

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 17, 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: Ann Murphey, Christine Ruder, and Lister B. Florence, Jr.

Council Members in Physical Attendance: Rachel Schneider, Terry Higgins, Matthew Crowell, 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: Finance Director Steffanie Rogers, 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 Carolyn Buschjost, Rolla Municipal Utilities General Manager Rodney Bourne, Parks Director Floyd Jernigan, 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 Rachel Schneider to lead in the Pledge of Allegiance.

I. PUBLIC HEARINGS

(A) Ordinance Setting the 2020 Tax Rate: Finance Director Steffanie Rogers referred the Council to the 2020 tax rate information contained in the agenda materials. She informed the Council the tax rates would remain the same as the 2019 rate, which is

AUGUST 17, 2020

COUNCIL MEETING MINUTES
AUGUST 17, 2020
PAGE 2

I. PUBLIC HEARINGS (continued)

(A) Ordinance Setting the 2020 Tax Rate (continued): \$0.7649 per \$100 evaluation. Ms. Rogers noted the revenue budgeted for the General Fund portion of the rate is estimated at \$1,938,390, an increase of \$105,740 over the previous year. Since the rates must be certified to the County by September 1, 2020, Ms. Rogers asked the Council to consider the first and final readings of the subject ordinance at this meeting.

Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the proposed 2020 tax rate.

At the request of Councilwoman Murphey, Ms. Rogers briefly explained how the tax rate is calculated.

No one else present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4569: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2020. A motion was made by Allen and seconded by Schneider 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. Ms. Buschjost read the following proposed ordinance for its final reading, by title. A motion was made by Bolin and seconded by Murphey to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Florence, Crowell, Murphey, Schott, Schneider, Ruder, Allen, Higgins, Eberly, Lyons, Bolin, and Meusch. Nays; None. Absent; None. Motion carried. The ordinance passed.

II. SPECIAL PRESENTATIONS

(A) Sustainable Ozarks Partnership (SOP): Mr. Dorsey Newcomb, Executive Director of the Sustainable Ozarks Partnership (SOP), told the Council that the SOP was formed in 2012 and the idea behind it was to formalize regional support for Fort Leonard Wood. The organization was formed around four counties (Phelps, Laclede, Texas, and Pulaski) and we all work together to help Fort Leonard Wood sustain its current mission and help it grow in the future.

II. SPECIAL PRESENTATIONS (continued)

(A) Sustainable Ozarks Partnership (SOP) (continued): Mr. Newcomb concluded by highlighting a new hospital at Fort Leonard Wood, which should be ready for patients by 2023. He also invited the Council to attend the SOP's 8th Annual Meeting virtually on Thursday, August 20 from 9 a.m. until noon.

(B) Mid-Year 2020 Tourism Report: Rolla Area Chamber of Commerce (RACC) Executive Director Ms. Stevie Kears provided an overview of the RACC's 2020 Mid-Year tourism report.

(C) Rolla Municipal Utilities (RMU) Third Quarter FY 2020 Report and FY 2021 Budget Overview: RMU General Manager Rodney Bourne provided an overview of RMU's FY 2020 Third Quarter Report. He noted the complete report is available on RMU's website. Additionally, Mr. Bourne summarized RMU's proposed budget for FY 2021.

III. OLD BUSINESS

(A) Ordinance Readopting Procedure to Disclose Potential Conflicts of Interest: City Administrator John Butz stated that by State law, the City is required to have its officers file an annual financial disclosure report to the Missouri Ethics Commission. Years ago, the City exercised an option under State law to allow the City of Rolla to adopt its own ordinance, which we did. Mr. Butz said the ordinance requires the city administrator, mayor, finance director, and Rolla Municipal Utilities general manager to file the annual report. He noted there is a caveat that every two years the ordinance is to be readopted to stay compliant with the State. Staff is recommending the final reading of the renewal of the City's local policy on financial disclosure.

Councilman Meusch briefly left the meeting during discussion of this item.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4570: 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. A motion was made by Bolin and seconded by Schneider to approve the proposed ordinance. A roll call

III. OLD BUSINESS (continued)

(A) Ordinance Readopting Procedure to Disclose Potential Conflicts of Interest (continued): vote on the motion showed the following: Ayes; Higgins, Bolin, Ruder, Schneider, Allen, Murphey, Lyons, Crowell, Florence, Eberly, and Schott. Nays; None. Absent; Meusch. Motion carried. The ordinance passed.

(B) Ordinance to Contract The (Rec) Centre Management to Power Wellness: City Administrator John Butz said the subject contract with Power Wellness is a way of ensuring the financial sustainability of the Recreation Center. For an eighteen-year-old facility, it looks great and has served well over three million visitors. Mr. Butz noted, however, that it never fully covered its operating and capital costs ranging anywhere from 70% to about 85%. After exploring many different avenues, the City has selected Power Wellness out of Illinois to negotiate a Management Agreement. He indicated the effective date of the agreement is November 15, 2020.

Mr. Butz pointed out a couple of minor amendments that were made to the agreement on Friday.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4571: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A MANAGEMENT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI, AND POWER WELLNESS MANAGEMENT, LLC. as amended. 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; Allen, Lyons, Murphey, Bolin, Schneider, Ruder, Meusch, Florence, Eberly, Crowell, Schott, and Higgins. Nays; None. Absent; None. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance to Amend Sec. 30-16 (Marijuana Possession): City Administrator John Butz recalled that during its last meeting the Council voted to draft an ordinance that would remove the threat of jail time for ordinance violations for illegally possessing marijuana. Additionally, there are also blanks in the proposed ordinance for fines and penalties that was left undetermined at the last Council meeting.

The Council discussed possibly using some of the fine money toward the purchase of a medical marijuana card for the offender.

COUNCIL MEETING MINUTES
AUGUST 17, 2020
PAGE 5

IV. NEW BUSINESS (continued)

(A) Ordinance to Amend Sec. 30-16 (Marijuana Possession) (continued): A motion was made by Crowell to postpone consideration of the subject ordinance to a future date until the Council can have further discussion on the options available. The motion did not receive a second.

A motion was made by Allen and seconded by Schneider to amend the proposed ordinance by removing jail time penalty and leaving the fines as they currently are until the Council can have further discussion. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Ruder, Schneider, Higgins, Lyons, Florence, Eberly, and Allen. Nays; Murphey, Bolin, and Meusch. Motion carried.

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

A motion was made by Schott and seconded by Meusch to schedule an agenda item to discuss the use of fine money as well as further options to go along with it. A roll call vote on the motion showed the following: Ayes; Eberly, Allen, Schneider, Ruder, Meusch, Higgins, Lyons, Crowell, Schott, and Florence. Nays; Murphey and Bolin. Motion carried.

(B) Ordinance Approving Minor Subdivision Plat of Westside Marketplace 2: City Planner Tom Coots explained the City engaged in a contract to sell two small parcels of land to the co-applicant, Mr. Stephen Dunaway. The small parcels total 0.71 acres from a platted lot owned by the City. The sale would “square up” Mr. Dunaway’s property. Mr. Coots noted Mr. Dunaway’s property is not located within the city limits. He said Lot 2 would be a combination of the two parcels and Mr. Dunaway’s property. Mr. Coots reported the Planning and Zoning Commission recommend approval of the proposed plat.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF WESTSIDE MARKETPLACE 2. (SUB 20-02).

V. CLAIMS and/or FISCAL TRANSACTIONS

None.

AUGUST 17, 2020

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Councilmen Meusch, Crowell, and Schott to the Audit Committee: A motion was made by Eberly and seconded by Allen to reappoint Councilmen Meusch, Crowell, and Schott to the Audit Committee. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) FY 2021 Budget Schedule: City Administrator John Butz announced the Council would be meeting in special session on Monday, August 24, 2020, to discuss the Ten Year Forecast. He said the Council would also be meeting at 5:30 p.m. on Monday, August 31, to review the proposed FY 2021 budget.

(C) COVID-19 Update: Mayor Magdits reported that on Sunday, two-thirds of the students that would be living on campus have moved in. The University partnered with Phelps Health to conduct appropriate screening and there will be subsequent screening in the ensuing days. Mayor Magdits noted the initial screening indicated that no one has appeared sick. The University has put a lot of time and effort in their plan and the plan is available on their website.

Mayor Magdits encouraged those who are testing positive to cooperate with the Health Department if contacted regarding contact tracing.

City Administrator John Butz reminded the Council that the City's current ordinance expires on September 9, 2020.

Mayor Magdits informed the Council that as of today, the positive cases in Phelps County are climbing. Currently there are 143 cumulative positive cases, which is up 20 in just three or four days. Of the 143, there are approximately 33 active cases. Mayor Magdits stated the local hospitalizations have increased. He noted Phelps County went months with few cases and no hospitalization. There are now five hospitalizations and we have been told these people are very ill.

Councilwoman Murphey encouraged everyone to get their seasonal flu shots this year. The problems will compound with seasonal flu and COVID and it will have terrible results.

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication: Ms. Destiny Thompson, 2136 Tenbrink Drive, told the Council she is secretary of Rolla Cannabis Action Network. She showed the Council slides of what they have been finding while they are cleaning up various areas of the city. In addition to regular litter, she showed pictures of some drug paraphernalia that was found.

Mr. Tristan Dunlap, 11251 Pinedale Drive, continued Ms. Thompson's presentation. She thanked the Councilmembers and the other individuals who have been part of this cleanup. She said the Rolla Cannabis Action Network cares about this community.

Ms. Shirley Martin, 11480 Private Drive 2048, Rolla, Missouri, said the Council can choose to allow this plant to elevate this community with acceptance and reasonable practices or you can destroy it by keeping it in the same circles as the items pictured. She noted the Rolla Cannabis Action Network was contacted on two separate occasions due to misinformation regarding law enforcement education on medical marijuana laws. She said it is time for Missouri to protect its patient population and it is time for Rolla to show up and show them the way.

Mr. Thomas Maples, 1400 Block of Ozark Street, Ward 1, said he would personally like to see the fines go toward those who are being helped by a plant. He said he thinks the Council is going in the right direction and would like to see the Council deprioritize marijuana.

Ms. Samara Webber, 10485 County Road 3110, Townhouse C, director of Best Practices for the Rolla Cannabis Action Network, told the Council that the total fine cost is \$222.50, which includes fines and court costs. Additionally, she said she wanted to give the Council an option where they would not have to consider a fine, because Rolla Cannabis Action Network would provide the card for any cases that are in need. Ms. Webber said they have a doctor who will provide them with a card. She encouraged the Council to consider Councilman Crowell's recommendation.

Councilman Crowell suggested the Cannabis Action Network might want to personally address some cases with City Prosecutor Brad Neckermann.

Mr. Daniel Jones, 710 E. 7th Street, Rolla, Missouri, stated that in Missouri we have one of the most comprehensive cannabis programs in the United States. One of those

VII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued): qualifying conditions is the addiction to opioids. Mr. Jones emphasized that marijuana is not a gateway drug – it is an exit drug. He stated he hopes the Council starts embracing that because he is tired of coming up here and telling them that.

Ms. Megan Johnson, 1601 Broadway, asked what the City is doing about the needles being found in the parks. She expressed concern with them being found in parks and taking her children to play in the parks.

City Administrator John Butz said when the Parks Department finds them they are turned over to the Police Department. Unfortunately, the City is not going to get ahead of them. It takes many eyes to be out there.

Councilman Schott suggested possibly marking on the map where the needles are found.

No one else present addressed the Council.

(B) Herman Guetersloh – “Deprioritization”: Mr. Herman Guetersloh, Attorney at Law, mentioned that after he recently addressed the Council, he recalled he had gone to school with someone who spent the better part of their career as a prosecutor in San Francisco. He indicated he contacted him about the “sanctuary” concept. Mr. Guetersloh stated it turns out that it is probably not a good model because the “sanctuary cities” were created pursuant to the Federal statute to create its own asylum for refugees and part of that asylum was that you were not to give out addresses, and locations. In the process there was something called a “deprioritization” ordinance that was enacted in California, Seattle, and Montana, and it seems like it was enacted on the road toward legalization. Mr. Guetersloh provided the Council with a copy of one such ordinance.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Buehler Park Sign: Councilman Schott noted that while he was at Buehler Park, he happened to notice a huge crack in the new sign at Buehler Park.

Parks Director Floyd Jernigan said he would follow up on this problem.

**COUNCIL MEETING MINUTES
AUGUST 17, 2020
PAGE 9**

IX. CLOSED SESSION

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

Note: Councilman Meusch left the meeting just before the roll call vote.

The Council adjourned into Closed Session at approximately 10:05 p.m.

X. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 10:21 p.m.

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

XI. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 10:22 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

AUGUST 17, 2020