

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 2, 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, Carolyn Bolin, Marie Allen, and Deanne Lyons

Council Members Absent: None.

Department Directors in Attendance via Zoom Videoconferencing: Community Development Director Steve Flowers and Recreation Center Director Marci Fairbanks

Department Directors in Physical Attendance: Parks Director Floyd Jernigan, Environmental Services Director Brady Wilson, and Fire Chief Ron Smith

Other City Officials in Physical Attendance: Police Captain Doug James, City Engineer Darin Pryor, City Counselor Carolyn Buschjost, 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 6:30 p.m. and asked Councilman David Schott to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Bolin and seconded by Allen to approve the consent agenda as submitted. 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.

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I. CONSENT AGENDA (continued):

The consent agenda consisted of the following:

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

- 1) City Council Meeting, October 5, 2020
- 2) City Council Closed Session Meeting, October 5, 2020
- 3) City Council Meeting, October 19, 2020
- 4) City Council Closed Session Meeting, October 19, 2020

II. PUBLIC HEARINGS

None.

III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS

(A) City Clerk Retirement: Mayor Magdits along with City Administrator John Butz presented retiring City Clerk Carol Daniels with a plaque in appreciation of her 46 years of service with the City of Rolla.

Mayor Magdits introduced incoming city clerk Lorri Thurman who would begin her duties on November 16.

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

Mayor Magdits referred the Council to the **(A)** the September 2020, Environmental Services Department Monthly Report; **(B)** the September 2020, Parks Financial Analysis; **(C)** the September 2020, Centre Financial Analysis; **(D)** the September 2020, Municipal Court Monthly Report; **(E)** the September 2020, Police Department Monthly Report; **(F)** the September 2020, Animal Control Division Monthly Report; **(G)** the September 2020 Building Codes Monthly Report; **(H)** the August and September 2020, Rolla Municipal Utilities Monthly Reports; **(I)** the August 25, September 22, and October 20, 2020, Rolla Board of Public Works Meeting Minutes; **(J)** the September 23, 2020, Park Advisory Commission Meeting Minutes; and, the July 31, 2020, City of Rolla Cash Analysis Report.

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V. OLD BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Sewer Treatment Intermunicipal Agreement with the City of Doolittle: City Engineer Darin Pryor explained the subject agreement with the City of Doolittle would charge the City of Doolittle for sewer treatment based on the metered rate. The agreement also requires the City of Doolittle to pass an ordinance for use of public sewer consistent with the Department of Natural Resources (DNR) and City of Rolla regulations.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4585: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE CITY OF DOOLITTLE, MISSOURI PERTAINING TO SEWER TREATMENT. A motion was made by Eberly and seconded by Bolin to approve the proposed ordinance. 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. The ordinance passed.

(B) Ordinance Authorizing the Mayor to Execute a Contract with Archer-Elgin for Design & Construction of Public Works Facility for Street and Traffic: City Engineer Darin Pryor explained the subject project with Archer-Elgin includes the design of a 20,000 square foot building to house the Street and Traffic Departments. In addition, it includes designing a structure capable of storing 2,000 tons of ice and snow road salt. Mr. Pryor noted the total fee for these services is \$249,200.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4586: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C. FOR PROFESSIONAL SERVICES FOR THE NEW PUBLIC WORKS FACILITY, PROJECT 225. A motion was made by Schott and seconded by Allen 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.

V. OLD BUSINESS (continued)

(C) Ordinance Authorizing the Mayor to Execute a Contract with The Lochmueller Group for the Design and Cost Estimates for 18th/Old St. James/Bardsley/Burlington Railroad: Due to the increased traffic at the subject intersection, City Engineer Darin Pryor said staff is recommending a traffic study on the subject intersection. Staff recommends entering into an agreement with Lochmueller Group for design and cost estimates for \$95,000.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4587: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE LOCHMUELLER GROUP FOR PROFESSIONAL SERVICES FOR INTERSECTION IMPROVEMENTS 18TH/OLD ST JAMES/BARDSLEY, PROJECT NUMBER 528. 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; Crowell, Schott, Ruder, Schneider, Higgins, Murphey, Lyons, Bolin, Meusch, Florence, Eberly, and Allen. Nays; None. Absent; None. Motion carried. The ordinance passed.

VI. NEW BUSINESS

(A) Ordinance Approving a Cooperative Agreement with the Phelps County Collector: City Administrator John Butz indicated this is an update from a contract that was formerly entered into in 2004 where the County Collector collects and remits City property taxes. Staff is recommending a renewal and an updating of the 2004 agreement.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A COOPERATIVE AGREEMENT AMONG THE PHELPS COUNTY COLLECTOR, PHELPS COUNTY COMMISSION, AND THE CITY OF ROLLA, MISSOURI, FOR THE COLLECTION OF REAL ESTATE, PERSONAL PROPERTY TAXES, AND FEES.

VI. NEW BUSINESS (continued)

(B) Resolution Approving the Tree Resource Improvements & Maintenance (TRIM) Grant Award: Parks Director Floyd Jernigan explained the TRIM (Tree Resource Improvement and Maintenance) program is administered by the Missouri Department of Conservation (MDC) for the management improvement or conservation of our community forests. The grant amount approved by MDC to the City of Rolla is for \$10,000.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1977: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A NOTICE OF AWARD AND GRANT AGREEMENT BETWEEN THE MISSOURI DEPARTMENT OF CONSERVATION AND THE CITY OF ROLLA. A motion was made by Bolin and seconded by Allen to approve the proposed resolution. A roll call vote on the motion showed the following: Ayes; Eberly, Allen, Murphey, Bolin, Schneider, Ruder, Meusch, Higgins, Lyons, Crowell, Schott, and Florence. Nays; None. Absent; None. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Tree Inventory Project to Davey Resource Group; and, a Resolution Authorizing the Mayor to Enter into a Contract/Agreement for Same: Parks Director Floyd Jernigan indicated the primary goal for the tree inventory is to identify public safety concerns and tree risk. The inventory would provide the boost needed to rally support around our green infrastructure and would provide staff with critical information about how best to manage the trees. Mr. Jernigan stated staff is recommending the tree inventory project be awarded to Davey Resource Group for \$14,750.00.

A motion was made by Schott and seconded by Allen to award the tree inventory bid to Davey Resource Group. A roll call vote on the motion showed the following: Ayes; Schneider, Florence, Ruder, Bolin, Higgins, Murphey, Schott, Crowell, Meusch, Allen, Eberly, and Lyons. Nays; None. Absent; None. Motion carried.

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Motion Awarding Tree Inventory Project to Davey Resource Group; and, a Resolution Authorizing the Mayor to Enter into a Contract/Agreement for Same (continued): City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1978: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A SERVICE AGREEMENT/CONTRACT BETWEEN THE DAVEY RESOURCE GROUP AND THE CITY OF ROLLA. A motion was made by Bolin and seconded by Eberly to approve the proposed resolution. A roll call vote on the motion showed the following: Ayes; Schott, Meusch, Higgins, Bolin, Schneider, Ruder, Allen, Murphey, Lyons, Crowell, Eberly, and Florence. Nays; None. Absent; None. Motion carried. The resolution passed.

(B) Motion Awarding Bid for Police Station HVAC Replacement; and, an Ordinance Authorizing the Mayor to Enter into a Contract with Same: Police Captain Doug James stated staff's recommendation is to award the bid for the police station HVAC to the low bidder, Mechanical Services, Inc., for \$59,000.00. Discussion followed how bids are advertised.

A motion was made by Allen and seconded by Bolin to award the Police Station HVAC replacement to Mechanical Services, Inc., Springfield, Missouri for \$59,000.00. A roll call vote on the motion showed the following: Ayes; Ruder, Murphey, Higgins, Schneider, Allen, Bolin, Lyons, Crowell, Meusch, Florence, Schott, and Eberly. Nays; None. Absent; None. Motion carried.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MECHANICAL SERVICES, INC. DBA MSI CONSTRUCTORS, FOR POLICE STATION HVAC REPLACEMENT.

VIII. CITIZEN COMMUNICATION

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

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication:

- 1) Rolla Senior Apartments Residents – No one present responded.
- 2) Ms. Alex Kickbusch – COVID-19 – Via Zoom Teleconferencing, Ms. Kickbusch referred the Council to a PowerPoint presentation that was distributed to Council. She informed the Council she has a petition that has been circulating online since early last week that currently has 382 signatures requesting the City Council review the COVID-19 restrictions and regulations that were amended in June and consider a citywide mask mandate. On behalf of the 382 people who have signed the petition, Ms. Kickbush asked the Council to please review the legislation, consider rolling back some of the amendments that were relaxed on businesses and consider implementing a citywide mask mandate to reduce the spread of COVID-19.
- 3) Mr. Joshua Vroman mentioned several articles claiming COVID-19 statistics in Missouri are inaccurate. He questioned what numbers should we go by. He said it is very confusing. Mr. Vroman requested the Council not consider having a mask mandate.
- 4) Ms. Pat Houser stated most of Rolla’s large merchants require face masks along with some of the small businesses, churches, schools, and other places that we all attend. Additionally, she questioned the effectiveness of masks and the consequences of a mask mandate. She noted a majority of the residents are complying, but there will always be some who do not. Whether there is a mandate, there will always be some that will not comply. Ms. Houser said medical professionals all have different opinions.
- 5) Ms. Angela Grogg told the Council she feels like her rights as a taxpaying citizen of Rolla and the state of Missouri are being ignored and at this point are being threatened by a few scared individuals who are preying on people’s fear. These individuals are feeding off that fear, hoping to cause panic, and in the process disregarding our rights because we choose to not allow fear to dictate our daily lives. Ms. Grogg said it appalls her to think that there are some in Rolla and on the City Council who think or feel that she and her husband are not capable of making choices for their family.
- 6) Mr. Frank Furman told the Council the “petition” addressed by Ms. Kickbush should not be accepted by Council since it was conducted online in an informal manner and did not follow the legal requirements for presenting a petition.

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication:

6) Ms. Jo Whitby asked who would be responsible for mandating wearing a mask. She added that she feels a mask mandate may drive business away from Rolla.

No one else present addressed the Council.

Regarding COVID-19, Mayor Magdits noted City staff has weekly calls with our local health care professionals and keeps track of the statistics and recommendations. Clearly, the consensus is that masks works, but are most effective with social distancing. Mayor Magdits said community and family events are having the highest transmission rates. He said it is Council's decision whether to take up the matter at this meeting or the December meeting.

If the Council wants to talk about a mask ordinance, City staff is going to ask the Council to have two other discussions. What role do you want for the City in that ordinance and how do you handle enforcement. If you do not address those issues, then a mask ordinance is nothing but a bunch of words.

After much discussion, Mayor Magdits suggested that he and City Administrator John Butz would talk about the issue and report back to the Council with options.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Reappointing Mr. Ben Tipton, Chief Lending Officer at Phelps County Bank, to the Rolla Regional Economic Commission (December 2023): A motion was made by Meusch and seconded by Crowell to reappoint Mr. Ben Tipton, Chief Lending Officer at Phelps County Bank, to the Rolla Regional Economic Commission (RREC) until December 2023. A roll call vote on the motion showed the following: Ayes; Murphey, Lyons, Allen, Bolin, Schneider, Ruder, Meusch, Higgins, Eberly, Florence, Schott, and Crowell. Nays; None. Absent; None. Motion carried.

(B) Councilperson Lyons: Councilperson Lyons asked citizens voting tomorrow to protect the poll workers by wearing a mask.

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IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(C) Councilman Schott: Councilman Schott said he had some questions in reference to the hiring of the position of the new city clerk.

City Counselor Carolyn Buschjost cautioned Mr. Schott about discussing a personnel issue in open session.

Mr. Schott said the issue he has is the Council did not have any kind of legal counsel at that meeting so we did not have any way to answer all these questions. He indicated he was told that 72 hours after the meeting everything became public. Mr. Schott said he specifically asked that week if the Council could have independent legal counsel to answer some of the questions that he wanted to ask. He said his concern is that he asked to the Mayor, through e-mail, can we have independent counsel for these kinds of questions and the Mayor responded that he did not understand why that would be necessary.

Mayor Magdits suggested to Mr. Schott that he write down the questions and submit them to Ms. Buschjost for a response. Ms. Buschjost would then be able to respond at the next Council meeting.

X. COMMENTS FOR THE GOOD OF THE ORDER

None.

XI. CLOSED SESSION

A motion was made by Schneider and seconded by Murphey 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; Bolin, Higgins, Ruder, Schott, Allen, Murphey, Lyons, Crowell, Meusch, Florence, Eberly, and Schneider. Nays; None. Absent; None. Motion carried.

The Council adjourned into Closed Session at approximately 8:10 p.m.

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XII. CLOSED SESSION ACTION

The Council reconvened into open session at approximately 8:35 p.m.

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

XIII. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 8:36 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR