

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 16th, 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, Keven Greven, 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, Parks Director Floyd Jernigan, Comm. Dev. Director Dawn Bell, City Planner Tom Coots, Finance Director Steffanie Rogers, Recreation Centre Interim Director Josh Stephens and City Counselor Nathan Nickolaus.

Mayor Magdits called the meeting to order at approximately 5:30 p.m. and asked Councilwoman Balch to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS –

- A. **Public Hearing and Ordinance** to approve the annexation to a portion of 13063 Old Wire Outer Rd into the corporate limits of the City of Rolla and assigning a zoning of C-2, General Commercial.

City Planner Tom Coots shared that the applicant was seeking to be voluntarily annexed into the city limits to have access to utilities and the property to be assigned C-2 to allow for the planned use of the property as a VA medical clinic. MO State Statutes require fire protection districts to be reimbursed for lost tax levy due to annexation. Rolla Rural Fire Protection District is seeking reimbursement for what is currently \$560 a year (\$1685 total over 5 years).

At 6:41, Mayor Magdits opened the public hearing.

J. Kent Robinson spoke as representative of the developer. He stated this private development would be a 20-year lease to the Federal Government for a 75,000 sq.ft. facility to service veterans. This project is fully funded with an expected completion day of mid-2027. The developer is willing to make a lump sum to the City of Rolla for the lost tax levy payment to Rolla Rural Fire Protection District.

At 6:45, Mayor Magdits closed the public hearing.

City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE ANNEXATION OF A PORTION OF 13063 OLD WIRE OUTER RD INTO THE CORPORATE LIMITS OF THE CITY OF ROLLA AND ASSIGNING ZONING OF SAID PROPERTY AS THE C-2, GENERAL COMMERCIAL DISTRICT.

Note: Items I.(B) and I.(C) were presented in reverse order as evident from hearing times.

- B. **Public Hearing and Ordinance** to approve the vacation of alleys in Cowan’s Addition to City of Rolla generally bounded by Hwy 72, Spilman Ave, Walker Ave, and Strobach Street. City Planner Tom Coots shared information about the proposed alley to be vacated (between Strobach Street and Hwy 72).
At 6:58 Mayor Magdits opened the public hearing.
An adjacent property owner on the right of the alley, wants to see the alley remain open.
With no other citizen comments, the hearing was closed at 6:59.
City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE APPROVING THE VACATION OF AN ALLEY IN COWAN’S ADDITION TO THE CITY OF ROLLA, GENERALLY BOUNDED BY BLACK STREET, SPILMAN AVENUE, WALKER AVENUE, AND THE RAILROAD ROW.
- C. **Public Hearing and Ordinance** to approve the vacation of alleys in Cowan’s Addition to City of Rolla generally bounded by Black Street, Spilman Ave, Walker Ave, and the railroad ROW. City Planner Tom Coots shared that the alley (between Black Street and the railroad) proposed for vacation is an unbuilt alley. Since the alley ends at the railroad, there is no likelihood that the alley will be needed for access in the future.
At 6:48, Mayor Magdits opened the public hearing. There were no citizen comments, and the hearing was closed at 6:49. City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE APPROVING THE VACATION OF AN ALLEY IN COWAN’S ADDITION TO THE CITY OF ROLLA, GENERALLY BOUNDED BY HWY 72, SPILMAN AVENUE, WALKER AVENUE, AND STROBACH STREET.
- D. **Public Hearing and Ordinance** to approve text amendment to Section 42.313 General Requirements (Parking).
Community Development Director Dawn Bell shared that the proposed revisions were to provide better clarification on where parking is allowed for one and two-family uses, requiring a hard surface. City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE AMENDING CHAPTER 42, PLANNING AND ZONING, ARTICLE III GENERAL PROVISIONS, SECTION 42-313 GENERAL REQUIREMENTS PERTAINING TO PARKING.

II. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –

- A. There were 4 speakers for the Fluoridation discussion split evenly with opposing views.
1. Information to consider removal of Fluoridation
 - a) Dr. Bill Osmunson DDS (via Zoom): Board of Directors for Fluoride Action Network.
 - b) Stuart Cooper (via Zoom): Executive Director of Fluoride Action Network.
 2. Information to consider retaining Fluoridation
 - a) Gwen Sullentrup (in person): Missouri DHSS, Community Water Fluoridation & Dental Sealant Coordinator
 - b) Dr. Elizabeth Lense DDS (via Zoom): MSHA, FAAOMP, Manager, Health Equity & Prevention programs at American Dental Association

III. OLD BUSINESS –

- A. **Ordinance** to enter into agreement with Insituform Technologies USA for Project #580 – Bullman Storm Sewer Rehab and. (Public Works Director Darin Pryor) City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: ORDINANCE 4835: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND INSITUFORM TECHNOLOGIES USA, LLC. A motion was made by Kessinger and seconded by Chirban to approve the ordinance. A roll call vote showed: Ayes: Balch, Chirban, Greven, Vroman, Steen, Kessinger, Jackson, Hahn, Johnson, Fridley, and Penner. Nays: none. Absent: none
- B. **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) City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: ORDINANCE 4836: 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.

Note: The following is not intended to be exact quotes but summaries of key points that were said.

A motion was made by Hahn and seconded by Vroman, to accept the ordinance as written.

Councilwoman Johnson read a sampling of crimes against downtown business owners.

A motion was made by Chirban and seconded by Hahn, to amend sections 20.022 and 42.209 (duplicate verbiage), to add "only at that current location" to make it say, "Any facility that contains both an Overnight Shelter and a Soup Kitchen, which was in operation prior to January 1, 2024, shall be allowed to continue operation (only at their current location) in the C-1 District, the provisions of this Section not withstanding...". A roll call vote showed: Ayes: Steen, Vroman, Penner, Chirban, Balch, Greven, Kessinger, Jackson, and Hahn. Nays: Johnson and Fridley. Absent: None.

When asked again about the compliance of fire code by the Mission, Fire Chief Breen stated that the Mission was compliant as “assembly” (A classification type by the codes of IFC and IBC for the gathering of people). As “residential”, they are not and would need a sprinkler fire suppression system. If the proposed exception passes, it would treat The Mission as “residential” (R-1 in fire code).

Fire Chief Breen explained a “fire watch” can be used as a temporary contingency plan in the event that fire systems fail or are off-line for various purposes.

City Administrator John Butz reminded Council that Section 20.022 (k) addresses enforcement and compliance, stating, “The operator of an Overnight Shelter must allow the City Administrator, or designee, access to monitor the operation for compliance with the city codes, any conditions of approval, and any other directives to mitigate impact to surrounding properties. If the director finds any deficiencies, the director must notify the operator and provide thirty (30) days to bring the operation into compliance (unless a life-safety condition exists in which immediate action is required). If the operation fails to correct the deficiencies, the City Administrator is authorized to terminate the permit. The operator may appeal the termination to the Board of Adjustment.”

- A motion to amend was made by Johnson to remove the proposed zoning table
- When Hahn asked Johnson to clarify what sections and verbiage would change, Johnson recapped the June 11th recommendation from P&Z to Council to deny the proposed table changes and her desire to have the table reflect what it was at that time. Johnson restated her motion.
- Councilman Fridley asked if that would remove all the recommended changes in zoning districts in red on the table and Johnson said yes. Fridley seconded the motion.
- City Counselor Nathan Nickolaus stated that deleting the table didn't accomplish anything and that specific Sections (4-11) would have to be deleted, in which the table (a visual aid only) outlining the previous zoning sections would resolve itself and leave the zoning as it is now.
- Chirban (acting Council Rep for P&Z) clarified that P&Z didn't get the benefit of legal counsel and denied the changes with the idea that recommendations were already provided by P&Z once and it was Council's prerogative if further changes were made.
- City Administrator said that during that time, Council made changes up to the point of adoption and he was unsure that P&Z was engaged in the final version of zoning districts adopted in 2022.
- Johnson restated her motion and Fridley reiterated that he had seconded the motion.
- Jackson stated that Johnson's motion only removed the actual table from the Ordinance and did not change any of the sections.
- Johnson disagreed and said her intent was to take it back to the 2022 version.
- Fridley stated he too thought that was the intention.
- Chirban clarified with Counselor Nickolaus that passing Johnson's motion would go against Counsel's recommendation to have a permitted use in each zone. Nickolaus concurred.
- Johnson withdrew her motion and made a new motion to go back to the 2022 ordinance that was in place.
- Nathan Nickolaus said Johnson's motion was unclear and needed to be specific about what she wanted changed.
- Johnson said that she wanted anything in red removed from the table and to go back to what was currently in place.
- Fridley stated he couldn't second that because it wasn't clear and that if the vote didn't pass tonight that it essentially goes back to the 2022 version anyway.
- Mayor said it is easier to not vote on her motion because a "no" vote on the original motion essentially takes us back to a 2022 version.
- Johnson withdrew her motion.

A motion was made by Hahn and seconded by Chirban to add a stipulation to section 20.026 (Implementation) to direct city staff to implement processes, procedures, forms and all other mechanisms necessary to implement this ordinance in whole within 90 days of its passage. A roll call vote showed: Ayes: Vroman, Jackson, Steen, Greven, Penner, Chirban, Kessinger, Hahn, and Balch. Nays: Fridley and Johnson. Absent: None.

A motion was made by Chirban, seconded by Jackson, to amend Section 5 for overnight shelters to move R-3 from permitted to CUP. A roll call votes showed: Ayes: Chirban and Jackson. Nays: Fridley, Kessinger, Penner, Greven, Vroman, Steen, Balch, Johnson, and Hahn. Absent: none.

With no further motions or discussion, Council reverted back to the original motion by Hahn to accept as amended. A roll call vote showed: Ayes: Steen, Chirban, Penner, Vroman, Greven, Balch, and Hahn. Nays: Johnson, Kessinger, Jackson, and Fridley. Absent: none.

IV. NEW BUSINESS –

- A. **Discussion/Motion** regarding RFP for Opioid/Drug Prevention, Treatment and Abatement Strategies. (City Administrator John Butz) The City is set to receive \$20,000-\$25,000 from the Opioid settlement. To date, Rolla has received \$13,118 with very specific allowable uses spelled out in settlement documents. At Council's request, an RFP has been created proposing up to \$30,000 over a two-year period for contracted drug treatment or education services. Other options would be to merge the City settlement proceeds with the much more significant County program or to defer the proceeds to the State of Missouri. A motion was made by Fridley and seconded by Johnson to send out the RFP. A voice vote showed 11 Ayes, 0 Nays, 0 Absent.

V. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Resolution** to enter into agreement with Image In, LLC for Video Production Services. (City Administrator John Butz) City Counselor Nathan Nickolaus read the resolution for one reading by title: RESOLUTION 2052: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT FOR VIDEO PRODUCTION SERVICES WITH IMAGE IN, LLC A motion was made by Kessinger and seconded by Steen to approve the Resolution. A voice vote showed 11 Ayes, 0 Nays, 0 Absent.
- B. **Motion** to approve the appropriation of the balance of the FY 2025 budget and **Motion** to issue the RFP for Physical Therapy Services. (City Administrator John Butz) A motion was made by Fridley and seconded by Kessinger to appropriate 50% more (making it 75% funded) of the budget with full Council review at the 1st meeting in April 2025.

Vroman made a motion to fully fund the Centre to the end of the year (as stated on the agenda). Motion failed from lack of second.

City Administrator recommended that if the first motion passed that it would be best to have the review at the 2nd meeting in April to reflect a full first quarter. Fridley amended his motion to reflect the review to be the 2nd meeting in April.

Further discussion was had about the possibility and process of closing the natatorium and repurposing the pool area. Administration indicated it would take significant time and expense to analyze engineering options to repurpose the natatorium.

Discussion was had about reverting The Center back to a recreation center over a medically integrated center. Mayor Magdits said that it could be done but that there would have to be an approved tax to keep it going.

Hahn asked for the motion to be read again. A motion was made by Fridley and seconded by Kessinger to appropriate 50% more (making it 75% funded) of the budget with full Council review at the 2nd meeting in April 2025.

A motion was made by Hahn and seconded by Balch to close debate on the topic and vote. Mayor Magdits said that wasn't necessary and that they would proceed with the vote

Back to the original motion by Fridley to appropriate 50% more of the budgeted funds for The Centre, A voice vote showed 10 Ayes, 1 Nay (Johnson), 0 Absent.

A motion was made by Hahn, seconded by Fridley to advertise the RFP for Physical Therapy services. A voice vote showed 11 Ayes, 0 Nays, 0 Absent.

- C. **Motion** to award website design and hosting services to Revize. City Administrator John Butz shared that RFP's were received to replace the City of Rolla's obsolete and outdated website. A motion was made by Jackson and seconded by Johnson to award the bid to Revize. A voice vote showed 11 Ayes, 0 Nays, 0 Absent.

VI. CITIZEN COMMUNICATION

- A. Dr. Jenny Pennycook OBGYN, shared concerns regarding any ordinance to regulate the reproductive rights of women.
- B. David Dukes – spoke on loopholes and the prosecution of crimes.
- C. Jerome Beck – Spoke on scapegoating
- D. Brian Westbrook shared that he had not heard from City Counselor Nathan Nickolaus as directed by Council. He disagreed with City Counselor Nickolaus's opinion that this could not be done and spoke with the Attorney General's office who said that the ordinance could be considered.
- E. Dominic Barceau, Assistant Attorney General, shared that it was the Attorney General's opinion that State Law does not prohibit cities from regulating abortions in a way that is consistent with State and Federal law. He spoke specifically on RSMO 188.010 saying the AG's opinion is that this doesn't prohibit concurrent regulation by municipalities.
- F. Mark Lee Dixon responded to Mayor Magdits on his question on what the purpose and desired outcome of the proposed ordinance is. Mr. Dixon said it would require compliance with the Federal restrictions on abortion to stop abortion inducing drugs in pharmacies and is questioning the legality of Amendment 3.

VII. MAYOR/CITY COUNCIL COMMENTS

- A. A motion was made by Vroman, seconded by Steen, to bring back the proposed ordinance Requiring Compliance with Federal Abortion laws at the January 6th, 2025 City Council meeting. A voice vote showed 9 Ayes, 2 Nays (Fridley and Hahn), and none Absent.
- B. Councilman Jackson stated it will take a coalition from the community to address the issue of homelessness in the area.
- C. Councilwoman Johnson made a motion, seconded by Steen, to continue the Fluoride discussion at the Tuesday, January 21st, 2025 council meeting. A voice vote showed 11 Ayes, 0 Nays, none absent.
- D. Councilman Vroman asked City Counselor Nickolaus if the gambling coin operated machines could be taxed. Counselor Nickolaus said they likely could be. City Administrator John Butz will verify with DOR if they are collecting sales tax on coin operated machines.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

- A. Next Meeting Date, Monday, January 6th, 2025
- B. Candidate filing for the April 8th, 2025 General Municipal Election, remains open until Tuesday, December 31st, 2024 at 5:00 PM (sparing City approved holidays).

IX. CLOSED SESSION –

- A. Closed Session per RSMo 610.021, NONE

X. **ADJOURNMENT** -

With nothing further to discuss, on December 17th, 2024 at 12:11 AM the meeting was adjourned.

Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR