

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, MAY 6, 2019; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Rachel Schneider, Daniel Jones, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Jim Williams, Marie Allen, Christine Ruder, and Tiffany Henry

Council Members Absent: None.

Department Directors in Attendance: Police Chief Sean Fagan, Environmental Services Director Brady Wilson, Community Development Director Steve Flowers, Parks Director Floyd Jernigan, Finance Director Steffanie Rogers, Interim Centre Director Marci Fairbanks, and Fire Chief Ron Smith

Other City Officials in Attendance: City Administrator John Butz, City Counselor Lance Thurman, City Engineer Darin Pryor, and City Clerk Carol Daniels

A member of the Rolla Ministerial Alliance gave the invocation.

Mayor Magdits called the meeting to order at approximately 6:32 p.m. asked members of Boy Scout Troop 85 to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A motion was made by Williams and seconded by Jones 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 – April 1, 2019
- 2) City Council Closed Session Meeting – April 1, 2019
- 3) City Council Meeting – April 15, 2019
- 4) City Council Closed Session Meeting – April 15, 2019

II. PUBLIC HEARINGS

None.

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III. ACKNOWLEDGEMENTS AND SPECIAL PRESENTATIONS

(A) Review of Fiscal Year 2018 City of Rolla Independent Audit & a Motion

Accepting the Audit: Ms. Tammy Alsop with Hochschild, Bloom & Co., LLC, CPAs, provided an overview of the City's FY 2018 audit report. She pointed out the City received an unmodified opinion, which is the highest form of assurance a city or entity can receive on its financial statements. Ms. Alsop added no material weaknesses were noted.

A motion was made by Williams and seconded by Henry to accept the Fiscal Year 2018 independent audit. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Phelps County Industrial Solutions Update: Ms. Laura Giebler, Executive Director of Phelps County Industrial Solutions (formerly known as the Rolla Area Sheltered Workshop), provided the Council with an overview of their facility and the services they provide.

(C) Amendment 2 – Medical Marijuana in Missouri: Mr. Jack Cardetti, Spokesman with New Approach Missouri, provided an overview of Amendment 2, the Medical Marijuana law, how it came to be, the specifics of the law and the responsibilities of local governments. Mr. Cardetti entertained several questions and comments following his presentation.

Mayor Magdits indicated this is just the start of the process. After tonight, the proposed Medical Marijuana ordinance would be considered by the Planning and Zoning Commission and then considered by the City Council.

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

Mayor Magdits referred the Council to **(A)** the March 2019, Environmental Services Department Monthly Report; **(B)** the March 2019, Police Department Monthly Report; **(C)** the March 2019, Animal Control Division Monthly Report; **(D)** the March 2019 Centre Financial Analysis; **(E)** the March 2019 Parks Department Financial Analysis;

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

(F) the March 2019 Building Codes Division Monthly Report; (G) the March 2019, Municipal Court Monthly Report; (H) The February 2019 Rolla Municipal Utilities Monthly Report; and (I) the February 26, 2019, Rolla Board of Public Works Meeting Minutes.

Mayor Magdits asked that the following item be partially considered at this point in the meeting, since the speaker is from out of town.

IX. MAYOR/CITY COUNCIL COMMENTS

(D) Discussion to Consider De-criminalizing Minor Quantities of Marijuana:

Councilman Daniel Jones introduced guest speaker Attorney Dan Viets who he said would spend the next few minutes to be the voice of recreational cannabis users. Mr. Jones stated that, in his opinion, people should not be arrested and penalized for a non-toxic plant that most Americans think should be legal.

Attorney Dan Viets, Columbia, Missouri, stated he has practiced law throughout the state of Missouri and in Phelps County for the past 33 years. As Mr. Jones mentioned, he worked for a longer period for a group called the National Organization for the Reform of Marijuana Laws.

Mr. Viets told the Council opioids are a big part of the reason why we need recreational marijuana. While it is not nearly as a well-known fact that in the 32 states that previously legalized medical marijuana, there has been a dramatic reduction in death from opioid overdoses. Mr. Viets noted it has been revealed that on average there have been 25% fewer people dying from opioids each year in the state, who have access to medical marijuana. Mr. Viets told the Council that in 2014, the City of Columbia adopted “the decriminalization ordinance.” With decriminalization as opposed to legalization is that with decriminalization it is not legal. However, we eliminate arrest and issue a citation rather than making a full custody arrest. Among the penalties available are not a term in jail. Mr. Viets stated reforming Marijuana laws is not going to increase use.

IX. MAYOR/CITY COUNCIL COMMENTS (continued)

(D) Discussion to Consider De-criminalizing Minor Quantities of Marijuana (continued): Mr. Jones stated he wanted to reiterate the definition of decriminalizing cannabis in Missouri would be no jail, no arrest, no detainment, no criminal conviction.

Mayor Magdits noted the Council would discuss this further later in the meeting on how they wish to proceed.

V. OLD BUSINESS

None.

VI. NEW BUSINESS

(A) Draft Overview of Medical Marijuana Facility Regulations (No Action Needed): City Administrator John Butz began by stating he is not asking for Council approval of the subject ordinance at this meeting. In fact, he said he could not be approved because it must go through a public hearing process through both the Planning and Zoning Commission and the City Council.

Mr. Butz noted the subject ordinance reflects the four types of business licenses the Missouri Department of Health and Senior Services are going to be addressing. He then outlined the proposed separation requirements for each of the four licenses. Mr. Butz pointed out the “underscored items” in the draft ordinance are subject to discussion/modification by the Planning and Zoning Commission and then by the City Council.

Mr. Butz then entertained questions and comments from the Council.

(B) Resolution Opposing H.B. 1062 and In Support of the Grain Belt Express Transmission Line: Rolla Municipal Utilities General Manager Rodney Bourne provided the Council with an overview of the Grain Belt Express Transmission Line project. He outlined the pros and cons of the subject project and on behalf of the Rolla Board of Public Works, he asked the Council to consider the subject resolution supporting the project.

VI. NEW BUSINESS (continued)

(B) Resolution Opposing H.B. 1062 and In Support of the Grain Belt Express Transmission Line (continued): City Counselor Lance Thurman read the following proposed resolution for one reading, by title. RESOLUTION NO. 1948: A RESOLUTION OPPOSING HOUSE BILL 1062 AND IN SUPPORT OF THE GRAIN BELT EXPRESS TRANSMISSION LINE PROJECT. A motion was made by Williams and seconded by Schott to approve the proposed resolution. A voice vote on the motion showed ten ayes, two nays, and zero absent. Motion carried. The resolution passed.

VII. CLAIMS and/or FISCAL TRANSACTIONS

(A) Ordinance to Authorize \$1.5 Million Sewer Bond Gap Financing: Finance Director Steffanie Rogers referred the Council to the proposal for a one to two year gap financing for the Vichy Road and Southeast Wastewater Treatment Plants. Piper Jaffrey helped the City of Rolla prepare the RFP (request for proposals) that is included in the agenda packets. Staff estimates that a little less than \$1.5 million would be needed for the gap financing. Ms. Rogers noted three RFP's were received and staff is recommending the gap financing be awarded to Town and Country Bank at 2.13%. Additionally, she asked the Council to consider the first and final readings of the subject ordinance at this meeting since the bids expire May 12, 2019.

City Counselor Lance Thurman read the following proposed ordinance for its first reading, by title. ORDINANCE NO. 4486: AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,520,000 PRINCIPAL AMOUNT OF SEWERAGE SYSTEM REVENUE BONDS, SERIES 2019, OF THE CITY OF ROLLA, MISSOURI, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COST OF THE CITY'S ENGINEERING AND DESIGN COSTS FOR THE VICHY ROAD AND SOUTHEAST WASTEWATER TREATMENT PLANT IMPROVEMENTS AND TO PAY THE COSTS OF ISSUANCE OF SAID BONDS; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF THE SEWERAGE SYSTEM OF THE CITY FOR THE PURPOSE OF PAYING THE COST OF OPERATION AND MAINTENANCE OF SAID SYSTEM, PAYING THE PRINCIPAL OF AND

VII. CLAIMS and/or FISCAL TRANSACTIONS (continued)

(A) Ordinance to Authorize \$1.5 Million Sewer Bond Gap Financing (continued): INTEREST ON SAID BONDS, AND PROVIDING REASONABLE AND ADEQUATE RESERVE FUNDS; AND AUTHORIZING THE CITY TO SALE SUCH BONDS TO TOWN & COUNTY BANK. A motion was made by Williams and seconded by Eberly 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. Mr. Thurman then read the proposed ordinance for its final reading, by title. A motion was made by Williams and seconded by Meusch to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Crowell, Schott, Ruder, Schneider, Jones, Murphey, Henry, Williams, Meusch, Rohter, Eberly, and Allen. Nays; None. Absent; None. Motion carried. The ordinance passed.

VIII. CITIZEN COMMUNICATION

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

(1) Mr. Russell Adams, 13810 County Road 448, St. James, Missouri, informed the Council that he has a lease on part of the land at the Rolla National Airport, which he uses to produce hay and graze his cattle. He told the Council he paid his annual rent on March 7, 2019, and is actively using the land as part of his farming operations.

Mr. Adams relayed that he recently met with City Administrator John Butz regarding planned action by the City regarding the agricultural lease. He said he was informed that that Mr. Butz plans to request proposals for farming operations on the airport. Before submittal of these proposals, Mr. Butz plans to conduct tours of the hay fields and pastures for any interested parties so that they can see the current operation. Mr. Adams said he objects to Mr. Butz's plans because he does not want his operations to be disrupted. He indicated Mr. Butz told him he had no say in this matter and his only recourse was to request the Rolla City Council end the lease prematurely and expect no refund of rents paid on the remaining of the current term of the lease. Mr. Adams asked the Council if there had been input from an attorney on the legality of Mr. Butz's plans. He added he objects to bringing outside people onto the leased land to look at the operation so they can submit a bid.

Mayor Magdits said the City Counselor would check the lease to see if the City has rights to go on the property.

VIII. CITIZEN COMMUNICATION (continued)

(A) Open Citizen Communication (continued):

(2) Mr. Jamie Myers, 11876 County Road 3000, Rolla, Missouri, said we all have our individual views about marijuana use and opinions about this new Missouri law. Regardless of the differences, he said he hopes we can agree that the use of THC in any form is dangerous. Preventing use should be a priority. Mr. Myers said there are two risk factors that can lead to increased use and these are supported by many years of research. He asked the Council to consider these risk factors as they make decisions on how the new law is implemented in our community. He said the first risk factor considers youth access. How accessible substances are to youth will affect youth use. The second risk factor for youth substance use is perception of risk. If a young person perceives or believes there is little or no risk in using a substance he or she is more likely to use it. Mr. Myers asked the Council to keep in mind how the decisions they make affect the youth in our community.

No one else present addressed the Council.

IX. MAYOR/CITY COUNCIL COMMENTS

(A) Appointment of City Council Planning and Zoning Commission Representative:

A motion was made by Crowell and seconded by Meusch to appoint Councilwoman Jody Eberly as the City Council Planning and Zoning Commission representative. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(B) Appointment of Finance/Audit Committee: A motion was made by Eberly and seconded by Jones to appoint Councilmen John Meusch, Matt Crowell, and David Schott to the Finance/Audit Committee. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

(C) Appointment of Environmental Services Review Committee: A motion was made by Crowell and seconded by Murphey to appoint Councilmen Jim Williams, Jacob Rohter, and Daniel Jones to the Environmental Services Review Committee. A voice vote on the motion showed twelve ayes, zero nays, and zero absent. Motion carried.

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This following item was first considered immediately following Item IV. Above.

(D) Discussion to Consider De-criminalizing minor quantities of Marijuana (continued): Mayor Magdits asked Councilman Jones if he wanted to add anything further before he asks the Council to take some steps.

Mr. Jones said that if the Council decides to go through with this, we want to do the legal and quickest way possible because every day we wait we have more and more people having to deal with this issue. He stated he believes there is an immediate urgency to this issue.

Following discussion, Mayor Magdits suggested having a public education process so that all parts of the issue can bring forth facts, data, studies, pros/cons, medical, and law enforcement. He said the citizens need to have an understanding of all sides to the issue. Mayor Magdits asked the Council if they wanted staff do go through the process. A hand count showed ten ayes and two nays.

X. COMMENTS FOR THE GOOD OF THE ORDER

(A) Intercounty Electric: Councilman Williams noted that Intercounty Electric is still tearing up yards and not cleaning up their mess when working on the rights-of-way, particularly on Rolla Street near the county line.

Mr. Butz said he was not aware of it and does not know if the City has any say over it, since they have been granted easements by the property owners for that portion. He said he would raise the issue with the new general manager.

(B) Elliott Drive Property: Mayor Magdits asked about the status of the Elliott property nuisance.

City Administrator John Butz reported it is being handled through the municipal court.

(C) Repeat Offenders: Councilman Schott noted the City's Zoning Enforcer ends up with many "repeat" offenders. They wait until they are notified by the City before mowing their lawns. Mr. Schott asked if there is something the City should look into for these offenders.

Community Development Director Steve Flowers stated that according to State Statute, notification must be given.

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X. COMMENTS FOR THE GOOD OF THE ORDER (continued)

(D) Derelict Houses: Councilman Williams noted there are some derelict houses at the corner of Missouri and Spencer that need to be addressed.

(E) Narrowing Streets: Councilman Williams said he wanted to know what the City is doing with narrowing our streets and it needs to quit. He stated the City is wasting money on sidewalks.

(F) Whitney Lane: Councilwoman Murphey reported she received a call from a constituent about the prolonged time the street has been in disrepair on Whitney Lane. She said it has been this way since January. Ms. Murphey noted there are no sidewalks, so the street is used by walkers, bikers, and strollers and it is currently in rough condition.

City Administrator John Butz said the City would look at the schedule for patching Whitney Lane.

XI. CLOSED SESSION

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

The Council adjourned into Closed Session at approximately 9:31 p.m.

XII. ADJOURNMENT

The Council reconvened into open session at approximately 10:05 p.m. and adjourned.

Minutes respectfully submitted by City Clerk Carol Daniels.

CITY CLERK

MAYOR

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