

**ROLLA CITY COUNCIL MEETING MINUTES
TUESDAY, SEPTEMBER 8, 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 and Deanne Lyons

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, and Marie Allen

Council Members Absent: None.

Department Directors in Attendance via Zoom Videoconferencing: Parks Director Floyd Jernigan and Community Development Director Steve Flowers

Department Directors in Physical Attendance: Public Works Director Steve Hargis, Environmental Services Director Brady Wilson, Finance Director Steffanie Rogers, Fire Chief Ron Smith, and Police Chief Sean Fagan

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

Other City Officials in Physical Attendance: City Counselor Lance Thurman, City Planner Tom Coots, and City Clerk Carol Daniels

Ms. Tuesday Florence opened the meeting with prayer.

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

I. CONSENT AGENDA

A motion was made by Bolin and seconded by Schneider to approve the consent agenda as submitted. A roll call vote on the motion showed the following: Ayes; Bolin, Higgins, Ruder, Schott, Allen, Murphey, Lyons, Crowell, Meusch, Florence, Eberly, and Schneider. Nays; None. Absent; None. Motion carried. The consent agenda consisted of the following:

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I. CONSENT AGENDA (continued)

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

- 1) City Council Meeting, August 3, 2020
- 2) City Council Closed Session Meeting, August 3, 2020
- 3) City Council Meeting, August 17, 2020
- 4) City Council Closed Session Meeting, August 17, 2020
- 5) City Council Workshop (Ten Year Sustainability Plan) – August 24, 2020
- 6) City Council FY 2021 Budget Workshop – August 31, 2020

II. PUBLIC HEARINGS

(A) Ordinance Considering the FY 2021 Budget: City Administrator John Butz said the proposed FY 2021 budget, which would take effect October 1, 2020, is a budget of \$55,250,366. He noted this budget is about \$27,000,000 higher than a typical City of Rolla budget would be. He noted one reason is due to the bond issue approved a couple of years ago for some major sewer treatment plant projects. Additionally, there is \$7.85 million in the budget, which is a pass-through of TDD (Transportation Development District) funds. Mr. Butz stated the budget includes \$2.5 million for a street shop, a relocation from the existing facilities on Sharp Road to McCutchen Drive. If those projects were taken out of the budget, the City would be sitting at a budget of just under \$28 million. Mr. Butz told the Council this particular budget was able to incorporate the “use tax”, which the voters approved in November 2019.

Following some discussion, Mayor Magdits opened the floor to anyone wishing to address the Council concerning the proposed FY 2021 budget.

Mr. Ray Schweikhardt, 1342 S. Rolla Street, Rolla, Missouri, stated that when the “Use Tax” was being promoted, the main emphasis was on public safety salaries with very little being said about new programming. Mr. Schweikhardt stressed that in his book, body cameras are considered a new program. He said that as he understands it, it would cost \$45,000 a year, every year for the length of whatever contract is negotiated. That would be an expense that could not be modified in the case of any economic downturn with revenue streams to pay for it only having a six-month history. Mr. Schweikhardt stated it is his opinion this money would be better spent getting police salaries competitive with our neighboring communities, the sooner the better. If our police raises

II. PUBLIC HEARINGS (continued)

(A) Ordinance Considering the FY 2021 Budget (continued): are in the five to six percent annual rate, it would take a decade to catch up. In that time, we have lost a chance to retain or to hire quality officers. While agreed body cameras are very desirable, Mr. Schweikhardt urged the Council to postpone purchasing them at this time.

Ms. Lonna Sowers, 1551 Timbercreek Road, Rolla, Missouri, stated she is one of several people who served on the Use Tax Committee, officially named “Citizens for Public Safety First.” She said the Committee conducted a lot of research on a use tax so we could present to the voters exactly what the use tax involved. Some things the Committee talked about was how this would level the playing field for our businesses who are competing against online companies outside of Missouri. The Committee also addressed the things that had been prioritized as extreme needs for public safety. For example, the Rolla Police Department is short a police officer. Ms. Sowers pointed out that police officers and firefighters’ compensation are lagging behind many other markets who are the same size as Rolla. Additionally, she noted a fleet replacement needs to happen. Ms. Sowers explained that all officers also rely on mobile devices that are critical when there is an emergency. To replace those radios is an incredible \$855,000. She emphasized the ones we currently have can no longer be serviced. Ms. Sowers mentioned the Rolla Firefighters are currently short four firefighters and the Rolla Animal Shelter is in desperate need of replacement, although 50% of the funds have been raised. Ms. Sowers said this is what the committee submitted to the voters and this is what they paid for. When you are trying to explain an issue, you explain it as carefully as you can and then you tell them what the money is going for. Ms. Sowers emphasized this is not a slush fund where we can say “wouldn’t it be nice to have body cameras.” She said she believes everyone tends to agree body cameras would be great and we hope to purchase them in the future. However, right now, we are still 22% behind in police officer salaries, even with the proceeds from the Use Tax. Ms. Sowers said if the priorities outlined by staff are thrown out, it is totally unacceptable. If we do that, she said in her opinion, we have lied to the voters. She concluded by urging the Council to stay with the priorities that were originally set by the police and fire chiefs and which were presented to the voters.

Ms. Elissa Jennison, 804 Winchester Drive, Rolla, Missouri, said the Use Tax Committee did make the commitment that the use tax would go for salaries and radios and the equipment they needed. She said she does not disagree that body cameras would be fantastic. Ms. Jennison said radios were a commitment to the voters and fears there will be a breakdown of trust if we do not keep our commitment.

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II. PUBLIC HEARINGS (continued)

(A) Ordinance Considering the FY 2021 Budget (continued): Mayor Magdits asked that his personal statement, which is attached, be included as part of the public record.

No one else present addressed the Council. Mayor Magdits closed the public hearing.

After much, discussion, a motion was made by Crowell and seconded by Meusch to amend the proposed budget by reducing the \$45,000 set aside for body cameras to \$25,000, which was the amount originally recommended by Administration. A roll call vote on the motion showed the following: Ayes; Murphey, Bolin, Florence, Meusch, Eberly, Crowell, and Ruder. Nays; Lyons, Allen, Schneider, Higgins, and Schott. Absent; None. Motion carried.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title, as amended. ORDINANCE: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020 AND APPROPRIATING FUNDS PURSUANT THERETO.

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

(A) National Recovery Month Proclamation: Mayor Magdits read in its entirety the “National Recovery Month” proclamation for the month of September 2020. He then presented the proclamation to Ms. Tuesday Florence, the Addiction Recovery Support Ministry Coordinator for the New Dimensional Christian Ministry.

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

Mayor Magdits referred the Council to the **(A)** the July 2020, Environmental Services Department Monthly Report; **(B)** the July 2020, Parks Financial Analysis; **(C)** the July 2020, Centre Financial Analysis; **(D)** the July 2020, Municipal Court Monthly Report; **(E)** the July 2020, Police Department Monthly Report; **(F)** the July 2020, Animal Control Division Monthly Report; **(G)** the July 2020 Building Codes Monthly Report; **(H)** the July 2020 Rolla Municipal Utilities Monthly Report; **(I)** the July 28, 2020, Rolla Board of Public Works Meeting Minutes; **(J)** the June 2020, City’s Cash Analysis Report; and, the August 11, 2020, Planning and Zoning Commissions Meeting Minutes – August 11, 2020.

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V. OLD BUSINESS

(A) Ordinance to Amend Sec. 30-16 (Marijuana Possession): City Administrator John Butz said the Council is asked to consider the final reading of an ordinance that would remove the jail time potential penalty on marijuana possession (under 35 grams). The Council chose to retain the fine of \$100 for under 10 grams for a first time offender and up to \$500 for possession charges under 35 grams.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4572: AN ORDINANCE AMENDING SECTION 30-16 OF THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO MARIJUANA – POSSESSION. A motion was made by Schneider and seconded by Eberly to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Schott, Ruder, Schneider, Allen, Murphey, Lyons, Crowell, Florence, Higgins, and Eberly. Nays; Meusch and Bolin. Absent; None. Motion carried. The ordinance passed.

(B) Ordinance Approving Minor Subdivision Plat of Westside Marketplace 2: City Planner Tom Coots asked the Council to consider the final reading of an ordinance that would approve the minor subdivision of Westside Marketplace 2. He recalled this plat is the result of a property transaction between the City and Stephen and Carla Dunaway.

City Counselor Lance Thurman read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4573: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF WESTSIDE MARKETPLACE 2. (SUB 20-02). A motion was made by Meusch and seconded by Schneider 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.

VI. NEW BUSINESS

(A) Consideration to Extend COVID Return-to-Work Ordinance: City Administrator John Butz recalled the City's return-to-work ordinance was approved June 1, extended in July, and is scheduled to expire tomorrow. He referred the Council to the proposed ordinance along with the suggested changes. Mr. Butz said the Council could let the ordinance expire and then fall under an entirely voluntary compliance program.

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VI. NEW BUSINESS (continued)

(A) Consideration to Extend COVID Return-to-Work Ordinance: Mayor Magdits reported that as of today, total Phelps County COVID-19 cases are 282 of which 64 are currently active. He noted the 64 includes 28 individuals associated with the Missouri S&T campus. Mayor Magdits noted that currently no one is in the hospital due to COVID.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4574: AN ORDINANCE AMENDING ORDINANCE NO. 4567 IN THE CITY OF ROLLA, MISSOURI, ALLOWING ALL BUSINESSES TO REMAIN OPEN WITHIN THE CITY OF ROLLA WITH PROPER SAFEGUARDS. A motion was made by Schneider and seconded by Allen to amend the proposed ordinance to change the language in Section 1 of the proposed ordinance to read “The Rules and Regulations contained in this order shall be effective 6:00 a.m. on Wednesday September 9, 2020, and will continue through Tuesday, December 22, 2020, unless amended by action of the Rolla City Council.” A roll call vote on the motion showed the following: Ayes; Higgins, Bolin, Ruder, Schneider, Allen, Murphey, Lyons, Crowell, Meusch, Florence, Eberly, and Schott. Nays; None. Absent; None. Motion carried.

A motion was made by Eberly and seconded by Allen to suspend the rules and that the ordinance be read for its final reading, by title, as amended. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

City Counselor Lance Thurman then read the proposed ordinance for its final reading, by title, as amended. A motion was made by Eberly and seconded by Schneider to approve the proposed ordinance, as amended. 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.

VII. CLAIMS and/or FISCAL TRANSACTIONS

None.

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VIII. CITIZEN COMMUNICATION

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

(1) Members of the Rolla Cannabis Action Network provided Council with documentation pertaining to their most recent neighborhood cleanup and invited the Council to join them in their efforts.

(2) Mr. Jim Corey, Bill Avenue, told the Council that basketball hoops have been placed in the street and on the curb near his residence. He said he is concerned about the safety of the children in the area.

Mr. Corey also noted there is a cargo trailer that has been parked on Bill Avenue for extended periods.

City Administrator John Butz indicated staff would check into these matters.

(3) Ms. Elissa Jennison thanked each of the Council members for their service. She said it has been an incredibly tough year and tough decisions had to be made. Ms. Jennison thanked the Council for serving in such a trying year.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. Steve Bowles to the Industrial Development Authority (IDA): A motion was made by Schneider and seconded by Murphey to reappoint Mr. Steve Bowles to the Industrial Development Authority (August 2026). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Motion Reappointing Ms. Elizabeth Smith to the Industrial Development Authority: A motion was made by Meusch and seconded by Eberly to reappoint Ms. Elizabeth Smith to the Industrial Development Authority (September 2026). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(C) Motion Appointing Ms. Megan Johnson to the Library Board to Complete the Unexpired Term of Ms. Sara Marcus: A motion was made by Crowell and seconded by Schneider to appoint Ms. Megan Johnson to the Library Board to complete the unexpired term of Ms. Sara Marcus (May 2021). A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(D) Follow-up Discussion on Illegal Marijuana Possession Charges and Other Related Issues: Mayor Magdits indicated that at the last meeting there was a wide range of topics the Council was considering regarding marijuana. He said staff listened to the video from the last Council meeting, and he noted the discussions were very fluid. Mayor Magdits said the idea is to take the discussion where you want to take it. He said he wanted to begin with the end in mind, which means that whatever the course of action, he would request the Council take a vote.

Mayor Magdits then asked each Council member to weigh in, one-by-one, on the topic of marijuana to say whether they wanted to see any further actions taken.

A motion was made by Schott and seconded by Lyons to request the City's attorneys to research deprioritization including if other cities have deprioritized it, how they have done it, the accountability they have used, and how it is used within the police department.

Following discussion, a roll call vote on the motion showed the following: Ayes; Schott, Schneider, Higgins, Lyons, and Allen. Nays; Crowell, Ruder, Murphey, Bolin, Meusch, Florence, and Eberly. Absent; None. Motion failed.

(E) Former Auto Zone Property (Highway 63 & 72): Councilwoman Allen reported she received an e-mail and some photos from someone who lives near the former Auto Zone property, showing fire hydrants that are covered up. She asked City Administrator John Butz to speak to the condition of those properties and what authority the City has or does not have.

Mr. Butz explained the City does have a lot of authority such as declaring the property as a nuisance and ordering it to be abated. However, the problem with this particular property, depending on how far the City's pursues it, is with the condition of the

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(E) Former Auto Zone Property (Highway 63 & 72): buildings, etc., it would cost hundreds of thousands of dollars for a demolition and cleanup. Mr. Butz indicated he would have the City's Code Inspector notify the owner to have them remove the debris and growth around the fire hydrants.

(F) Highway O Sidewalks: Councilman Meusch indicated the area between Highway O and the sidewalks need to be cut.

Mr. Butz indicated the Missouri Department of Transportation (MoDOT) is responsible for this area. He said staff would work with MoDOT to get this remedied.

(G) Bushes and Trees Blocking Visibility: Councilwoman Higgins reported there are several intersections in her neighborhood where there are bushes and trees blocking visibility to traffic.

Mr. Butz asked Ms. Higgins to provide staff with specific areas and staff would address them.

Councilwoman Ruder reported she has received similar questions about sidewalks. She relayed that on one particular street in her neighborhood there are trees and bushes overtaking the sidewalk.

Mayor Magdits encouraged the Council to send specific addresses to City Administration.

(H) Back the Blue: Councilwoman Bolin indicated there was a great turnout for the recent "Back the Blue" event. She said it was a well-organized well-attended event.

(I) Salem and Tenth Street Concerns: Councilman Schott thanked Public Works Director Steve Hargis and City Engineer Darin Pryor for addressing the issue of uneven manhole covers. He indicated the crews did a wonderful job.

Note: Additional "Mayor/City Council Comments" continue below following Closed Session Action.

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X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 8:55 p.m.

XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 9:27 p.m.

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

IX. MAYOR/CITY COUNCIL COMMENTS (continued from above)

(J) Former Racetrack Property: City Administrator John Butz informed the Council that he was recently contacted about the former racetrack property, which is located on Highway 63 South, outside the Rolla city limits. He said the person contacting him asked for the City's support and requested names and addresses of the Council. Mr. Butz said he told them the property was located in the County and the City had no intent to request its reopening.

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 9:32 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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