

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 23rd, 2020; 6:00 P.M.
ROLLA TECHNICAL CENTER
500 FORUM DRIVE
ROLLA, MO 65401**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance via Zoom Videoconferencing: Christine Ruder, Ann Murphey, Jody Eberly, Deanne Lyons

Council Members in Physical Attendance: Rachel Schneider, Terry Higgins, Matthew Crowell, Lister B. Florence, Jr., David Schott, John Meusch, Carrolyn Bolin, and Marie Allen

Council Members Absent: None.

Other City Officials in Attendance via Zoom Videoconferencing: Rolla City Administrator John Butz

Department Directors and Other City Officials in Physical Attendance: Rolla City Clerk Lorri Thurman, Brian Kingsey IT Coordinator, Rolla City Assistant Fire Chief Jeff Breen, Rolla City Fire Department Executive Assistant Lynette Manley, Rolla City Fire Chief Ron Smith, and Finance Director Steffanie Rogers

Other Officials in Attendance: President, Chief Executive Officer Phelps Health Ed Clayton, Phelps Health Dr. Rachele Gorrell, Phelps County Health Department Patrick Stites, Phelps County Health Department Ashley Wann, Phelps County District 1 Commissioner Larry Stratman, Phelps County District 2 Commissioner Gary Hicks, Phelps County Commissioner Elect Joey Auxier, President, Rolla Downtown Business Association Lonna Sowers, and President, Rolla Area Chamber of Commerce Tonya Greven

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

Mayor Louis J. Magdits, IV called the meeting to order at approximately 6:00 p.m.

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I. Opening Remarks by Mayor Louis Magdits

II. SPECIAL PRESENTATIONS-COVID-19 STATUS

A) Comments/Presentation by Phelps/Maries County Health Department

Phelps/Maries County Health Department Director Ashley Wann: We are on our third wave in the United States. Per CDC, there are 1500-2000 deaths a day. On June 15th all statewide mandates were removed and statistics show the increase of cases. Gov. Parsons issued a personal behavior advisory encouraging personal responsibilities. “The core principle of Missouri is that we embrace local-level decision making tailored to each community’s needs.” Phelps County falls into Category 1 Action Plan for extreme risk criteria. Masks are not an end all beat all, but if used correctly with other strategies can be effective. In our area, we are seeing clusters in congregate living facilities and small intimate settings, funerals, family events, vocal events, sports, benefits, and in businesses amongst their employees. They are still hearing of citizens who are still going to work sick.

Phelps/Maries County Health Department Environmental Public Health Specialist Patrick Stites : One of the questions asked all the time is, “Why is this any different from any other flu strain?” 250,000 have died from COVID so far this year in the USA. Limiting the burden of disease to the extent that we can still prosper is the goal of the Health Dept. There are very low risk activities that we can still do, such as dog walking, fishing, and hunting. It is important that we all identify, what are considered high-risk areas. Avoid crowded areas, closed places with poor ventilation, and close contact with people not in our homes. The overall cost of wearing a mask is less than the benefit of protecting the peers in our community. The counties that have mask mandates are seeing fewer positive cases within 14 days of the start of the mandate. Just wearing a mask isn’t enough but used with other means such as washing your hands, social distancing, contact tracing, being aware of ventilation, and disinfecting, are proved methods of helping combat the spread of the virus.

B) Comments/Presentation by Phelps Health

Ed Clayton President, Chief Executive Officer Phelps Health: The patients that are coming through the respiratory screening shed at Phelps Health are very sick. The highest COVID occupancy is 29.6% at Phelps Health. Positive Phelps Health Employee infection raised from 44 in October to 114 in November. They are feeling the burden of the increased cases. They are overwhelmed with not having enough staff to care for patients. They are asking for help. Something has

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to change to slow the trajectory down so that they can properly care for people. Masking, social distancing, hand washing, and proper hygiene would help this.

Dr. Rachele Gorrell Phelps Health: The Phelps Health COVID shed has seen an astonishing amount of COVID patients; 900 in 5 days. Since Sept 8th she has seen over 60 cases at the Veterans home and a 1/3 have died. They are limited on COVID 19 testing. We are not consistently getting testing supplies. They would love to do rapid testing on everyone but unfortunately are unable. 1 in 5 seen at the COVID shed have COVID. Patients have waited up to 36 hours to get a bed at the hospital. ICU has been on diversion repeatedly. Once you recognize your symptoms, it is important to stay home. Wash and sanitize hands and do not touch your face without sanitizing again. Herd Immunity- Community Protection is not a viable strategy. It requires 60% of the population to have immunity. The only way to achieve herd immunity is to have vaccinations and we are not yet there. People can be infectious 48 hours before showing symptoms. The more people in a group, the increased chance of being exposed to a COVID 19 positive patient. Wear a mask when in public, or when you are unable to social distance. The less virus you are exposed to, the lesser the symptoms may be once you contract the virus.

Mayor Magdits: Clarified social media rumors that Businesses will not be closed and enforcement will be light handed.

III. New Buisness

A) Presentation of proposed draft ordinance- City Administrator John Butz via Zoom videoconferencing: Stated he and his wife both tested positive and recovery has been harder than he anticipated.

This ordinance was modeled after a City of Springfield, MO ordinance. This ordinance does not draw a line between essential and non-essential businesses. It does not prohibit any business activity. There are 15 “Whereas” statements which set the stage for the Councils’ decision. We are proposing it run through February 2, 2021. The ordinance extends the State of Emergency through March 31st, 2021. We are trying to flatten the curve while protecting our health care system. This does not get into occupancy for the vast amount of businesses. Those that fall under Enhanced Risk Activities will have occupancy limits such as church, weddings, and sports events. None of this applies in the home but they are asking that they adhere to the same rules. Springfield’s compliance is 90-95%. They are educating with compliance and following up on complaints. City does have the right to remove a business license for blatant and intentional violations. Lastly,

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the ordinance as prepared has an emergency provision should Council wish to take 1st and final reading of the ordinance tonight.

When asked the question of whether the 25% occupancy number included the employees, Mr. Butz responded that this ordinance doesn't address that specifically, so we would interpret that as not including employees.

B) Mayor's Task Force Comments/Recommendation

Tonya Greven, President, Rolla Area Chamber of Commerce: 187 businesses participated in surveys released by the Chamber of Commerce. The survey results showed that 54% said yes to a mask mandate while 55% supported fines for businesses who do not comply.

Lonna Sowers, President of Rolla Downtown Business Association: RDBA is completely volunteer driven and has worked diligently to bring economic development downtown. These are mostly family owned mom and pop businesses who are not rolling in the money. When the Council voted for the shut-down in the spring, it was devastating to the small businesses of Rolla. This pandemic has reached a critical level and something must be done by everyone. It is the responsibility of everyone to step up and follow the health professionals' guidelines, not just the small businesses; put on a mask, social distance, avoid crowds. Rolla is known for its partnerships and working together, and to beat this, it will take all of us.

C) Council Comments

Matthew Crowell, Ward 2 Councilperson: In the spring, he was the only councilperson who was against shutting businesses down and that was because the medical community didn't see it as necessary at that time. After taking into consideration the information now presented to him, he now feels that it is necessary that the Council take action.

Marie Allen, Ward 5 Councilperson: She listened to every communication that came through regarding this ordinance. The experience of serving on the task force was invaluable. Looking around the state, this ordinance isn't as strict as it could be but seems to be a good compromise, allowing our medical info structure to hold the line. She is in full support of this ordinance and recommends it take effect as soon as possible.

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David Schott, Ward 3, Councilperson: Thanked everyone involved in the efforts to come to this consensus.

IV. PUBLIC HEARING

A) Open Citizen Communication

Mike Scheffer, Di Trapani's: Agrees with everything everyone has said. The spring shut-down was devastating to the small businesses. He thanked the task force and stated he believes they did a pretty good job. With the holidays coming up, and the restaurants not doing gatherings anymore he would like to see the table limit moved from 8 to 10. Wearing masks in the kitchen while standing over the heat, is a lot to ask of his employees and encouraged Council to reconsider.

Zach Woolsey, Kent Jewelry: Rolla is great place to work and raise a family. He was on the fence about masks until he attended a board meeting where no one wore a mask. One person, who had COVID, passed it to other participants which later led to a death. If we work together to get through this unfortunate time, we will get through this together.

Lance Langenburg, Ministerial Alliance: Speaking on behalf of the Rolla Ministerial Alliance, they agree that steps need to be taken to slow the spread of the virus. They have all worked diligently to meet all the restrictions asked of them. During the spring shut-down they watched as cases of depression, anxiety, and substance abuse skyrocketed. Help them meet the needs to protect our people spiritually, emotionally, and physically. Without spiritual health, everything else is lost.

Robert Miller, City Resident: After reviewing the ordinance feels this will be a declaration of political war. At the end of the day we all have choices to make. Our taxpayer's dollars shouldn't be used in a political war

Dr. Jim Davison, City Resident, Retired Physician: Practiced medicine for nearly 30 years. He fully supports the statistics supplied by the Phelps Health professionals and supports the ordinance.

Ken Robinson, City Resident, Retired from the Army: He feels that none of the statistics supplied said anything about the recovery rate. Stated that mask wearing increases the risk of CO2 poisoning and face touching. Fresh air is vital to immune health

Jean Hartman, Resident of Ward 6: Feels there is no flexibility for us to move to a level 2 or 3 county.

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Katie Shannon, City Resident: Has a PHD in cell biology from Harvard and supports the ordinance because science supports it. Several recent scientific studies show that wearing masks reduces the chance of COVID transference. We have to protect our seniors and everyone in our community.

Lester Crutcher: Feels there is conflicting scientific information. Just because one side says it loudest doesn't make them right. He feels this ordinance isn't something we should do. There is no right of freedom from sickness.

Debbie Crutcher, City Resident: Opposes the mask mandate. Health is an individual thing. Stated she owes you nothing in the name of your health and you owe her nothing in the name of her health. The recovery rate is high and people need to live their lives. Every state that has mandated are stilling their rates rise. Feels the community has been denied many things this year and mental health has been compromised.

Moriah Renaud, City Resident, health professional and cancer patient: There are side effects of wearing masks. One out of 4 young people have considered suicide. That needs consideration when thinking about shutting down gyms and hair solons. Wearing a mask is mentally impossible to some people. She is for freedom of choice and education, not mandates and fines. Urged Council to teach children how to wash their hands and stay home when sick instead of a mandate.

Karen Jordan, City Resident: Urged Council to educate children instead of using them as scapegoats. Suggested the creation of a Facebook page and You Tube channel, dedicated to educating the community and dealing with the physical, mental, and spiritual aspects of our community. Lead our community with no mandates.

Josh Vroman, City Resident: Opposes the mask mandate and ordinance. He wants to make that decision for himself. Asked how long Council intended for Rolla to be under this mandate, when Phelps Health is taking in patients from other communities who do not follow the same mandates?

Peggy Chirban Mitchell, Vessells Fitness: Stated we are in a desperate situation for local businesses. She represents a business that was considered non-essential in the spring shut-down. They are down over 50% of where they were before the shut-down. Her biggest fear was that they were going to get hit with more restrictions. She appreciates what they have put in the ordinance and can live with what they have presented. She is now in agreeance.

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Brian Beckett, Valvoline Express Care: Urged Council to not burden the businesses with policing the mask mandate. He stated that the CDC is a private not for profit. Thinks we should listen to OSHA who gives specific restrictions against wearing masks.

Al Morgan, General Manager of Sakelaris Ford: Stated he is completely against masks as are his employees. Thus far, his business has had no issues with sanitizing and social distancing. He has zero employees who support the mask mandate. It should be freedom of choice and urges them to take more time. 80% of all who contracted COVID wore their masks. Please take time to consider using other methods and to work as a community.

Dr. Robert Kessinger, Chiropractic Physician Certified in Natural Medicine: Stated that three patients today volunteered that ever since they started wearing masks they have suffered from headaches and depression. He believes Council needs to rethink the 25% occupancy limit on the churches and asked that they move it to 50%.

John Paul Soberano, M.D., Pulmeralogist and Critical Care Specialist: Discussed proper mask wearing and how much harder it is to breath with them on. They do not cause CO2 levels to rise to dangerous levels. Masks are not a political statement or a restriction on freedom. Compared wearing a mask to the social acceptance of wearing pants in public. He recommends wearing the mask because it's one of the few things you can do to combat the virus.

Dr. Erik AuBuchon, D.O., Internal Medicine and Pediatrics: Advised Council the hospital is packed and urged them to understand the exhaustion and frustration, he sees daily, on his fellow health care workers.

Rob Webster, Tater Patch: Opposed to the mask mandate and believes it should be an individual freedom to choose. His employees rely on the income from his business. He thinks the council needs to reevaluate the 25% occupancy. He fears this isn't going to be equally enforced and to find a better solution for small business owners.

Travis Holt, Country Bobs Café in St James: Urged Council to let his patrons choose whether they wear a mask. He doesn't mind for his employees to wear masks.

Matt Sanders, Matt Steakhouse: Stated this ordinance might actually be good for their business. He reached out to 200 businesses and community leaders. He has had COVID and personal loss in his own family due to COVID. He will share videos and thoughts in the coming days. He blames politics and media for where we are today. Pleads with the council to delay their vote for one week. He can help close loop holes in the ordinance.

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Thomas Eldridge, Lamb of God Church: Ministers largely to Chinese people. He has been to China twice and has heard the horror stories about a government who doesn't respect God given rights. We have limits on our authority per the constitution. The right to assemble is the first amendment of the constitution. Feels the 25% reduction of occupancy is a problem.

Phil Cox, Chaplin at Phelps Health: Shared what he has observed from visiting at the hospital. When he comes to work he looks to see where the COVID patients are. They now could be anywhere in six areas of the hospital. Many are on ventilators. Lack of visitation is scary to patients.

Nick Preston, City Resident: Stated, whether masks work or not isn't even the issue. It's about what the Council is doing. This is about individual rights as citizens. We should wear masks if we feel like it will help. You aren't thinking about the unintended consequences of the decisions from the spring shut down. Where does this slippery slope stop? Making recommendation is one thing, making mandates is another.

Jon Hartley, Hartley Climate Control: Is opposed to the mandate. They haven't had any issues asking their clients what they want as far as masks and doing what makes their clients comfortable.

Angela Delaria, CRNA, Phelps Health Nurse Anesthetist: Her job has changed dramatically this year. She's exhausted as is everyone she works with Finding beds for patients is a daily chore. Masks are not political they are scientifically proven. The suffering she has witnessed knows no limits. This virus knows no limits and kills those young or old.

Dan Crutcher: Doesn't agree with the mask mandate and shared his experience of when his dad had COVID.

Robert Vanhouse, County Resident: There is room for disagreement on the impact of masks and social distancing. On enforceability, it's not going to be enforced well. This current ordinance should be considered a failure and should be reevaluated every month.

Mike Hamlin: K9 Academy and Dog Training: In the spring, when they did the closure, he was pretty sure his business was finished. He was able to come back but now the Council is trying to issue another mandate on him when he's only doing 8-10 dogs a week. Please bump the occupancy levels up.
Mayor Magdits stated that this ordinance might not affect him and to call the fire station tomorrow.

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Kerri Brookshire-Heavin, Senior Vice President of Patient Care Services, Chief Nursing Officer: COVID-19 is totally unpredictable showing symptoms of mild to severe. The nurses dress is hot protective gear that is constrictive and hard on staff. They are isolated and have seen death in those that should not be dieing. This is real and severe. These patients are scared and alone, isolated for days, and take their last breaths alone. She worries about how we have no control over this virus and are reaching a point where we will be unable to care for patients. There isn't a good enough reason to NOT wear a mask.

Daniel Steen, City Resident: The virus has a high survival rate. Herd immunity is the result we are trying to reach. A mask mandate is not the best course of action and is an infringement. People should not be forced to wear masks.

Robert Hobart, City Resident: Stated that none of this stuff works. We have 9 months of evidence from all over the world. It's an airborne virus that will keep going until it burns itself off or we get herd immunity. When you make restrictions, you are making it harder for people to get through something that is already hard.

Dr. Beena Green, MD: She hears every day from patients talking about their losses due to COVID and supports mandate.

Jodi Townley, St. James Resident: Owner of a music studio in St. James, has enforced social distancing as much as she can. If this ordinance passes, she feels she will have to close. She works four times harder than she ever did before COVID. Everyone says wearing a mask is simple but it's very difficult for her. Urged Council to support small businesses and utilize curbside pick-up

Russell Stephens, County Resident: Urged Council to vote NO on the mask mandate ordinance. Masks may work, but mask mandates don't work. We don't want to be tyrannized in Rolla Missouri or bullied. Requirements for religious gatherings is beyond the Councils abilities and needs removed from the ordinance.

Kimberly Murphy, St. James Resident: Has a small business and believes we are becoming a tyrannical community. Stated this is spiritual warfare. Right now it's a mask mandate but then it's going to be a vaccine mandate.

Able Delagarea, County Resident: Reminded Council that everyone was being evaluated on their leadership abilities and that their power comes from the people. There is a noticeable difference how Council has treated the individuals and small business

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owners in comparison to Phelps Health and the Health Department who had no time limits.

Corey Davis, County Resident: There is a major divisiveness to the effectiveness of mask mandates and vaccines. The freedom of choice has to go beyond anything else. He is responsible for himself, his wife and children. The Council is not responsible for him. He is going to wear a mask and do his part but he urges them to allow the citizens to choose.

Lily Stephens, County Resident: She lives with and attends church with people who are at high risk. Masks are being touted as an answer but she has many questions regarding their effectiveness.

Dr. Jenny Pennycook, Phelps Health: Asking to enact ordinance to protect pregnant mothers and new born. They are susceptible to many conditions and she worries about being able to care for them.

Alfred Chapman, County Resident: He is concerned with this ever going away once we start the mandate. Asks the Council to show compassion. Asks to do away with utility tax and use tax, so people can use that money to take care of their families. He feels all of this is politically motivated.

Dr. Nathan Ratchford, MD Chief Medical Officer at Phelps Health: Asked, “Who doesn’t know someone affected by COVID?” He hopes all have recovered, unfortunately some will not. The hospitals are full; staff is overwhelmed, and cannot provide care to all patients. Society takes it for granted that the hospital is always open. We are to the point where the hospitals will not be able to care for you or your loved ones.

Dan Freitas, local business owner: Asked, “How can a person be forced by any business or government entity to wear a mask that affects their breathing?” His intent was to talk about the economic affects in the city but he thinks what we really need to discuss is the health of everyone who is going to be forced to wear a mask.

Public hearing closed at 9:17pm

David Schott read a letter from Alex Kickback: We must wear masks and protect each other from contracting this novel virus. To care for each other is the basis of society.

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V. CITY COUNCIL CONSIDERATION

City Counselor, Lance Thurman read the following proposed ordinance for its first reading by title. Ordinance No. 4591: AN ORDINANCE AMENDING ORDINANCE NO 4574 IN THE CITY OF ROLLA, MISSOURI, ALLOWING ALL BUISNESSES TO REMAIN OPEN WITHIN THE CITY OF ROLLA WITH PROPER SAFEGUARDS INCLUDEING FACE COVERING, OCCUPANCY LIMITS, GATHERING SIZE, AND PHYSICAL DISTANCING TO RESPOND TO THE COVID-19 PANDERMIC. A motion was made by Lyons and seconded by Murphey to amend the ordinance to take effect in 72 hours. A roll call vote on the motion showed the following: Ayes; Murphey, Lyons, Allen, Bolin, Schneider, Ruder, Meusch, Eberly, Schott, and Crowell. Nays; Higgins, and Florence. Absent; None. Motion carried.

City Counselor, Lance Thurman read the proposed ordinance for a second reading as amended. A motion was made by Allen and seconded by Schott, to suspend the Rules and that the ordinance be read for its final reading by title. A roll call vote on the motion showed the following: Ayes; Ruder, Schott, Allen, Murphey, Lyons, Eberly, Schneider. Nays; Bolin, Higgins, Crowell, Meusch, Florence. Absent; None. Motion carried.

City Counselor, Lance Thurman read the proposed ordinance for its final reading by title. A motion was made by Schneider and Allen to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Lyons, Allen, Murphey, Schneider, Meusch, Eberly, Crowell, Schott, and Ruder. Nays; Bolin, Florence, and Higgins. Absent; None. The ordinance passed.

Phelps County District 1 Commissioner Larry Stratman: Masks will be available for businesses in the Chamber of Commerce in St James and Rolla; paid for from the Cares Act. There are 200,000 and they could order 200,000 more if needed.

VI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 10:11PM

Minutes respectfully submitted by Rolla City Clerk Lorri Thurman.

CITY CLERK

MAYOR

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