

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 16, 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, Monty Jordan, Matthew Crowell, Ann Murphey, Jacob Rohter, David Schott, Jody Eberly, John Meusch, Marie Allen, Christine Ruder, and Tiffany Henry

Council Members Absent: Jim Williams

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, Public Works Director Steve Hargis, and Fire Chief Ron Smith

Other City Officials in Attendance: City Counselor Carolyn Buschjost, City Engineer Darin Pryor, City Planner Tom Coots, and City Clerk Carol Daniels

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

I. CONSENT AGENDA

(A) Nomination to Fill the Vacancy in Ward I (until April 2020 Election): In an effort to give Ward I citizens full representation, Mayor Magdits said he would like to fill the vacancy that resulted from the recent resignation of Councilman Daniel Jones. Mayor Magdits indicated that with the Council's consent, he would like to appoint Mr. Monty Jordan to complete the six-month period. After discussion, a motion was made by Meusch and seconded by Henry to appoint Mr. Monty Jordan to the complete the unexpired term in Ward I. A hand count on the motion showed seven ayes, three nays, and one absent. Motion carried.

City Clerk Carol Daniels then administered the Oath of Office to Mr. Jordan.

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II, PUBLIC HEARINGS (continued)

(A) Ordinance Rezoning Property at 1701 Farrar Drive from R-2 (Two-Family District) to R-3 (Multi-Family District): City Planner Tom Coots informed the Council the applicant for this request is Rong Cheng of J&R Property Services, LLC. The request is to rezone the property from R-2 (Two-Family District) to R-3 (Multi-Family District). The property is located at the corners of Eighteenth Street, Farrar Drive, and Missouri Avenue. Mr. Coots told the Council the applicant plans to demolish the existing building and redevelop the property with a multi-family building. The Planning and Zoning Commission voted to recommend approval of this request.

After some discussion, Mayor Magdits opened the public hearing to anyone wishing to address the Council concerning the subject-rezoning request. No one present responded. Mayor Magdits closed the public hearing.

City Counselor Carolyn Buschjost read the following proposed ordinance for its first reading, by title. ORDINANCE: AN ORDINANCE TO APPROVE THE REZONING OF BLOCK 1, LOTS 1 AND 2, FRISCO SUBDIVISION, (AKA 1701 FARRAR DRIVE, FROM R-2 (TWO FAMILY DISTRICT) ZONING, TO THE R-3 (MULTI-FAMILY DISTRICT) ZONING.

(B) Public Hearing Regarding Proposed Amendment to Section 42-29 of the Rolla City Code Pertaining to Sidewalks: City Planner Tom Coots stated this is a request for a text amendment to the Planning and Zoning Code, which would clarify when, where and the width of sidewalks which are to be constructed when property is developed. The amendment also provides the ability to waive the sidewalk requirements when appropriate. Mr. Coots said the proposed amendment should assist in pedestrian mobility by providing sidewalks at the appropriate width and location. He reported the Planning and Zoning Commission recommends approval of the proposed text amendment.

After discussion, Mayor Magdits opened the floor to anyone wishing to address the Council regarding the proposed amendment pertaining to sidewalks. No one present responded. Mayor Magdits closed the public hearing.

Mr. Coots indicated staff would draft an ordinance for the Council's consideration at its next meeting.

III. OLD BUSINESS

(A) Ordinance Authorizing the General Manager of Rolla Municipal Utilities (RMU) to Execute a Contract for Sale of Real Estate with John Y. Brown:

RMU General Manager Rodney Bourne noted the subject property is located at the southwest corner of Highway O and Lions Club Drive. He explained the Board of Public Works declared this property as surplus in 2018. Mr. Bourne said a few months ago RMU entered into negotiations with Mr. John Y. Brown for the property and the Board of Public Works recommend approval.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4514: AN ORDINANCE AUTHORIZING THE GENERAL MANAGER OF ROLLA MUNICIPAL UTILITIES TO EXECUTE ON BEHALF OF THE CITY OF ROLLA A CERTAIN CONTRACT FOR SALE OF REAL ESTATE WITH JOHN Y. BROWN. A motion was made by Meusch and seconded by Henry to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Murphey, Henry, Allen, Schneider, Ruder, Meusch, Jordan, Eberly, Rohter, Schott, and Crowell. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

(B) Ordinance Setting Sewer User Rates: City Engineer Darin Pryor noted that in reviewing the cost of treating extra strength sewer, staff determined the rate was too high. Staff recommends lowering the cost, which is addressed in the proposed ordinance.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4515: AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 35 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO SEWERS AND WATER. A motion was made by Eberly and seconded by Henry to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Jordan, Ruder, Schott, Allen, Murphey, Henry, Crowell, Meusch, Rohter, Eberly, and Schneider. Nays; None. Absent; Williams. Motion carried. The ordinance passed.

(C) Ordinance Approving the City of Rolla's FY 2019/2020 Budget: City Administrator John Butz said the proposed FY 2019/2020 budget is about \$42 million. However, it is overstated because of the sewer bonds, which were approved by the voters. While he said the budget is tight, Mr. Butz stated he is only referring to the General Fund. If the use tax is approved in November, staff would return to the Council with a budget adjustment for the remainder of the year.

III. OLD BUSINESS (continued)

(C) Ordinance Approving the City of Rolla's FY 2019/2020 Budget (continued): City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4516: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019 AND APPROPRIATING FUNDS PURSUANT THERETO. A motion was made by Murphey and seconded by Henry to approve the proposed ordinance. A roll call vote on the motion showed the following: Ayes; Henry, Allen, Murphey, Schneider, Rohter, Meusch, Jordan, Eberly, Crowell, Schott, and Ruder. Nays; Williams. Motion carried. The ordinance passed.

IV. NEW BUSINESS

(A) Ordinance Authorizing the Mayor to Enter into a Supplemental Intergovernmental Agreement with the Move Rolla Transportation Development District (MRTDD): City Administrator John Butz explained the subject supplemental agreement, which has been approved by the MRTDD Board, expends \$1.5 million in TDD bond funds with the City for eligible transportation projects. In turn, the City is obligated to spend up to \$1.5 million in cooperation with MoDOT/FHA on the Kingshighway interchange if such improvements are needed in the future. The subject ordinance would authorize the Mayor to enter into the 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 SUPPLEMENTAL INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MOVE ROLLA TRANSPORTATION DEVELOPMENT DISTRICT.

(B) Motion Approving Two-Year Extension with the Law Firm of Williams, Robinson, Rigler, & Buschjost for City Counselor Services: City Administrator John Butz referred the Council to the agreement executed in January 2017 with the law firm of Williams Robinson, Rigler, & Buschjost for City Counselor services. The agreement was for three years and stipulated two, one-year extensions, which expires the end of this year. Mr. Butz said staff is recommending a two-year extension with the law firm of Williams, Robinson, Rigler, & Buschjost through 2021 at the current terms and

IV. NEW BUSINESS (continued)

(B) Motion Approving Two-Year Extension with the Law Firm of Williams, Robinson, Rigler, & Buschjost for City Counselor Services (continued): conditions. A motion was made by Henry and seconded by Schneider to approve a two-year extension with the law firm of Williams, Robinson, Rigler, and Buschjost through 2021 at the current terms and conditions. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(C) Ordinance Amending Section 30-16 of the Code Pertaining to Marijuana Possession: City Administrator John Butz informed the Council that Police Chief Sean Fagan brought to his attention that Section 30-16 of the City Code makes any possession of marijuana (less than 35 grams) or related paraphernalia a misdemeanor subject to a penalty not exceeding \$500, imprisonment not exceeding 90 days, or both. With the passage of Amendment 2 pertaining to medical marijuana by Missouri voters, the proposed ordinance provides an exception to the “possession” law.

The Council discussed amending the proposed ordinance by providing a distinction on the weight as far as punishment and some additions under drug paraphernalia that ties it to what is legal/illegal with the passage of medical marijuana.

A motion was made by Crowell and seconded by Allen to set aside consideration of the subject matter. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(D) Legal Opinion on “Decriminalizing” Small Quantity Marijuana Possession: Mayor Magdits recalled that a few months ago former Councilman Jones requested the City evaluate the “decriminalization” of small amounts of marijuana. He said City Counselor Carolyn Buschjost would be presenting the legal opinion as to what the City can and cannot do.

Ms. Buschjost said one of the points to make is the term “decriminalizing” does not accurately apply to what is allowed or not allowed. That being said the City does not have the authority to say that in our municipality we are not going to consider this to be a criminal act. She explained that law enforcement has an obligation to follow the laws of the State, so “decriminalization” is not an accurate term. It should be noted as well that law enforcement as well as the prosecutor would have discretion if they want to turn a case over to the State for prosecution.

IV. NEW BUSINESS (continued)

(D) Legal Opinion on “Decriminalizing” Small Quantity Marijuana Possession (continued): In the discussion that followed, the Council consensus was to first address the ordinance regarding marijuana possession. The Council also asked staff to provide actual numbers of how much revenue has been generated in fines and if anyone has been sent to jail based on the current ordinance. Mayor Magdits also asked staff to provide the current State penalties.

(E) Ordinance Authorizing the Mayor to Enter into an Agreement with Hutchinson Recreation and Design for Coventry Park Playground Structure: Parks Director Floyd Jernigan recalled the Council recently awarded the bid to Hutchinson Recreation & Design for the Miracle Kids’ Choice Custom Play Structure Playground for Coventry Park for \$90,000. Mr. Jernigan asked the Council to consider the first reading of an ordinance authorizing the Mayor to enter into an agreement with Hutchinson Recreation & Design for this project.

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 CONTRACT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND HUTCHINSON RECREATION & DESIGN FOR COVENTRY PARK PLAYGROUND STRUCTURE.

(F) Ordinance Authorizing the Mayor to Execute a Certain Agreement with Jviation Inc., for Aviation Project Consultant Supplemental Agreement No. 1: Public Works Director Steve Hargis told the Council the subject ordinance would authorize the Mayor to enter into an agreement with the engineer Jviation, Inc. to conduct the inspection of the project as well as provide some additional design services. He said this work is covered under grant agreements at 95%. Mr. Hargis said the subject contract is for \$275,424.44.

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 JVIATION, INC. FOR AVIATION PROJECT CONSULTANT SUPPLEMENTAL AGREEMENT NO. 1 – ADDITIONAL DESIGN AND CONSTRUCTION SERVICES.

IV. NEW BUSINESS (continued)

(G) Ordinance Authorizing the Mayor to Enter into an Agreement with Capital Paving and Construction, LLC for Runway 4/22 Rehabilitation: Public Works Director Steve Hargis reported that Capital Paving and Construction is the successful bidder on the contract for the rehabilitation of Runway 4/22 at the Rolla National Airport. The contract is for \$2,999,250.50, which will be funded 95% by state and federal grant funds.

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 CAPITAL PAVING & CONSTRUCTION, LLC FOR RUNWAY 4/22 REHABILITATION.

(H) Resolution Authorizing the Mayor to Enter into a Memorandum of Understanding with Ameren Missouri for Sewer Lateral Inspections: Public Works Director Steve Hargis informed the Council that Ameren Missouri approached the City about televising sewer laterals where gas lines may be present. He told the Council Ameren is willing to pay the City \$75.00 a lateral to determine if a gas line is penetrating the sewer. Mr. Hargis said staff estimates Ameren would pay the City about \$100,000 per year. Staff recommends approval.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1955: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ROLLA, MISSOURI, AND AMEREN MISSOURI FOR SEWER LATERAL INSPECTIONS. A motion was made by Murphey and seconded by Allen to approve the proposed resolution. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion Carried. The resolution passed.

(I) Discussion Regarding Schuman/Ber Juan Area Neighborhood Plan: City Planner Tom Coots explained that a few weeks ago he realized that a majority of the projects he has been working on occur in one particular part of the city. In discussion with staff, it was mentioned that this particular neighborhood has a multitude of different issues going on all at once as well. Mr. Coots said he is a proponent for neighborhood planning.

IV. NEW BUSINESS (continued)

(I) Discussion Regarding Schuman/Ber Juan Area Neighborhood Plan (continued):

Together with City Administrator John Butz, Mr. Coots indicated he drafted a proposal to work on a plan for this area. Mr. Coots showed the Council an area map depicting the subject area known as the Schuman/Ber Juan Neighborhood. Mr. Coots stated the proposed neighborhood plan would allow neighborhood residents to assist in deciding how they would like to see their neighborhood change in the future. He told the Council that this discussion is to make the Council aware that staff would begin working on this project and to determine if the Council has any observations or input. Mr. Coots concluded by saying that he proposes to first schedule a neighborhood meeting and send out notices to all property owners and renters in the neighborhood.

V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding Health Insurance Excess Coverage: Finance Director Steffanie said this is the annual request to award the bid for the City's excess health insurance coverage. She explained the City insures all health insurance claims up to \$75,000. Claims above \$75,000 are paid by the health insurance excess coverage company. Ms. Rogers indicated that Hays Company, the City's broker, and City staff recommend the bid be awarded to Sun Life at the current deductible of \$75,000. A motion was made by Schneider and seconded by Henry to award the health insurance excess coverage to Sun Life and to remain at the current deductible of \$75,000. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

VI. MAYOR/CITY COUNCIL COMMENTS

(A) Motion Appointing Mr. Danny H. Maxey to the Board of Adjustment to Replace Mr. Jeffrey H. Rohrer: A motion was made by Henry and seconded by Allen to appoint Mr. Danny H. Maxey to the Board of Adjustment until 2020. A voice vote on the motion showed eleven ayes, zero nays, and one absent. Motion carried.

(B) Councilman David Schott: Based on the budget discussion, Councilman Schott noted the City has about two years left to remedy the issue going on at The Centre.

VI. MAYOR/CITY COUNCIL COMMENTS (continued)

(B) Councilman David Schott (continued): Mayor Magdits responded there is a lot of work being done by the Recreation Center Board and Centre staff and there is a lot of work to be done. The most notable, in the short term, is a total implementation of a multi-faceted marketing plan. Additionally, Mayor Magdits said staff is looking very diligently at the operations and the costs of those operations to the point where we have been getting some outside input.

VII. CITIZEN COMMUNICATION

Mayor Magdits opened the floor to any citizen wishing to address the Council.

(A) Dr. Judyann Krenning: Dr. Judyann Krenning an ear, nose, and throat doctor, told the Council she has been in the community for 21 years. She said she felt compelled to address the Council because she saw the “decriminalization” of marijuana was on the agenda. Dr. Krenning thanked the Council for stating so clearly that “decriminalization” is basically a misnomer. As a physician and a concerned grandmother, she wanted to make it very clear that all of the research that is out there, which goes back 31 years, that marijuana is a psychostatic drug, it is not medicine, and it greatly impacts the community that allows it to be brought in. Dr. Krenning said she is completely against changing anything that ties our law enforcements’ hands. She noted that all across the United States the statistics are coming in that use of marijuana leads to psychosis and it impacts our young people. In Colorado where they have completely decriminalized marijuana, IQ rates have decreased, grades are going down, and students are not showing up for class. Dr. Krenning emphasized that marijuana is not a harmless drug. She thanked Mayor Magdits for saying the City will take this slowly and would allow public comment. She indicated she would not be the only doctor speaking up. Dr. Krenning encouraged the Council to not rush this and stressed it is going to impact our community, especially our children.

(B) Dr. Rachelle Brown: Dr. Rachelle Brown, a family medicine physician, said she wanted to reiterate Dr. Krenning’s thoughts. She commented on marijuana being a gateway drug and its effect on our youth. She said marijuana comes across that it is medical. However, it is not medical. Every time we talk about troubled kids, kids who go on to use other drugs always say they started with marijuana. She said she hopes the Council takes into consideration the statement you are making to our community.

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VII. CITIZEN COMMUNICATION (continued)

(C) Mr. Josh Vroman: Mr. Josh Vroman, 807 Wakefield, addressed the Council regarding the City's budget. In particular, he commented on the Police and Fire Budgets and the Fire Department operations. Mayor Magdits encouraged Mr. Vroman to come to City Hall and discuss the budget in more detail with City staff.

(D) Mr. Jonathan Cureton: Mr. Jonathan Cureton, Missouri S&T Student Council community liaison, introduced himself to the Council. He said he has been in Rolla for 21 years and was glad to hear the Council is very carefully considering sidewalk improvements.

No one else present addressed the Council.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

(A) Celebration of Nations: Mayor Magdits encouraged everyone to attend the Celebration of Nations festivities on Saturday, September 28.

IX. CLOSED SESSION

None.

X. ADJOURNMENT

Having no further business, the meeting adjourned at 9:01 p.m.

Minutes respectfully submitted by City Clerk Carol Daniels.

City Clerk

Mayor

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