

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JULY 20, 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, John Meusch, Carrolyn Bolin, Marie Allen, and Deanne Lyons

Council Members Absent: None.

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

Department Directors in Physical Attendance: Environmental Services Director Brady Wilson, Interim Recreation Center Director Marci Fairbanks, Fire Chief Ron Smith, and Police Chief Sean Fagan

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

Other City Officials in Attendance via Zoom Videoconferencing: City Engineer Darin Pryor

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

Mayor Louis J. Magdits, IV called the meeting to order at approximately 6:30 p.m. and asked Councilwoman Marie Allen to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

None.

JULY 20, 2020

II. SPECIAL PRESENTATIONS

(A) Power Wellness Presentation: Mayor Magdits explained that in 1998 there was a citizens group in Rolla that initiated an effort to build a health and recreation center. That group led to ballot initiatives, one in 1999 and another in 2000 and the City went to the taxpayers twice, one to ask for the enactment of a sales tax with a sunset provision to build a health and recreation facility. The second ballot initiative was to allow us to incur the indebtedness or issue the bonds that would be secured with that tax revenue. That resulted in two facilities – the SplashZone facility and The Centre, as we now know it today. The Centre was approximately \$9.5 million and, at the time, it was a stated goal and supported by the citizens that the citizens would build the facility, but ultimately the users would pay for its operation. Since 2002, the City has achieved the recapture rate, depending on the year, between 75% and 88%. He said this is one of the highest, if not the highest recapture that we have found in municipally owned facilities like this. Mayor Magdits stated the facility is operated with sound accounting so there is no shuffling of monies to hide expenses. By the same token, there is no philanthropic foundation or sugar daddy behind the scenes to subsidize those operations. Whether you are a user or not, we should be very proud of this facility. Mayor Magdits said there are some who believe the General Fund or park tax money have been used to subsidize the Centre. He stressed it has never, ever been the case. He said there has not been one dime transferred from the General Fund or the Park Tax to support any part of the Centre. The Mayor said it is worth noting the money has actually transferred the other direction. Approximately \$75,000 per year is transferred from the Recreation Center to the General Fund to pay administrative overhead costs associated with that particular facility. Therefore, over \$1.1 million over the years has been transferred to the General Fund. Mayor Magdits said the industry has gotten much more sophisticated in many ways and the models that exist today, once you leave the traditional municipal facilities, is a model based on medical integration, which is something the Council will be hearing multiple times tonight. In the past two years, the Health & Recreation Center advisory board for the Centre has worked very hard with one goal in mind and that goal has been to achieve fiscal sustainability for the Centre. Many options were identified and each were studied and assessed. The conclusion was the best path forward is to partner with somebody that has a proven track record and the expertise to take us to the next level. That is what tonight is about. Tonight is the public opening of conversations with Power Wellness. He said we look at this as a strategic partner for a good reason – it is beyond just fiscal sustainability. Mayor Magdits stated we are also going to open up a new dynamic to the community and to start looking at such things as community health. Nationwide, our

II. SPECIAL PRESENTATIONS (continued)

(A) Power Wellness Presentation (continued): health care model is not sustainable. It has been well documented that if a society could just focus on four basic diseases all attributable to lifestyle, i.e., obesity, diabetes, smoking, sedentary lifestyle, we could help cut a lot from our national health care costs. As civic leaders, we are mindful of this. If we could achieve fiscal sustainability with The Centre and enhance the community health, that is a win/win situation and that is the path we are working on. After two years of work, and four or five months of very hard work identifying a particular strategic partner, Mayor Magdits indicated the City is ready to bring this out to the community to assess.

Mayor Magdits turned the floor over to City Administrator John Butz who explained the process staff used to arrive at this decision.

Mr. Butz explained that a number of us over the last 15 years or so have attended what is called the Athletic Business Conference, which is held in New Orleans or Florida. It is the national conference geared toward private business models. This past November, Interim Centre Director Marci Fairbanks, and Dr. Bill Moorkamp, a member of the Health & Recreation Center Advisory Committee, attended the conference and came back with the introduction of medical integration with Power Wellness. One of the tours during the three-day conference was a tour of a medical health fitness facility managed by Power Wellness. Ms. Fairbanks and Dr. Moorkamp shared the information with him and Mayor Magdits and met with the Centre Advisory Committee and talked about this opportunity. In late December or early January, Mr. Butz reported the Council gave staff the authority to do a formal solicitation of proposals for medically integration recreation center management operations, which was sent directly to about a dozen facilities across the country. Mr. Butz said four proposals were received in late January and staff was able to shorten the list to two firms – Power Wellness and WTS. Both were brought in for interviews and after about three or four weeks of doing background checks, staff returned to the Council and recommended to proceed with further diligence on Power Wellness. If all goes forward, the Council will obtain public input and by August we hope to have Council take action.

Mayor Magdits then welcomed and introduced Mr. Ken Gorman founder and CEO of Power Wellness who addressed the Council. When he founded Power Wellness in 1996, Mr. Gorman he said he did not dream at the time it would become the organization that it has. He said Power Wellness is a third party management company and partners with

**COUNCIL MEETING MINUTES
JULY 20, 2020
PAGE 4**

II. SPECIAL PRESENTATIONS (continued)

(A) Power Wellness Presentation (continued): municipalities, health systems, and community colleges. Today, Power Wellness is the largest institutional management company and are currently serving 120,000 members with 36 operating centers. Mr. Gorman then provided an overview of the proposed programming of the facility.

Mayor Magdits indicated the public would be given an opportunity to address the Council about the proposed concept at its August 3, 2020, meeting. Additionally, during the closed session portion of that meeting, the Council would be asked to consider the first reading of an ordinance authorizing him to execute a contract with Power Wellness.

III. OLD BUSINESS

None.

IV. NEW BUSINESS

(A) Ordinance Amending Sec. 30-16.d.4. of the City Code Pertaining to “Plead & Pay”: City Administrator John Butz recalled that during the Council’s last meeting Municipal Judge James Crump and Municipal Prosecutor Brad Neckermann talked to the Council about the issue of “plead and pay.” Mr. Butz told the Council that staff is recommending the striking of the following the language in Section 30-16.d.4.(2) “...and (2) shall not be required to appear in court if paying fine” as noted in the proposed ordinance. To be consistent with the Office of the State Court Administrators (OSCA), staff is recommending the proposed amendment.

City Counselor Lance Thurman reported that late Friday afternoon he received new information from OSCA that Judge Crump was incorrectly informed that he was not allowed to have a fine bureau at all if there was anything that was not on the uniform list.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AMENDING SECTION 30-16.d.4. OF THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO MARIJUANA – POSSESSION.

IV. NEW BUSINESS (continued)

(B) Ordinance to Consider COVID-19 Action: City Administrator John Butz reminded the Council that the City's current COVID-19 return-to-work ordinance expires tomorrow, July 21, 2020. He asked the Council for their direction on possibly extending it. A motion was made by Bolin and seconded by Crowell to amend the effective date of the proposed ordinance to Wednesday, September 9, 2020. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE NO. 4567: AN ORDINANCE AMENDING ORDINANCE NO. 4566 IN THE CITY OF ROLLA, MISSOURI, ALLOWING ALL BUSINESSES TO OPERATE WITHIN THE CITY OF ROLLA WITH PROPER SAFEGUARDS. A motion was made by Schneider and seconded Bolin to suspend the rules and that the ordinance be read for its final reading, by title. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. A motion was made by Bolin and seconded by Crowell to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Higgins, Bolin, Schneider, Ruder, Allen, Murphey, Lyons, Crowell, Eberly, and Florence. Nays; None. Absent; None. Motion carried. The ordinance passed.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Bids for Southwest Wastewater Treatment Plant Clarifier Parts and Repairs: Public Works Director Steve Hargis asked the Council to consider bids to repair a failed clarifier at the City's Martin Springs Drive Wastewater Treatment Plant. He said the sole source for the parts is from Ressler & Associates, Inc. of Ballwin, Missouri for \$33,282.14. Additionally, staff is also requesting that the bid for the repairs be awarded to Midstate Pipeline Maintenance, LLC, for \$23,400.00. A motion was made by Bolin and seconded by Schneider to award the bid for the clarifier repair parts to Ressler & Associates, Inc., Ballwin, Missouri for \$33,282.14. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. A motion was made by Bolin and seconded by Murphey to award the bid for repairing the clarifier to Midstate Pipeline Maintenance, LLC for \$23,400.00. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Mr. Dale Martin to the Enhanced Enterprise Zone (EEZ) Board: A motion was made by Crowell and seconded by Murphey to appoint Mr. Dale Martin to the Enhanced Enterprise Zone (EEZ) Board until June 2024. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Report of Marijuana Possession Charges: State vs. Municipal Court: Mayor Magdits said at the last Council meeting, there appeared to be confusion between the City's ordinance and State law as it pertains to marijuana possession.

City Counselor Lance Thurman expanded on the list of possession of marijuana charges contained in the agenda materials.

Mayor Magdits indicated it is Council's choice whether they want to have a discussion relative to the Rolla ordinance. He asked Council for some guidelines as to what they want to discuss, rather than doing it under Council comments.

The Council indicated they would like to discuss the possibilities of what can be done with the City's ordinance to get away from the criminalization problems of marijuana. The Council also indicated they wanted to understand the impact of decriminalization on law enforcement and the folks in the community.

(C) Power Wellness: Councilman Schott stated he believes the Council should conduct a public hearing pertaining to the proposed changes at The Centre. He said Power Wellness might be our best option and he noted the Council has had public hearings on other issues that are less contentious.

(B) Report of Marijuana Possession Charges: State vs. Municipal Court (continued): Councilman Schott stated that people who have not been educated on the latest research involving cannabis are still living in the dark and using an old stigma that is not represented by the newest research. All cannabis is medical at a basic level. It relieves stress, PTSD, and anxiety. Mr. Schott indicated many people currently use alcohol as a way to relieve stress but there are many negative side effects to alcohol, including depression, lack of restraint, agitation, and addiction. Because education is the best way to overcome misplaced stigma, Mr. Schott said he wanted to share a docuseries "The Sacred Plant." He said it talks about a number of things including pain, anxiety, PTSD, Alzheimer's, opioids, epilepsy, autoimmune diseases, etc. Mr. Schott pointed out

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Report of Marijuana Possession Charges: State vs. Municipal Court (continued): the latest research is telling us that it could be an exit drug for opioids and alcoholism. He said he wanted to let the community know that he is going to find a forum to have the docuseries shown and it is available to anyone in our community that would like to learn more.

(B.1) Second Opinion of a Legal Opinion: Councilman Schott said he would like to explore the idea of setting up in our upcoming budget, to seek a second legal opinion. Instead of local legal counsel that does not do this kind of work every day, getting an opinion from a firm with a wider view would be helpful. Mr. Schott said we see many more of these issues over and over with other cities every day and this may be a better value. Mr. Schott asked staff when the contract ends with the City's current legal counsel and he asked if the Council could have a deeper discussion of this topic before we rubber stamp a future contract.

Mayor Magdits stated that on a regular basis, outside counsel is sought on areas that either City Hall or our existing attorneys do not feel comfortable. Mayor Magdits stated that whether or not the City seeks outside counsel on a particular subject really has nothing to do with the contract with a local firm.

City Administrator John Butz added there is a line in the budget for "other legal." An example where this was used was when the City hired the law firm of Cunningham Vogel to help the City through its right-of-way management issue.

(B.2) Olympian Chantae McMillan: Councilman Meusch indicated he has been approached by a community committee that would like to put "Hometown of Olympian Chantae McMillian" signs near the City limit. Today, the committee presented their \$100 fee, signed petition, and application.

City Administrator John Butz stated there are a couple of options. He said the option the group is proposing was actually the signage and recognition at the Missouri Department of Transportation (MoDOT) right-of-way. Mr. Butz noted the City has a more cumbersome process for renaming parks and streets. He added MoDOT normally does not require the City Council be on board, but they certainly do not want to do something the City Council is going to take exception to.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(C) Audit Committee Appointments: Mayor Magdits said he is postponing consideration of this item because he is not quite ready to make these appointments.

VII. CITIZEN COMMUNICATION

(A) Neighborhood Drug Activity: Ms. Holly Esposito, Ward II, Farrar Drive, Rolla, Missouri, shared the names of friends and relatives who died from drugs or were murdered due to drug-related violence. She also expressed concern about syringes and other drug paraphernalia that is frequently found in her neighborhood. She stated she does not live in a very nice neighborhood, but this is where she can afford to be. She said she has lost so many people in her life to methamphetamine and heroin, but no one died from marijuana. Ms. Esposito told the Council she has many health problems and she feels marijuana should be decriminalized in Rolla so it can be a treatment option for those abusing drugs.

Ms. Shirley Martin recalled she spoke to the Council at their last meeting. She informed the Council that she is now co-founder of Rolla Cannabis Action Network. She said she walked out of here two weeks ago feeling very defeated that people like herself just fell through the cracks. Ms. Martin informed the Council that a few hours after the Council meeting, she was inundated with private messages from Rolla cannabis users realizing they do have a voice. They have the same stories the same struggles and they are all afraid of you. They are afraid to speak to the very people who speak for them and because of that, Rolla Cannabis Action Network was borne out of sheer necessity. Ms. Martin said Rolla Cannabis Action Network, as an organization has already started uniting your community. Yesterday, Rolla Cannabis Action Network hosted a community cleanup. She explained that 20 of our citizens from different walks of life gathered together during a heat advisory to clean up Ms. Esposito's neighborhood. A neighborhood like so many others that you do not see. Ms. Martin stated that because of the stigma surrounding marijuana, the criminalization of this plant, you could not see your community because of the division you have made rivaled by your own constituents. She told the Council they are here to tell you that rivals are merely people who live on opposite banks of the same river and it is time for Rolla to be the bridge that unites us. We are broken, we are proud, we are survivors that are the backbone of this community. We are you, we are not the enemy, and we are the same. Ms. Martin said decriminalization of cannabis could ensure that people have a choice about the fear of going to jail.

VII. CITIZEN COMMUNICATION (continued)

Ms. Tristen Dunlap, Phelps County resident, thanked the Council for allowing them to speak their truth. She said she believes some of the Council will do the right thing and open their ears, hearts, and minds to the voices speaking to you today. Ms. Dunlap told the Council she is a small business owner in downtown Rolla and co-founder of the Rolla Cannabis Network and a productive member of this community. She said she is speaking for herself and many others who have similar stories, who she said do not have a voice. She told the Council how she became addicted to pain killers for knee pain and said if she had been able to take cannabis she probably would not have suffered so much. Ms. Dunlap asked the Council to consider the decriminalization of marijuana.

Ms. Destiny Thompson, 2136 Tenbrink Drive, prefaced her comments that she is not a medical marijuana patient and she does not use marijuana. She said she thought you might use or benefit from a point of view that does not use marijuana. Ms. Thompson said she is here to give her testimony because you know her very well. Her name is Mary Jane and people she loves has been saved by her, they've been pulled from their abusive relationships with others and have been embraced by her. She is healing, she is a sound mind, she is a comfort within herself, and she is criminalized by those who do not understand her. Ms. Thompson also spoke about her mother who began her addiction to opioids very early in life. She asked the Council to stop making something that can help addicts unavailable. She said cannabis did not save her mother, but it may save someone else.

Ms. Thompson then shared her sister's recorded comments, regarding their mother's addiction, and how it affected her life.

Mr. Herman Guetersloh, Attorney-At-Law, 400 N. Main Street, Rolla, Missouri, said he is a board member for Missouri Criminal Defense Lawyers Association (MCDL) and speaking for the State's Board's position toward marijuana laws and ordinances. He said it is the position of MCDL that you do not amend the ordinance, you do not decrease the penalties, you do not decrease the fines, you do not do any of that. Rather you abolish it outright and with that, declare Rolla a "sanctuary city." Mr. Guetersloh said if the city of San Francisco can write an ordinance telling the entire Federal government you cannot come around here and arrest our citizens, I think the City of Rolla can pass an ordinance saying the Rolla Police Department cannot enforce State law for marijuana under 35 grams. He said you would make it a "sanctuary city" for the exact same offense as what you would be abolishing.

COUNCIL MEETING MINUTES
JULY 20, 2020
PAGE 10

VII. CITIZEN COMMUNICATION (continued)

Councilman Schott said he would like to see this proposal laid out very clearly as an opportunity to decide whether we want to go that path or not.

Mayor Magdits said it is what the majority of the Council feels and the direction that majority gives staff. He asked the Council to give it some thought and in two weeks tell staff how they want to proceed.

Ms. Tara Anura, 811 N. Rolla Street, Rolla, Missouri, said we do not want to have to ask for permission for human dignity, for our rights to health care, food, shelter, utilities. We are tired of being criminalized and we want solutions. Ms. Anura called for citizen committees to look into these problems and more compassion in Rolla.

Mr. Daniel Jones asked that if you are going to have any conversations regarding medical cannabis and if you have information at City Hall to please share it because we are not hiding anything. He also suggested the City look into other counsel.

Ms. Jo Whitby, Rolla, Missouri, said she and her husband moved to Rolla in December. She said had she known what was going on and people pushing to make this a “sanctuary city” they would not have moved to Rolla. Ms. Whitby also expressed her shock with what she saw on social media this week.

Ms. Samara Webber, 10485 County Road 3110, Rolla, Missouri, said she has learned that when a problem is presented to also present a solution. She said these people need help and they are not getting it in jail. Ms. Webber encouraged the Council to consider other alternatives to the law as far as the imposition of a fine or jail time. She asked the Council to consider reducing the fine. If a person is not able to pay that fine, consider having them volunteer in the community.

Ms. Megan Johnson, 1601 Broadway, Rolla, Missouri, expressed her concern that when someone addresses the Council and speaks their truth, nothing is said from the Council. She said people are pouring out their hearts and there is no reaction. Ms. Johnson said she would like to see the Council be more empathetic instead of just sitting there.

Mr. Brandon Johnson, 1601 Broadway, Rolla, Missouri, expressed his dissatisfaction regarding the procedure of which the helmet purchase and the passage of the COVID-19 ordinances were handled. He said in both cases the opportunity to allow citizens to speak

**COUNCIL MEETING MINUTES
JULY 20, 2020
PAGE 11**

VII. CITIZEN COMMUNICATION (continued)

came after the Council vote had already taken place, essentially rendering citizens' voice mute. Everyone in this room making decisions tonight were elected by the very same people you decided to ignore until it is too late. Citizen communication on any motion needs to be heard prior to the vote taking place and not after the fact when at that point it is nothing more than a masquerade.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

None.

IX. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 9:42 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 10:15 p.m.

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

XI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 10:16 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

JULY 20, 2020