

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, FEBRUARY 6<sup>TH</sup>, 2023; 6:30 P.M.  
ROLLA CITY HALL COUNCIL CHAMBERS  
901 NORTH ELM STREET**

**Presiding:** Mayor Louis J. Magdits IV

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

**Council Members Absent:** None

**Council Ward Vacancy:** Ward 5 - Carrolyn Bolin

**Department Directors and Other City Officials in Physical Attendance:** Community Development Director Steve Flowers, Interim PW Director Darin Pryor, Police Chief Sean Fagan, Interim Fire Chief Jeff Breen, Park Director Floyd Jernigan, City Planner Tom Coots, and City Counselor Lance Thurman

Mayor Magdits called the meeting to order at approximately 6:30 p.m. and asked Councilwoman Tina Balch to lead in the Pledge of Allegiance.

**I. CONSENT AGENDA**

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – January 3, 2023
2. Closed Session Minutes – January 3, 2023
3. City Council Meeting – January 17th, 2022
4. Closed Session Minutes – January 17th, 2022

A motion was made by Johnson and seconded by Kessinger. A voice vote showed 11 Ayes, zero Nays, and 1 vacancy.

**II. PUBLIC HEARINGS** – None

**III. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS** – None

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

- a. Environmental Services Department Monthly Report – December 2022
- b. Building Codes monthly report – December 2022
- c. Police Department Monthly Report – December 2022

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- d. Animal Control Division Report – December 2022
- e. City of Rolla Financial Reports – December 2022
- f. RMU Financial report for December 2022
- g. The Centre Income Statement ending November, 2022
- h. Development Review Committee Minutes for January 17<sup>th</sup>, 2023
- i. Rolla Planning and Zoning Commission Meeting for December 13<sup>th</sup>, 2022
- j. Municipal Court Summary Reporting for December 2022

Councilwoman Johnson questioned Chief Fagan about the increase in trespassing calls. Chief Fagan credited the success of the new business plaques which indicate a business can trespass without a police presence. She also had some questions regarding the Centre report and the impact of the increased membership fees. Councilman Chirban and Councilwoman Balch asked about the impact of New Year’s Centre memberships on the January statistics that have not yet been provided. Councilman Kessinger questioned whether the decrease in waste tonnage was due to the discontinuation of Curbside services. Mr. Butz suggested it was more a sign of the economy.

V. **OLD BUSINESS** –

- A. **Ordinance** to amend/rezone 550/650 Joan Drive from C-3, Highway Commercial to a PUD, Planned Unit Development District. City Planner Tom Coots stated that the revised plans they were previously waiting on have been submitted by the applicant. The first 50 feet of the entrance/exit must be paved as well. Jaden Gurney (the applicant) was present to answer Council concerns on the prevention of permanent housing, tent camping not being allowed, and property management. Mayberry read a statement of concern submitted by Cory Elfrink, Director of Columbia College-Rolla. City Counselor Lance Thurman read the ordinance for its final reading, by title: ORDINANCE 4721: AN ORDINANCE TO APPROVE THE RE-ZONING OF 550/650 JOAN DRIVE FROM THE C-3, HIGHWAY COMMERCIAL DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT. A motion was made by Hall and seconded by Kessinger to pass the ordinance. A roll call vote showed the following: Ayes: Balch, Mayberry, Chirban, Renaud, Florence, Kessinger, Higgins, Hall, Johnson, and Steen. Nays: Fridley. Vacancy: Ward 5/Bolin.
  
- B. **Ordinance** to allow a minor subdivision to combine three commercial lots and a portion of another lot, and vacate Joan Drive and certain easements, located at 550/650 Joan Dr. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading, by title: ORDINANCE 4722: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF BLUE’S LAKE PLAT #12; VACATING JOAN DRIVE; AND VACATING ALL EASEMENTS DEDICATED IN BLUE’S LAKE PLAT #10. A motion was made by Balch and seconded by Chirban to approve the ordinance. A roll call vote showed the following: Ayes: Kessinger, Fridley, Steen, Renaud, Mayberry, Chirban, Balch, Johnson, Florence, Higgins, and Hall. Nays: none. Vacancy: Ward 5/Bolin.

VI. **NEW BUSINESS** –

- A. **Ordinance** to amend Rolla’s Indoor Smoke Free Act to include Marijuana. (City Administrator John Butz) With the passage of Amendment 3 which now allows adult use marijuana sales and consumption, there are several issues related to local regulation and enforcement. With smoking/consumption now legal in Missouri the city is recommending action on the first amendment involving the City’s Indoor Smoke Free Air Act of 2011 to include Marijuana smoking. With a majority show of hands, Council expressed the desire to consider regulations on vaping as well but agreed to keep that issue separate for now to give staff

time to research and consult with legal. City Counselor Lance Thurman read the ordinance for its first reading: AN ORDINANCE REPEALING SECTION 19-10(a)(M) AND 19(l)(B) OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI AND ENACTING NEW SECTIONS 19-10(a)(M) AND 19(l)(B) IN LIEU THEREOF PROHIBITING SMOKING IN INDOOR WORKPLACES AND PUBLIC PLACES.

- B. **General Discussion** on Amendment 3 – Offenses and Zoning (City Administrator John Butz) The City needs to consider changes to Chapter 30 (offenses) and Chapter 42 (zoning). Staff will be working on draft ordinances for Council consideration but any amendments to Chapter 42 will have to go through Planning & Zoning for a recommendation. Further discussion was had regarding minors and paraphernalia, extended medical marijuana possession allowance from 4oz. to 6oz. and training. Kessinger asked if RPD had any Drug Recognition Experts. The Chief said they did not but all officers are trained on sobriety checks. Officers must be able to articulate how someone is behaving as impaired before the traffic stop.

## VII. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Bid award** to Alexander Construction for EIFS repairs/replacement on exterior wall of RPD. (Police Chief Sean Fagan; Com. Dev. Director Steve Flowers) A motion was made by Kessinger and seconded by Johnson to award the bid to Alexander construction for \$40,927.50. A voice votes showed 11 Ayes, zero Nays, and 1 Vacancy.
- B. **Bid award** to Wade’s Equipment for a Compact Track Loader using the Sourcewell Program. (PW Director Darin Pryor) A motion was made by Balch and seconded by Higgins to award the bid to Wade’s Equipment for \$62,662.53. A voice vote showed 11 Ayes, zero Nays, and 1 Vacancy.
- C. **Bid award** to Wade’s Equipment for a Skid Steer Loader using the Sourcewell Program. (PW Director Darin Pryor) A motion was made by Higgins and seconded by Johnson to award the bid to Wade’s Equipment for \$51,704.37. A voice vote showed 11 Ayes, zero Nays, and 1 Vacancy.
- D. **Bid award** to Coe Equipment for the purchase of a Sewer Easement Machine. (PW Director Darin Pryor) A motion was made by Higgins and seconded by Balch to award the bid to Coe Equipment for \$82,579.00. A voice vote showed 11 Ayes, zero Nays, and 1 Vacancy.
- E. **Resolution** to authorize the application for RTP grant funding for “Recreational Trails Program” addressing park improvements. (Parks Director Floyd Jernigan) This resolution will authorize the application for 80/20 match funding from DNR that will be applied to construction Phase 1 of the Rolla Bicycle Skills Park. City Counselor Lance Thurman read the Resolution for one reading, by title: RESOLUTION 2018, A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION O THE MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR THE RECREATIONAL TRAILS PROGRAM. A motion was made by Kessinger and seconded by Balch to approve the resolution. A voice vote showed 11 Ayes, zero Nays, and 1 Vacancy.

## VIII. CITIZEN COMMUNICATION

- A. Zack Milbrand from Commercial Drive clarified a statement made earlier by a Council member regarding vaping on airplanes.

## IX. MAYOR/CITY COUNCIL COMMENTS

- A. **Motion** to reappoint James Marcellus to the Police Personnel Board (4 yr term exp. Feb 2027)  
A motion was made by Fridley and seconded Johnson to approve the reappointment. Voice vote showed 11 Ayes, zero Nays, 1 Vacancy.
- B. **Motion** to reappoint Bette Shields to the Police Personnel Board (4 yr term exp. Feb 2027)  
A motion was made by Fridley and seconded by Renaud to approve the reappointment. Voice vote showed 11 Ayes, zero Nays, 1 Vacancy.
- C. **Motion** to reappoint Jacob Rohter to the Phelps County University Extension Council (2<sup>nd</sup> two year term exp. February 2025)  
A motion was made by Higgins and seconded by Renaud to approve the reappointment. Voice vote showed 11 Ayes, zero Nays, 1 Vacancy.
- D. **Motion** to reappoint Becky Roberts to the Library Board. (3 yr term exp. Feb 2026)  
A motion was made by Johnson and seconded by Higgins to approve the reappointment. Voice vote showed 11 Ayes, zero Nays, 1 Vacancy.
- E. **Motion** to reappoint Dr. Keith Wedge to the Police Personnel Board (4 year term exp. Feb 2027)  
A motion was made by Higgins and seconded by Balch to approve the reappointment. Voice vote showed 11 Ayes, zero Nays, 1 Vacancy.
- F. **Motion** to reappoint Andrew Meggitt to the Parks Advisory Commission (3 yr term exp. Feb 2026 )  
A motion was made by Kessinger and seconded by Higgins to approve the reappointment. Voice vote showed 11 Ayes, zero Nays, 1 Vacancy.
- G. **Motion** to reappoint Mike Fleischhauer to the Parks Advisory Commission (3 yr term exp. Feb 2026)  
A motion was made by Higgins and seconded by Fridley to approve the reappointment. Voice vote showed 11 Ayes, zero Nays, 1 Vacancy.
- H. **Motion** to appoint Steve Davis to P&Z Commission (4 yr term exp. Feb 2027)  
A motion was made by Chirban and seconded by Johnson to approve the appointment. Voice vote showed 11 Ayes, zero Nays, 1 Vacancy.

## X. COMMENTS FOR THE GOOD OF THE ORDER

- A. Mayor Magdits expressed how pleased he was to see such a large turnout at the chamber of Commerce Banquet and to hear the inspiring stories of community involvement. He also asked PW Director Darin Pryor to inspect a pothole on Bardsley.
- B. Councilman Kessinger attended another excellent production by Fine Linen, congratulated Mayor Magdits on his promotion by Doe Run and discussed Socket complaints that he was receiving. Staff clarified that Socket had to ask permission to be on citizens private property outside of the easement.
- C. Councilwoman Johnson thanked PW Director Darin Pryor for the quick removal of a fallen tree during the last storm.
- D. Police Chief Fagan updated Council on the functions of the new body cameras.

XI. **CLOSED SESSION** – Closed Session per RSMo 610.021- (2) Real Estate

At 8:43 pm a motion was made by Johnson and seconded by Kessinger to go into closed session. A roll call vote showed the following: Ayes: Balch, Mayberry, Chirban, Renaud, Florence, Kessinger, Higgins, Hall, Johnson, Fridley, and Steen. Nays: none Vacancy: Ward 5/Bolin.

At 8:51 pm Council returned from closed session where they discussed one item regarding Real Estate. No final action was taken.

XII. **ADJOURNMENT** –

- A. Mayor Magdits announced that Councilwoman Bolin had resigned from her position as Councilwoman in Ward 5 as well as a member of the Board for Rolla Housing Authority. The search for both appointments has begun and he will present those to Council as they become available.

Having no further business, the meeting adjourned at approximately 8:53 p.m.  
Minutes respectfully submitted by City Clerk Lorri Thurman.

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CITY CLERK

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MAYOR