

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, NOVEMBER 16TH, 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, Carrolyn Bolin, Marie Allen, and Deanne Lyons

**Council Members Absent:** None.

**Other city Officials and Department Directors in Attendance via Zoom Videoconferencing:** Recreation Center Director Marci Fairbanks, Environmental Services Director Brady Wilson, Community Development Director Steve Flowers, Parks Director Floyd Jernigan, and Finance Director Stephanie Rogers, and City Administrator John Butz

**Department Directors in Physical Attendance:** Rolla City Fire Chief Ron Smith

**Other City Officials in Physical Attendance:** Rolla City Police Captain Jason Smith, and City Engineer Darin Pryor

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 John Meusch to lead in the Pledge of Allegiance.

**I. PUBLIC HEARINGS**

None.

**II. SPECIAL PRESENTATIONS**

**(A) RMU 4<sup>th</sup> Quarter Report:** Mr. Rodney Bourne, RMU General Manager presented the 2020 fiscal year 4<sup>th</sup> Quarter report.

**NOVEMBER 16, 2020**

**COUNCIL MEETING MINUTES  
NOVEMBER 16, 2020  
PAGE 2**

**III. OLD BUSINESS**

**(A) Ordinance Approving a Cooperative Agreement with the Phelps County Collector:** Finance Director Steffanie Rogers referred the Council to a Cooperative Agreement with the Phelps County Collector where the County collector collects and remits City property taxes, liens, and late payments at a rate of 2% of collections.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO. 4588: 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. A motion was made by Crowell and seconded by Murphey 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. The ordinance passed.

**(B) Ordinance Authorizing the Mayor to Enter into a Contract with MSI for RPD HVAC:** Rolla Police Captain Jason Smith referred the Council to the subject contract with Mechanical Services Inc., for the replacement of the Rolla Police Department HVAC system. The contract amount is \$59,000.

City Counselor Carolyn Buschjost read the following proposed ordinance for its final reading, by title. ORDINANCE NO 4589: 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. A motion was made by Crowell and seconded by Murphey to approve the proposed ordinance. A roll call vote on the motion showed the following: Higgins, Bolin, Ruder, Schneider, Allen, Murphey, Lyons, Crowell, Meusch, Florence, Eberly, and Schott. Nays; None. Absent; None. Motion carried. The ordinance passed.

**IV. NEW BUSINESS**

**(A) Resolution Authorizing the Execution of the Mutual Aid Agreement with Ft. Wood.:** Rolla City Fire Chief Ron Smith is proposing an update to the agencies mutual

**COUNCIL MEETING MINUTES  
NOVEMBER 16, 2020  
PAGE 3**

aid agreement between Fort Leonard Wood Fire Protection & Prevention Division and Rolla City Fire.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1979. A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A MUTUAL AID FIRE PROTECTION AND EMERGENCY SERVICES AGREEMENT BETWEEN THE CITY OF ROLLA FIRE AND RESCUE AND THE FORT LEONARD WOOD FIRE PROTECTION AND PREVENTION DIVISION. A motion was made by Meusch and seconded by Eberly to approve the proposed resolution. A roll call vote on the motion showed the following: Allen, Lyons, Murphey, Bolin, Schneider, Ruder, Meusch, Florence, Eberly, Crowell, Schott, and Higgins. Nays; None. Absent; None. Motion carried. The resolution passed.

**(B) Resolution Authorizing the Grant of License with Hopper’s Pub for “Frog Statue.”**: City Engineer Darin Pryor asked the Council to consider approving the proposed resolution allowing Hopper’s Pub to install a frog statute on City right-of-way. A photocopy of the proposed frog statue was passed around for viewing by the Council.

City Counselor Carolyn Buschjost read the following proposed resolution for one reading, by title. RESOLUTION NO. 1980: A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI, TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A GRANT OF LICENSE BY THE CITY OF ROLLA BETWEEN JUL, LLC, INC. AND THE CITY OF ROLLA, FOR THE CONSTRUCTION AND MAINTENANCE OF A FROG STATUE A motion was made by Murphey and seconded by Lyons to approve the proposed resolution. 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 resolution passed.

**(C) Ordinance Authorizing the Mayor to Execute the City Hall Lease Purchase Agreement:** City Administrator John Butz informed the Council that in 2005 the City did a \$3.2 million renovation of City Hall following a boiler fire and general need for updating. The lease financing was approved through Bank of America for 20 years at 4.3% interest. There was no early payoff provision that would have allowed the City to

refinance the obligation until the assets and some of the loans were sold to First State Community Bank. The City approached FSCB and they agreed to refinance with a waiver of any early payoff penalties. The attached ordinance and supporting documents authorize the “First Amendment to Lease Purchase Agreement” that will reduce the

## COUNCIL MEETING MINUTES

NOVEMBER 16, 2020

PAGE 4

interest rate to 2.95%. Annual lease payments will drop from \$187,620 to \$183,900 including closing costs (legal fees). The lease will end in April 2025. Gilmore Bell has been retained by the City in cooperation with FSCB to review, prepare legal documents and ensure tax compliance. The net savings over the next 4 ½ years is \$17,405. In order to facilitate the lower interest rate Staff is requesting first and final readings of the ordinance.

City Counselor Carolyn Buschjost read the purposed ordinance for its first reading by title. ORDINANCE NO 4590: AN ORDINANCE APPROVING A FIRST AMENDMENT TO LEASE WITH OPTION TO PURCHASE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND FIRST STATE COMMUNITY BANK AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH. A motion was made by Ruder and seconded by Lyons to suspend the rules and that the ordinance be read for it's final reading by title. A voice vote on the motion showed; Ayes; 11, Nays; 1, and Absent; none.

Ms. Buschjost read the proposed ordinance for its final reading by title. A motion was made by Meusch and seconded by Bolin to approve the proposed ordinance. A roll call vote on the motion showed the following; Eberly Allen, Murphey, Bolin, Schneider, Ruder, Meusch, Higgins, Lyons, Crowell, Schott, and Florence. Nays; None. Absent; None. Motion carried. The ordinance passed.

### V. CLAIMS and/or FISCAL TRANSACTIONS

(A) Motion Awarding the Bid for Fire Vehicle Rolla City Fire Chief Ron Smith asked the Council to consider awarding the bid for a new 2021 Chevrolet Tahoe to Don Brown Chevrolet, the State Bid for \$37,966.00. Chief Smith pointed out that this was not the lowest bidder but it met more of the requested specifications.

A motion was made by Bolin and seconded by Murphey to award the bid to Don Brown Chevrolet and purchase a 2021 Chevrolet Tahoe for \$37,966. A voice vote showed Ayes; 12, Nays; none. Absent; None. Motion carried.

### VI. MAYOR/CITY COUNCIL COMMENTS

(A) Legal comments re: closed session and Sunshine law: City Counselor Carolyn Buschjost read a prepared statement addressing Councilman Schott's questions regarding a personnel issue recently discussed in closed session.

NOVEMBER 16, 2020

**COUNCIL MEETING MINUTES  
NOVEMBER 16, 2020  
PAGE 5**

**(B) COVID Update/Mayor's Task Force**

Mayor Lou Magdits shared statistics showing the growing number of positive COVID cases. The Health Department is overwhelmed and contact tracing is proving to be a difficult task. Mayor Magdits raised the issue of a mask mandate. There had to be way to back-up the businesses who would have to encourage the public to wear masks in a respectful manner. Enforcement will have to be addressed, possibly issuing misdemeanor citations to repeat violators. Placing limits on enhanced risk activities and group gatherings should be considered, as passing someone at Walmart is not as risky as public events; funerals, bars, family gatherings, and parties. A special Council public hearing is being set for Monday, November 23<sup>rd</sup> at 6:00; location to be announced.

**(C) Mayor's Proclamation- Small Business Saturday (November 28<sup>th</sup>)**

Mayor Lou Magdits read a Proclamation proclaiming Saturday, November 28<sup>th</sup> as Small Business Saturday.

**VII. CITIZEN COMMUNICATION**

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

Ed Clayton, President, and Chief Executive Officer of Phelps Health: Continues to advocate and educate the community but feels that education is no longer enough and a mask mandate must be considered.

Dr. Rachelle Gorrell: Oversees positive cases for Phelps Health as well as care for cases at the Veterans Home in St James. Advised that in the last 5 days, the COVID Screening Shed at Phelps Health saw over 800 patients. It seems like patients are getting older and sicker. The hospital is no longer getting consistent supplies of test kits and are unable to give Rapid tests to everyone. St. Louis and Columbia hospitals are unable to accept Phelps Health transfers and people are waiting for hours and hours in the ER when they should be in a bed getting care. Medical staff is working long and hard hours. She is asking Council to put limits on group gatherings, enact a mask mandate, encourage hand washing, good hygiene, and social distancing. When asked by Mayor Magdits about the validity of people who are claiming to be unable to wear masks due to health reasons, Dr Gorrell stated that she felt it was very limited on who has valid medical excuses to not wear a mask.

Eric AuBuchon, Chief of Staff for Phelps Health: Reiterated that we must do all that we can to help our peers and encouraged a mask mandate.

**NOVEMBER 16, 2020**

## **COUNCIL MEETING MINUTES**

**NOVEMBER 16, 2020**

**PAGE 6**

Justin Onwugbufor – MS&T student: created a flyer regarding COVID misconceptions based purely on science with references. A copy was provided for digital viewing during the presentation.

Tara Anura via zoom: Stated “Rolla Strong” had quickly turned into COVID fatigue. She is thankful for the small grassroots groups that continue to push for a mask mandate. She reminded Council of the letter that was issued on November 13<sup>th</sup> from Phelps Health, pleading with Phelps County residents to join them in taking the necessary steps to prevent the spread of the virus.

Rebecca Selpien: Rolla city resident who gave insight on how life with a genetic disorder looks during times of COVID. Besides having to close her in-home business, she feels she is unable to go shopping, participate in city activities, get pharmaceutical goods, or even get a driver’s license because, businesses will not force their patrons to wear a mask without a mandate from the City.

Alex Kickbusch – MS&T student: strong supporter of mask mandate.

Dr. Kessinger Chiropractic Physician: Wanted to give a counterpoint opinion. He advised that the virus has a 99% survival rate. He feels that the side effects to wearing masks are far worse than going without. Masks cause a false sense of security. He does not feel that a mandate is necessary. He feels that hand washing, good hygiene, and limiting super spreader events is what really needs to be addressed. Dr. Kessinger advised that we haven’t had any upticks in positive cases until recently and that there have been several events that can be traced to most incidents.

Johnny Jones from Brookridge Dr.: encouraged Council to talk to the people in which they represent. He feels like most Council members already have their minds made up and that his interests are not being represented. He is not for a mask mandate and stated he isn’t able to wear one due to health reasons.

Able Delegarza from Canterbury Ct.: Advised that immunity support is better than the protection a mask supports. Veterans, such as himself, use gyms to cope with PTSD and shutting down gyms is detrimental to their health.

Victoria Clover of Ward 6: She works for Servpro of Rolla and is opposed to wearing a mask.

Megan Johnson: Advised that on Election Day there were numerous political signs posted at polling places. She asked what the rules were regarding placing such signs on city property near polling places. Preferring a neutral polling ground, she questioned Councilman Schott about why he had placed signs on city property. Councilman Schott

**NOVEMBER 16, 2020**

**COUNCIL MEETING MINUTES  
NOVEMBER 16, 2020  
PAGE 7**

advised that he believed he was given permission to place the signs on Election Day after consulting with the Phelps County Clerk's office regarding the rules.

**VIII. COMMENTS FOR THE GOOD OF THE ORDER**

none

**IX. CLOSED SESSION**

A motion was made by Schneider and seconded by Lyons to adjourn into Closed Session pursuant to RSMO. 610.021 to discuss Real Estate. A roll call vote on the motion showed the following: Schneider, Florence, Ruder, Bolin, Higgins, Murphey, Schott, Crowell, Meusch, Allen, Eberly, and Lyons. Nays; None. Absent; None. Motion carried.

The Council adjourned into Closed Session at approximately 9:20 p.m.

**X. Closed Session Action:** City Counselor Carolyn Buschjost reported the Council discussed one Real Estate matter and no final action was taken.

The Council reconvened into open session at approximately 9:40 p.m.

**XI. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 9:45 p.m.

Minutes respectfully submitted by Rolla City Clerk Lorri Thurman.

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CITY CLERK

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MAYOR

**NOVEMBER 16, 2020**