forward, the City could pursue enforcement action to close The Mission which likely would be challenged in court. The issue of “grand fathering” of services would ultimately be settled in court.
- City Counselor Nickolaus explained that if Council desired the right of The Mission to exist, then an exception would need to be granted or the regulations amended. What is being proposed is a narrow exception that would apply just to them.
- Fire Chief Breen stated that The Mission was currently up to code as inspected for “Assembly”. If The Mission wants beds, then they would need to have fire suppression as “Residential” under current building and fire codes..

A motion was made by Chirban, seconded by Vroman to amend 42-209 F (3) from 5-years to 3-years. A voice vote showed 9 Ayes, 1 Nay (Johnson), 1 Absent.

A motion was made by Hahn, seconded by Balch to copy amended verbiage from 42-209 F(3) and place into 20.022 (f). A voice vote showed 9 Ayes, 1 Nay (Johnson), 1 Absent.

- The question was asked what the City can do regarding the homeless who are not receiving services from The Mission. City Counselor Nickolaus said that homeless encampments can be cited and removed by the property owner, and more arrests and enforcement could be done. The video showed earlier was homeless encampments, not patrons of The Mission.

VII. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion** to award bid to Insituform Technologies USA for Project #580 – Bullman Storm Sewer Rehab and **Ordinance** to enter into agreement with same. (Public Works Director Darin Pryor) A motion was made by Johnson, seconded by Kessinger, to award the bid to Insituform Technologies USA, LLC for \$530,264.86. Funding has received ARPA funding from MoDNR at a 70/30 match for this project. A voice vote showed 10 Ayes, 0 Nays, 1 Absent. City Counselor Nathan Nickolaus read the ordinance for its first reading: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND INSITUFORM TECHNOLOGIES USA, LLC.
- B. **Resolution** to renew Contract for Service for Tourism Promotion with Rolla Chamber of Commerce. (City Administrator John Butz) City Administrator said this was for a 5-year term, the addition of 2 sitting members of Council (appointed by Council) to the Chambers Destination Grant Committee as well as the funding of a Capital Maintenance Escrow account to build up to \$150K (\$20K a year) to maintain the City Buildings. This amount can be re-evaluated in 5 years. City Counselor Nathan Nickolaus read the resolution for one reading; by title: RESOLUTION 2049: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT FOR SERVICE BETWEEN THE ROLLA AREA CHAMBER OF COMMERCE AND THE CITY OF ROLLA, MISSOURI FOR TOURISM/PROMOTION. A motion was made by Vroman, seconded by Jackson, to approve the resolution. A voice vote showed 10 Ayes, 0 Nays, 1 Absent. Council nominations to the Chamber Destination Grant Committee will be considered at the December 16th meeting.
- C. **Resolution** to renew Leasing agreement for City-owned Forest Service Property to Rolla Chamber of Commerce. (City Administrator John Butz) City Administrator John Butz shared that the 20-year payments of \$25,550 to purchase the Forestry Service property will end in 2026. City Counselor Nathan Nickolaus read the resolution for one reading; by title: RESOLUTION 2050: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI THE CHAMBER LEASE-Forest Service Property by and between the City of Rolla, Missouri and the Rolla Area Chamber of Commerce. A motion was made by Vroman, seconded by Penner, to approve the resolution. A voice vote showed 10 Ayes, 0 Nays, 1 Absent.

- D. **Resolution** to renew Fiscal Agent Agreement with the Rolla Chamber of Commerce (Tourism). (City Administrator John Butz) City Administrator John Butz shared that the City Finance Department is responsible for collecting the Lodging Tax whereas 10% is retained by the City (2% for billing and collection services and 8% for tourism related activities). The City will prepare and submit annually to the Chamber a statement of all such tourism expenses by January 31st. City Counselor Nathan Nickolaus read the resolution for one reading; by title: RESOLUTION 2051: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI THE FISCAL AGENT AGREEMENT BETWEEN THE CITY OF ROLLA AND THE ROLLA AREA CHAMBER OF COMMERCE. A motion was made by Johnson, seconded by Balch, to approve the resolution. A voice vote showed: 10 Ayes, 0 Nays, 1 Absent.

VIII. **CITIZEN COMMUNICATION**

- A. David Dukes: Every Friday they serve over 100 meals to the homeless who are not in The Mission and neither he or his wife have had any issues.
- B. Joann Stiritz: Stressed that living as a neighbor to The Mission has been traumatizing.
- C. Patti Fleck: Stated that she wanted to know more from police/fire about what happens after the calls are made to address crimes by the homeless.
- D. Dale Wands: Asked if Council was doing what was right for the City or The Mission.

IX. **MAYOR/CITY COUNCIL COMMENTS**

- A. Mayor Pro-Tempore Fridley shared details of the upcoming Christmas parade and Chirstkindle Markt.
1. Lichternacht, December 6th 5:30 PM – 9:00 PM with the Tree Lighting at 7:15 PM
 2. Christmas parade on December 7th at 10:00 AM.
 3. Christkindle Markt, December 7th from 11:30 AM – 6:00 PM
- B. Councilwoman Johnson shared the Optimist Christmas Tree Lot was open on the Kroger lot.
- C. Councilman Vroman asked if nuisance laws could be enforced on businesses.

X. **COMMENTS FOR THE GOOD OF THE ORDER**

- A. Next Meeting Date, Monday, December 16th, 2024
- B. Christmas Train – December 12th-14th 6:00 PM – 8:30 PM
Mayor Pro-Tempore shared the details of the Christmas Train and City Administrator John Butz asked for Volunteers on behalf of the Park's Dept.
- C. Mayor Pro-Tempore Fridley shared that candidate filing for the April 8th, 2025 General Municipal Election, opens Tuesday, December 10th, 2024 at 8:00 AM and closes on Tuesday, December 31st, 2024 at 5:00 PM.
- D. Community Development Director Dawn Bell shared that a Rolla Comprehensive Plan Community Input Meeting would be held at The Centre on December 9th at 5:30 PM.
- E. City Administrator John Butz shared that Richard Skaggs, a 43-year employee of the City of Rolla had passed away over the Thanksgiving weekend.

XI. **CLOSED SESSION** –

A. Closed Session per RSMo 610.021, NONE

XII. **ADJOURNMENT** -

With nothing further to discuss, At 9:00 PM a motion was made by Johnson, seconded by Vroman, to adjourn. A voice vote showed 10 Ayes, 0 Nays, 1 Absent.

Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR