

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 3, 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: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, and Finance Director Steffanie Rogers

Department Directors in Physical Attendance: Fire Chief Ron Smith and Police Chief Sean Fagan

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

Other City Officials in Physical Attendance: City Counselor Carolyn Buschjost, City Engineer Darin Pryor, and City Clerk Carol Daniels

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

Mayor Louis J. Magdits, IV called the meeting to order at approximately 6:32 p.m. and asked Councilwoman Christine Ruder to lead in the Pledge of Allegiance.

MAYOR'S COMMENT: Meeting Decorum and Conduct

Mayor Magdits began the meeting by making the following statement. Over the last several City Council meetings, I think we have all noticed a slide in formality, professionalism, and decorum. We have been discussing several controversial issues with high levels of emotion. We have seen citizens and councilpersons talking over one another as well as verbal cheering and jeering along with some level of personal friction. As the presiding officer of these meetings, I take full responsibility for allowing this to

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MAYOR'S COMMENT: Meeting Decorum and Conduct (continued): occur. Starting this evening, we are going to go back to basics. I ask all councilpersons that would like to ask a question or make a point to please raise your hand. I will recognize you by your first name and you will have the floor. If you prefer something other than your first name, please let me know. Councilpersons will be given all the time you need to ask a question, make your point, or follow up with clarifications. I ask all councilpersons to refrain from cheering, jeering, or applauding when others are speaking. It is not professional and please extend some courtesy to the speakers. I ask citizens in attendance to do the same for the same reason. If this occurs, I will respectfully point out to the person that it is disruptive to the group and the speaker. Secondly, some citizens that have spoken or would like to speak to city council have expressed some reservations due to actual or perceived harassment. Some of this has occurred via social media, but there has also been at least one case of an incident outside City Hall after leaving. Until further notice, a police officer will be outside of City Hall at the end of the open session of each meeting. Lastly, I would like to address the section of the agenda titled "Citizen Communication." The primary purpose of the City Council meeting is to conduct City business. A section for general citizen comment is not required by law and historically has been included on the agenda as a courtesy to citizens. Personally, I firmly believe that this section belongs on our agenda, however over the past few months I have given much more latitude to the speakers and to the detriment of the agenda, and the items that need ample time for discussion. Citizen Comments under this section are for follow up later. They are not intended to be free-flowing discussions or repetitive topics. This is one of the reasons that the comments have been traditionally limited to three minutes. When citizens have issues or problems, they should first contact City staff, City Administrator, the Mayor or in some cases, the department heads. If this course does not suffice, then the next level of contact should be that citizen's city council person. Recently, the Citizen Comment section of our agenda has included lengthy comments, repetitive points, unsolicited legal opinion, and personal stories. While thoughtful in nature, are not really for public discussion. Starting tonight, citizen comments will be held firm to three minutes or less. Citizens wishing to speak should be prepared and succinct. I will keep track of the time and notify the speaker when there is 30 seconds left. The length of time each person can speak will depend on the length of the agenda and the number of topics in the closed session that follow. I will use discretion and advise the citizens prior to the start of section that three minutes may end up being two minutes or one minute. I would encourage citizens that if that is not enough time to come back at a later meeting. Priority will be given to city of Rolla residents. County residents

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MAYOR'S COMMENT: Meeting Decorum and Conduct (continued): have an elected body that represents their interests. However, I recognize that some county residents own businesses in Rolla or are our civic leaders within the city. Again, discretion will be used.

I. CONSENT AGENDA

A motion was made by Bolin and seconded by Meusch to approve the consent agenda as submitted. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried. The consent agenda consisted of the following:

(A) Approval of the Rolla City Council Minutes for the following:

- 1) City Council Meeting, July 6, 2020
- 2) City Council Closed Session Meeting, July 6, 2020
- 3) City Council Meeting, July 20, 2020
- 4) City Council Closed Session Meeting, July 20,, 2020

I. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

(A) ETC Direction Finder Citizen Attitude Survey Report: City Administrator John Butz recalled the City has been a participant in ETC's DirectionFinder Survey for about 18 years. The survey is conducted every two years and is a good benchmark for the City to track progress in the community and to be able to do a comparison between our results and a number of the high quality communities in Missouri and Kansas. Mr. Butz then turned the floor over to Mr. Chris Tatham (via Zoom Videoconferencing) who walked the Council through the major findings of the survey.

Mr. Butz indicated the complete survey would be placed on the City's website for additional review.

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III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS (continued)

(B) CIT (Crises Intervention Team) National Award Proclamation to Corporal Leann Robertson, CIT Coordinator: Mayor Magdits read the proclamation he presented to Rolla Police Corporal Leann Robertson, which recognized her accomplishments with the City of Rolla Police Department, the South Central CIT Council, and for her selfless service to the citizens of Rolla, Missouri. Mayor Magdits pointed out that in July 2020, CIT International, Inc. named Corporal Robertson the “First Responder of the Year”.

(C) Rolla Police Department Presentation – Mission, Services Operation: Police Chief Sean Fagan provided an explanation of the operations of the Rolla Police Department. He said the Department’s Mission Statement focuses on integrity, respect, and fairness. Chief Fagan entertained several questions and comments from the Council.

IV. PUBLIC COMMENTS

(A) Future Vision of The Centre – Power Wellness Proposal: Mayor Magdits first introduced Health and Recreation Center Board members in attendance, Dr. Kent Wray, Missouri S&T Police Chief Doug Roberts, Dr. Bill Moorkamp, Ms. Francine Merenghi, and Ms. Linda Goff. He noted these folks have been an enormous help to the City and have put in a tremendous amount of work for The Centre.

Mayor Magdits commented The Centre has been in Rolla for eighteen years and it has been a very successful eighteen years. As time has gone on, he pointed out we have had some challenges, and those challenges exist because there is competition around us that was not there before, such as Planet Fitness, Anytime Fitness, etc. Additionally, he noted the University has had two expansions to their facility and it has been more difficult to recapture or make all ends meet. Mayor Magdits emphasized that during the eighteen years, not one dime from the General Fund has ever gone to operate the recreation center. In reality, the recreation center and its users have been sending about \$70,000 a year to the General Fund.

Mayor Magdits stated the City needs a long-term solution and he reported that he, City Administrator John Butz, and the Health and Recreation Center Board have spent a considerable amount of time looking at every available option. Mayor Magdits reported a company was found where the City could outsource the management of The Centre. With their help, The Centre would not only achieve financial stability, but would

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IV. PUBLIC COMMENTS (continued): introduce the concept called medical integration that focuses on the community health. That community health element would be working in partnership with the medical providers in our area.

Mayor Magdits said staff has selected a firm and we have gotten to the point where we have negotiated an agreement. The City wants to give the public an opportunity to offer comment if they wish.

Ms. Francine Merenghi, Vice Chair of the Health and Recreation Center Board, a Centre loyalist and a frequent user stated she realizes the value of the Centre as a significant City asset and one that should be maintained and enhanced. To that end, she said she wanted to throw support for outsourcing The Centre to a professional management company, specifically, Power Wellness. Ms. Merenghi stated a professional fitness management company has expertise in critical areas of fitness and operation that the City of Rolla does not have. A professional fitness management company is an expert in fitness management so the City of Rolla does not have to be. A professional management fitness management company knows fitness industry standards and best practices. A professional fitness management company would give The Centre its best chance of becoming financially sustaining and the very best chance of meeting its stated mission to enhance our region's quality of life by promoting health and wellness for all ages and fitness levels. Power Wellness successfully operates more than thirty specialized fitness centers for municipalities like Rolla. Ms. Merenghi stated that Power Wellness is extremely competent in managing fitness and wellness centers because that is its core business – it does not do anything else. Power Wellness has a successful track record of increasing membership and improving the financial position of its clients as well as enhancing member customer service. Power Wellness has developed a comprehensive strategy on how to effectively reopen fitness centers post COVID-19. Power Wellness has a fully developed medical integration model, which would give The Centre the opportunity to improve population health by offering medical fitness programs for individuals managing a medical condition. In closing, Ms. Merenghi stated it is her opinion that Power Wellness, as a management partner, would give The Centre its best chance of becoming financially self-sustaining and the very best chance of meeting its mission to enhance our region's quality of life by promoting health and wellness.

Mr. Scott Kickbush, 13 Pauline Lane, Rolla, Missouri, asked in terms of making up the shortfall, would Power Wellness be able to bill insurance. He asked how this is going to work.

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IV. PUBLIC COMMENTS (continued): Mayor Magdits responded this would be just one piece of the puzzle. As stated by Ms. Merenghi, he said Power Wellness has the expertise on running these facilities. They might start with increasing membership, increasing programs, increasing revenues through add on programs, servicing and health assessments, and the medical integration part. He added the City is not losing this facility – it will still be a City-owned asset.

Councilwoman Allen said she received an e-mail from someone who was unable to attend the meeting and who had a couple of specific questions. One question was about whether current employees' jobs would be lost or created by this situation. Additionally, there was a question about public benefit and was there any vision for that.

Mayor Magdits responded the City would not have employees on the payroll at The Centre. The basic premise is the current employees would work for Power Wellness. Mayor Magdits said some positions would probably be added because some employees recently resigned. The City did not intentionally refill those positions.

Councilwoman Allen said the second question was specifically would there be any way for low-income families to access the facility under Power Wellness.

Mayor Magdits said there is a foundation that currently exists. To what extent it could be expanded, he said he did not know this answer.

Ms. Allen asked if it would be fair to say programming decisions are still yet to be decided and management of the facility is going to go largely into the purview of Power Wellness.

Mayor Magdits responded, the City is a partner. However, to be realistic, something has to change.

Councilwoman Rachel Schneider said she also received e-mails from constituents. Does Power Wellness taking over mean that membership fees are going to rapidly increase? Another question was how the City evaluated Power Wellness. Did the City talk to former clients and current clients.

Regarding the membership fee question, Mayor Magdits said for the most part the City does not have enough added services to drive that extra revenue. So during the next couple of years, Power Wellness is going to get the revenue per person up significantly, but it does not necessarily mean it is going to be on the backs of the membership fees.

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IV. PUBLIC COMMENTS (continued): Mayor Magdits asked Ms. Merenghi to address the due diligence. Ms. Merenghi stated that once the decision was made that Power Wellness was the City's preferred partner she was asked to check references. She reported she spoke with current Power Wellness clients and a former Power Wellness client. One client was a municipality like Rolla and had been a client for four years, one was a community recreation center, which was characterized by the client as a locally owned YMCA and they had been a client for eleven years. Ms. Merenghi summarized the findings of the Health and Recreation Center Board's questions as follow: 1) the findings were Power Wellness is a competent and national leader in successfully managing these types of centers. It is a great management partner, very responsive and professional. Power Wellness has exceptional deep resources, such as marketing, HR, legal, information technology, purchasing, accounting, marketing and sales, and medical integration. She added the references also said that transitioning to Power Wellness was seamless, easy, and transparent to members and that Power Wellness had increased membership with each client that she spoke with. Power Wellness improved the financial position of each client, preventing one client from filing bankruptcy, bringing one client back from the brink of financial disaster, and helping one client break even within three years with a net profit projection going forward. The references also said that medical integration, building on a beneficial relationship with a local health system or hospital, or groups of physicians is what Power Wellness does best. It is the only management company that has an operational medical integration model. Ms. Merenghi pointed out that each client indicated they would absolutely select Power Wellness if it had to select that management company again. All of the references were extremely positive with no negative comments.

Councilperson Lyons indicated there are some low-income people who want access to The Centre. Most of them use the Your Community Health Center, which uses a sliding scale. Councilperson Lyons asked if it is possible for The City, in its negotiations, to make it so there are sliding scale services so we are not seeing just one class of people have access to The Centre.

Mayor Magdits said the City could ask, but he does not want to make that promise, but beyond that, if we are going to start to tell them how to run the business and what to charge, and having sliding scales, etc., then what are we trying to accomplish. Councilperson Lyons responded by "making it a community center for everybody."

Mayor Magdits stated The Centre has to be fiscally sustainable and that is not a negotiable point. He said staff would ask, but he cannot commit to it.

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IV. PUBLIC COMMENTS (continued): Councilman Schott asked who would be responsible for repairing or replacing the HVAC, etc. Additionally, if the City does not have the funds to cover the repairs, he asked if a loan would be made from another City department.

Mayor Magdits stated he assumes the City would not borrow from another department. He said when the original modeling for The Centre was done eighteen years ago, it was known that the tax receipts would exceed the amount of money needed to build the facility and pay its debt. The amount that was eventually spent was limited to the bonding capacity that the City had at that time. About \$4 million or \$5 million was projected to be built up in an escrow fund that would be used for a number of things. It would smooth out the off years.

No one else present addressed the Council.

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

Mayor Magdits referred the Council to the (A) the June 2020, Environmental Services Department Monthly Report; (B) the June 2020, Parks Financial Analysis; (C) the June 2020, Centre Financial Analysis; (D) the June 2020, Municipal Court Monthly Report; (E) the June 2020, Police Department Monthly Report; (F) the June 2020, Animal Control Division Monthly Report; (G) the June 2020 Building Codes Monthly Report; (H) the June 2020 Rolla Municipal Utilities Monthly Report; (I) the June 23, 2020, Rolla Board of Public Works Meeting Minutes; and (J) the May 2020, City's Cash Analysis Report.

V. OLD BUSINESS

(A) Ordinance Amending Sec. 30-16.d.4. of the Code Pertaining to "Plead & Pay"–Marijuana Possession: City Administrator John Butz said the Council is asked to consider the final reading of an ordinance that would amend Section 30-16.d.4 of the Code. He recalled Municipal Judge James Crump addressed the Council in July and explained the current ordinance is inconsistent with OSCA's (Office of the State Court Administrators) uniform plead and pay program. Mr. Butz informed the Council that the current City Code stipulates that a first time offense of the possession of a small quantity

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V. OLD BUSINESS (continued)

(A) Ordinance Amending Sec. 30-16.d.4. of the Code Pertaining to “Plead & Pay”– Marijuana Possession (continued): (10 grams or less) of marijuana allows the defendant to plead guilty and pay the fine of \$100 without appearing in court. Additionally, the City was initially under the impression that if the City chose to continue, we risk the “violations bureau”. Based on new information relayed by OSCA on Friday, the provision of Section 30-16 will not invalidate the City’s “violations bureau.” However, Mr. Butz said failure to amend the ordinance would leave a conflict between the ordinance and what a defendant would need to do.

Councilman Schott questioned why the Council was not informed sooner regarding OSCA’s correction about the City possibly losing its “plead and pay” system. Following much dialogue, Mayor Magdits and City Administrator John Butz agreed it was an oversight on staff’s part.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4568: AN ORDINANCE AMENDING SECTION 30-16.d.4. OF THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO MARIJUANA – POSSESSION. A motion was made by Schneider and seconded by Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Bolin, Higgins, Ruder, Murphey, Crowell, Meusch, Florence, Eberly, and Schneider. Nays; Schott, Allen, and Lyons. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Re-Adopting Procedure to Disclose Potential Conflicts of Interest: City Administrator John Butz informed the Council there is a State law that contains the provision that all City officers are to file an annual financial disclosure report. That same law has a provision that says cities may adopt their own financial disclosure policy. He told the Council that Rolla has used the exact same policy for several years. Mr. Butz noted Council members are exempted from the provisions of the ordinance, unless they have a financial conflict. The ordinance specifically requires the Mayor, Rolla Municipal Utilities General Manager, City Administrator, and Finance Director to file the report. Additionally, the law requires the re-adoption of the local policy every two years.

VI. NEW BUSINESS

(A) Ordinance Re-Adopting Procedure to Disclose Potential Conflicts of Interest (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE OF THE CITY OF ROLLA, MISSOURI, REPEALING SECTION 2-237 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS AND ENACTING A NEW SECTION IN LIEU THEREOF.

(B) Motion to Approve FY 2020 Budget Adjustment for Use Tax/Initial Public Safety Compensation: City Administrator John Butz recalled that in November 2019, the voter's approved the use tax. The use tax is applied to out-of-state and internet purchases, as long as there is a physical presence in the state. Mr. Butz said the use tax took effect on April 1, 2020. He noted the City has received two months' (April and May 2020) from the State and so far, the City has received \$52,000. Mr. Butz said the City is committed to putting the use tax toward public safety, first. Number one on that list is compensation and then some of those funds would be used for equipment replacement and furnishings in the Police Station, Fire Station, and Animal Control. After those unmet needs are satisfied, the City can then address other needs in the General Fund, but it will be a few years before that can happen.

Mr. Butz said staff would like to do a \$1,500 lump sum distribution in August (FY 2020) to all sixty-six police, firefighters, and animal control officers. He pointed out that this would not affect the dispatchers, who are funded through the Phelps County Emergency Services Board.

A motion was made by Eberly and seconded by Meusch to authorize the budget adjustment as outlined in the agenda materials. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Pedestrian Bridge Accent Lighting: Public Works Director Steve Hargis stated that as part of the Move Rolla Transportation Development District a pedestrian bridge would be constructed on University Drive at Highway E. Three bids for the accent lighting were received and the low bidder was Butler Supply, Rolla,

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Pedestrian Bridge Accent Lighting (continued): Missouri, for \$109,755.90. Mr. Hargis noted Butler Supply also submitted an alternate bid for \$56,758.30. He informed the Council the bid information was submitted to the City's consultant on this project to evaluate. Mr. Hargis informed the Council the consultant has requested another week to further evaluate the alternate bid. Mr. Hargis suggested to the Council that they award the bid to the low bidder, Butler Supply for \$56,758.30. If the consultant determines the alternate bid is not equivalent to the regular bid, then the bid would be awarded to Butler Supply for \$109,755.90. A motion was made by Murphey and seconded by Schott to award the bid for the Pedestrian Bridge Accent Lighting to the low, alternate bid to Butler Supply for \$56,758.30, if considered equivalent. If not considered equivalent, the bid would be awarded to Butler Supply for \$109,755.90. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Awarding Health Insurance Excess Coverage: Finance Director Steffanie Rogers reported the City's Health Insurance consultant, Hays Companies, have obtained three bids for the City's stop loss coverage and staff recommends remaining at the \$75,000 deductible. Ms. Rogers pointed out the QBE Renewal quotation, noted in paragraph two of her memorandum, should have been changed to SunLife, since QBE withdrew their quotation. Ms. Rogers reported staff's recommendation is to award the bid for the stop loss coverage to the renewal of SunLife with a stop loss of \$75,000. A motion was made by Bolin and seconded by Eberly to award the health insurance excess coverage to SunLife with a deductible of \$75,000. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

VIII. CITIZEN COMMUNICATION

(A) Open Citizen Communication: Mayor Magdits opened the floor to anyone wishing to address the Council.

Ms. Shirley Martin, 11480 Private Drive 2048, Rolla, Missouri, cofounder of Rolla Cannabis Action Network, told the Council they are a non-profit organization and an advocate for the citizens of Rolla, Missouri. Additionally, Rolla Cannabis Action Network works to educate the public on numerous issues, including cannabis, through action and education. Ms. Martin stated their intent is to change the way people look at cannabis. Ms. Martin then elaborated on some ways that cannabis can be used without smoking it.

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VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): Ms. Destiny Thompson, 2136 Tenbrink, Rolla, Missouri, continued Ms. Martin's comments by informing the Council that the Rolla Cannabis Action Network has been cleaning up areas of the city, including city parks, by disposing of drug paraphernalia and other trash. Ms. Thompson reported the network is scheduled to clean up the area around the Frisco Train on Wednesday. She encouraged the Council and public to participate with them.

Ms. Jackie Childers, 306 East 18th Street, Apt. 2, Rolla Missouri, said she has lived in Rolla since 1977. Because of the hypodermic needles throughout Rolla, she said she must make sure her grandson has shoes on every time we walk to town. Ms. Childers stated she would prefer to see people use marijuana or use CBD oil than to see all the other stuff that is going on in this town. Ms. Childers said she has personally watched family members struggle with opioids and emphasized the opioid crises has to stop in this town because it is killing young people daily. Ms. Childers stated somehow all of us have to come together and we have to figure out what we are going to do.

Ms. Samara Weber, 10485 County Road 3110, Townhouse B, Rolla, Missouri, suggested that as a deterrent the possibility of giving a ticket, with a form of deferred prosecution agreement. Basically, the alleged perpetrator would allow their name to be given to the Rolla Cannabis Action Network and they would work toward the funding of a medical marijuana card. If they were able to obtain their card within 60 days from the time the ticket was issued, the offender would not be prosecuted. Ms. Weber said it costs \$175 to get your initial card and it covers a person for one year. She said this could be a way everyone could win. Ms. Weber asked the Council to give this some thought. .

No one else present addressed the Council.

(B) Sanctuary City/Deprioritization - Herman Gutersloh, Attorney at Law: Mr. Gutersloh was unable to attend the meeting.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Legal Opinion on Marijuana Possession Penalties: Mayor Magdits said he asked City Counselors Thurman and Buschjost to prepare a legal opinion on what is, in fact, legal and defensible.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(A) Legal Opinion on Marijuana Possession Penalties (continued): City Counselor Buschjost summed up the legal recommendation would be to remove the jail time from the range of punishment and set a specific fine amount similar to the way the City handles parking tickets.

City Prosecuting Attorney Brad Neckermann addressed the Council and said he thinks it is important to keep a level of punishment in place that would deter someone from committing that crime again. He said he is not suggesting that marijuana offenses should be punished by jail time. Very few if any offenders for possession of marijuana are punished by jail. Mr. Neckermann stated he is the current City prosecutor, but will not be forever and not all City prosecutors may have that view. He said he believes the opinion from Mr. Thurman and Ms. Buschjost to eliminate jail time as a punishment is something that would not cause his office any problems.

Ms. Buschjost noted that if jail time is eliminated, it does not however give the City the power to commit that no appearance is required.

Mr. Neckermann said it also does not keep the police officer from referring the case to State court where jail time would be a possibility. There is no action the Council could take that would prevent a police officer from sending a case to State court as opposed to Municipal Court.

A motion was made by Lyons and seconded by Schott that Mr. Herman Gutersloh be added to the next City Council agenda so he can speak to this issue of decriminalizing and/or deprioritizing and give the Council the information that Councilman Schott feels we are missing and the residents also feel is missing. A hand count on the motion showed four ayes, eight nays, and zero absent. Motion failed.

A motion was made by Allen and seconded by Schneider to prepare an ordinance that would remove the jail time from the City's marijuana ordinance for 35 grams and under. A hand count on the motion showed nine ayes, three nays, and zero absent. Motion carried.

A motion was made by Lyons and seconded by Schott to prepare an ordinance that would lower the fine for under 35 grams of marijuana. A hand count on the motion showed eight ayes, four nays, and zero absent. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) “Sanctuary City” Discussion: Councilman Schott indicated that most of his comments were mostly about allowing Mr. Gutersloh to speak and the Council already made their decision.

Mayor Magdits said “sanctuary cities” are not legal. Rather it is a way for people to snub their nose at the law who just do not like the laws.

Mayor Magdits said going down the path of a sanctuary city is going to take a lot of time to present it, it is certainly going to divide this community. If the Council is wanting to go down the path of a sanctuary city, he asked the Council to raise their hands if that is what they want the City to do.

Mr. Schott said there were updates to it and Mr. Gutersloh found out whether it does or does not apply. Now we will not hear it.

Mayor Magdits again asked how many Council members wanted to place on the agenda “Update on Sanctuary City Discussion.” Three Council members indicated they did want it placed on the agenda.

(C) Forum Roundabout: Councilwoman Allen indicated she received an e-mail about vehicles parking too close to the roundabout at Eighteenth Street and Forum Drive. She explained that this is especially a problem at night. She said she drove there today and noticed the yellow paint has faded and noted a couple of faded spots in front of the houses where a car is parked at the corner. This causes oncoming traffic to swerve into the wrong lane to get around the car to enter the round about.

City Administrator John Butz indicated staff would check into the matter.

(D) Agenda: Councilman Schott asked City Counselor Carolyn Buschjost if she would explain what it takes to get something on the agenda before it is prepared.

Ms. Buschjost said it is her understanding that there should be a consensus of the Council.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) Agenda (continued): Mayor Magdits told Mr. Schott that he should just contact City staff and let them know he wants to speak to a certain issue and it would be placed under “Mayor/Council Comments” and the body can then decide whether it wants to have it placed on the agenda for further discussion.

Councilperson Lyons asked that City Counselor Lance Thurman or City Counselor Carolyn Buschjost create and implement a local training on Robert’s Rules and the Sunshine Law.

City Administrator John Butz added staff provides an Elected Officials Manual and the Missouri Municipal League elected officials manual. He said the Newly Elected Officials Conference, provided by the Missouri Municipal League begins tomorrow. Mr. Butz stated there is really no way to answer all of those questions because it is just too random and too diverse. Mr. Butz said some of it just takes time, questions, and experience. There is no manual that is going to answer all of these questions, because they are too specific to be able to address in that kind of format.

Councilperson Lyons asked that a local training be held so the public can be educated on it because there is a lot of misunderstanding from the public and it seems there is a lot of misunderstanding on the Council as well.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 10:27 p.m.

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XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 10:57 p.m.

City Counselor Carolyn Buschjost reported that during closed session the Council discussed one matter of contract negotiations. No final action was taken.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 10:58 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR