

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 2, 2024; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits IV.

Council Members in Physical Attendance: Joshua Vroman, Terry Higgins, Megan Johnson, Nathan Chirban, Matt Fridley, Lister Florence, Jaired Hall, Rob Kessinger, Kevin Greven, Stanley Mayberry, Tina Balch and Victoria Steen

Council Members Absent: None

Department Directors and Other City Officials in Physical Attendance: Fire Chief Jeff Breen, Police Chief Sean Fagan, Public Works Director Darin Pryor, Finance Director Steffanie Rogers, Environmental Services Director Roger Pankey, Recreation Centre Director Marci Fairbanks, Parks Director Floyd Jernigan and City Counselor Carolyn Buschjost.

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Councilman Stanley Mayberry to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Minutes – December 5th, 2023
2. Closed Session City Council Minutes – December 5th, 2023
3. City Council Minutes – December 18th, 2023
4. Closed Session City Council Minutes – December 18th, 2023
5. Council Workshop Minutes – December 20th, 2023

A motion was made by Johnson and seconded by Higgins to approve the minutes. A voice vote showed 11 Ayes, zero Nays, and 1 Absent (Hall).

II. PUBLIC HEARINGS – None

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

- a. Environmental Services Department Monthly Report – November 2023
- b. Building Codes monthly report – November 2023
- c. Municipal Court Summary Reporting for November 2023
- d. Police Department Monthly Report – November 2023
- e. Animal Control Division Report – November 2023
- f. Board of Public Works Minutes for October 24th, 2023
- g. The Centre Income Statement ending November 2023
- h. Park Advisory Commission Meeting Minutes for November 30,2023

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – None

January 2, 2024

V. **OLD BUSINESS** –

Note: Councilman Hall entered at 6:33 pm.

- A. **Ordinance** to enter into a Supervised Institutional Work Release Program Agreement with the Missouri Department of Corrections. (PW Director Darin Pryor) City Counselor Buschjost stated that the statement in the contract stating the City was not waiving sovereign immunity needed to be put in one more section of the agreement. City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4781: 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 MISSOURI DEPARTMENT OF CORRECTIONS as amended. A motion was made by Chirban and seconded by Kessinger to approve the ordinance as amended. A roll call vote showed: Ayes: Balch, Mayberry, Chirban, Greven, Vroman, Florence, Kessinger, Higgins, Hall, Johnson, Fridley, and Steen. Nays: none. Absent: none.

VI. **NEW BUSINESS** –

- A. **Resolution** to approve MOU for the “Highway V East Wastewater Facility Plan Funding Partners” (PW Director Darin Pryor). Council approved the agreement with Archer-Elgin to prepare an engineering report to explore the alternative to serve existing and future development east of the current wastewater service area in September of 2023. This MOU clarifies the responsibilities of the City of Rolla and other funding partners for the wastewater planning study. Half of this plan will be paid for by using legislative priority funding. City Counselor Carolyn Buschjost read the resolution for one reading, by title: RESOLUTION 2027: RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE HIGHWAY V EAST WASTEWATER FUNDING PARTNERS AND THE CITY OF ROLLA. A motion was made by Kessinger and seconded by Greven to approve the resolution. A voice vote showed: Ayes: 12. Nays: none. Absent: none.
- B. **Ordinance** authorizing a Solar Ground Lease Agreement with Vichy Solar LLC. (PW Director Darin Pryor). Councilman Fridley encouraged citizens to reach out to City Officials with comments/concerns. John Butz agreed to place the draft lease on the city’s website. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND VICHY SOLAR LLC.
- C. **Ordinance** authorizing an agreement with IMS Professional Services for Pavement Condition Assessments. (PW Director Darin Pryor) This agreement provides professional services for pavement condition assessments so the priority for pavement management can be better planned. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND INFRASTRUCTURE MANAGEMENT SERVICES.

- D. **Resolution** authorizing the Mayor to execute the Legal Services Engagement Letter with Lauber Municipal Law. (City Administrator John Butz) City Counselor Carolyn Buschjost read the resolution for one reading, by title: RESOLUTION 2028: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A LEGAL SERVICES ENGAGEMENT LETTER WITH LAUBER MUNICIPAL LAW. LLC. A motion was made by Hall and seconded by Johnson to approve the resolution. A voice vote showed 12 Ayes, zero Nays, none absent.
- E. **Ordinance** calling for an April 2024 election on the 3% tax on adult-use marijuana. (City Administrator John Butz) A motion was made by Chirban and seconded by Balch to amend the third whereas statement to, "...but not limited to public safety" in place of, "...including public safety". A voice vote shows 10 Ayes, 2 Nays (Vroman and Hall), none absent. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE IMPOSING A SALES TAX AT A RATE OF THREE PERCENT ON ALL TANGIBLE PERSONAL PROPERTY RETAIL SALES OF ADULT USE MARIJUANA SOLD WITHIN THE CITY OF ROLLA, MISSOURI, PURSUANT TO ARTICLE XIV, SECTION 2.6(5) OF THE MISSOURI CONSTITUTION SUBJECT TO THE APPROVAL BY THE VOTERS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 2, 2024; DESIGNATING THE FORM OF BALLOT; AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE OF SAID ELECTION as amended.
- F. **Ordinance** calling for Ballot Issue to increase Hotel/Motel Tax from 3% to 5%. (City Administrator John Butz) After a discussion, it was agreed that due to ambiguous wording of state statute 94.830, this ballot issue will be postponed until April for possible placement on the August 6th, 2024 Primary or November 5th Election ballot.

VII. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion** to award bid to McCoy Construction and Forestry of Cuba, Mo for a John Deere 410P Backhoe. (PW Director Darin Pryor) A motion was made by Johnson and seconded by Vroman to approve the purchase of the backhoe for \$154,315.34. A voice voted showed 12 Ayes, zero Nays, and none absent. This backhoe will be for use in the Sewer Department.
- B. **Motion** to award bid to SAK Construction, LLC for Sanitary Sewer Lining and **Ordinance** the Mayor to enter into an agreement with same. (PW Director Darin Pryor) A motion was made by Greven and seconded by Kessinger to award the bid to SAK Construction, LLC for \$270,510.00. A voice vote showed 12 Ayes, zero Nays, none Absent. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND SAK CONSTRUCTION, LLC.

VIII. CITIZEN COMMUNICATION

- A. Tara Anura-2020 Hwy E: Expressed concern regarding a Real Talk radio interview by Councilwoman Johnson, where she shared her personal opinion on the controversial book, The Every Body Book. Mayor Magdits explained to citizens that this book in the Library was not something the City Council had control of and that concerns needed to be directed to the Library Board. Councilwoman Johnson responded to Ms. Anura that she would continue exercising her freedom of speech and advocate for children.

- B. Jordan Lepich-County Resident: Spoke in support of Councilwoman Johnson and his concern for sexually explicit books in the children’s section of the library and expressed frustration regarding Library Board meetings not being citizen friendly.
- C. Rebecca Varnin-Edgar Springs Resident: Spoke in favor of the Every Body Book in the library.
- D. Bala Shabelhouser: Stressed the importance of education and wants children to know they can be heard.
- E. Barbara Jernigan: Expressed frustration with the Library Board. She spoke against the Every Body Book being in the children’s section of the library and would like to see it relocated.
- F. Randi McCallahan-Newburg Resident: Spoke on the educational value of the Every Body Book and educating children so that they can better protect themselves from predators
- G. Karen Harris- Stated she has been working with the Secretary of State and the Library Board regarding this issue and acknowledged that Council really only has authority over who was appointed to the Library Board. She called for inflammatory rhetoric to cease and for citizens to go through the proper channels.

IX. MAYOR/CITY COUNCIL COMMENTS

- A. Councilman Fridley asked the Mayor to revisit the time limit procedures for citizen communication.
- B. Councilwoman Johnson stated the next Library Board Meeting would be January 18th at 4:00pm
- C. Councilman Chirban stated that the next City Council meeting would be Tuesday, January 16th.
- D. Councilman Kessinger spoke in support of Councilwoman Johnson’s freedom of speech and gave a kudos to the Drug Task Force for the latest Fentanyl bust. Chief Fagan was not able to share details of the case but added that it was a large arrest of long term violent drug dealers.
- E. Councilman Hall spoke in support of Councilwoman Johnson as she was speaking from personal opinion and not behalf of Council.

X. COMMENTS FOR THE GOOD OF THE ORDER - None

XI. CLOSED SESSION –

- A. Closed Session per RSMo 610.021- (1) Legal

At 8:20 a motion was made by Hall and seconded by Chirban to go into closed session. A roll call vote showed the following: Ayes: Balch, Mayberry, Chirban, Greven, Vroman, Florence, Kessinger, Higgins, Hall, Johnson, Fridley, and Steen. Nays: None. Absent: None.

At 9:51 Council returned from closed session where an item of legal litigation was discussed. No further action.

XII. ADJOURNMENT - Having no further business, the meeting adjourned at approximately 9:51 p.m.

Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR