

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JUNE 5TH, 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: Joshua Vroman, Terry Higgins, Megan Johnson, Nathan Chirban, Lister Florence, Jaired Hall, Rob Kessinger, Stanley Mayberry, Victoria Steen, Tina Balch

Council Members Absent: Matt Fridley

Council Ward Vacancy: Ward 5 - Carrolyn Bolin

Department Directors and Other City Officials in Physical Attendance: PW Director Darin Pryor, Police Chief Sean Fagan, Fire Chief Jeff Breen, Asst. Fire Chief John Marti, Community Development Director Steve Flowers, City Planner Tom Coots, Interim Env. Services Director Roger Pankey, Centre Recreation Director Marci Fairbanks, and City Counselor Lance Thurman.

Mayor Louis J. Magdits called the meeting to order at approximately 6:30 p.m. and asked Councilman Rob Kessinger to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – May 1, 2023
2. Closed Session Minutes – May 1, 2023
3. City Council Meeting – May 15th, 2023
4. Closed Session Minutes – May 15th, 2023

A motion was made by Johnson and seconded by Higgins to accept the minutes. A voice vote showed 9 Ayes, zero Nays, and 2 Absent (Fridley and Steen)

B. **Motion** to accept a Sewer Easement from Neil Investments LLC for 904 Oak Lane Drive. (PW Director Darin Pryor) A motion was made by Higgins and seconded by Johnson to accept the Sewer Easement. A voice vote showed 9 Ayes, zero Nays, and 2 Absent (Fridley and Steen).

II. PUBLIC HEARINGS –

Note: Councilwoman Victoria Steen joined the meeting at 6:37 pm.

A. **Public Hearing** for the Re-adoption and revision to Chapter 42 (Planning and Zoning of the City of Rolla Ordinances for a complete overhaul of the zoning and subdivision codes; Re-adoption of the Zoning Map with necessary revisions for corrections and to account for changes to the zoning codes and zoning

JUNE 5th, 2023

districts; and Amendments to sections pertaining to land use and zoning in Chapters 15, 20,28, 29, 39, 40, and 41 of the City of Rolla Ordinances. City Planner Tom Coots explained for Council that the current zoning code was adopted in 1988 and hadn't had a comprehensive overview since 2000. Revisions and additions have created issues with organization, duplication, and conflict with other parts of the code. The Zoning Ad-Hoc Committee was formed in February 2022 to review the codes, subdivision codes, and any other land use regulations to make recommendations for change to the City Code. The proposed changes should make the code more understandable, and will correct errors while removing unnecessary requirements. There were questions and comments about who received letters regarding zoning changes and what was actually required for notification per state law and city code. The use of the words urban/suburban verses rural were also discussed.

At 7:10 pm the Mayor opened the public hearing for citizen comment.

Alfred Chapman, property owner of 106 Bookridge asked for a letter pertaining to his property rights.

Nick Roshan, property owner of 506 E. 13th Street spoke in favor of the zoning changes which he felt would make the code more inclusive, allowing more options for property owners.

Dale Krutchers, property owner of 1301 Hwy O spoke in favor of the zoning changes and commended Mr. Coots for going above and beyond what city code required for notification to the public. He urged Council the change the process and mandate better public input processes.

Regarding public notification: Mayor Magdits asked Mr. Coots to consider a more inclusive system of notification.

Ray Schwaghardt, 1342 S. Rolla asked if the change in zoning code affected the tax rate. City Administrator John Butz replied that the Assessor's Office doesn't consider zoning when determining property assessment.

At 7:43 pm, Mayor Magdits closed the Public Hearing. An ordinance for first reading to approve the zoning code changes will be presented to Council at a later date.

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

- a. Environmental Services Department Monthly Report – April 2023
- b. Building Codes monthly report – April 2023
- c. Police Department Monthly Report – April 2023
- d. Animal Control Division Report – April 2023
- e. RMU Financial Statistics for April 2023
- f. The Centre Income Statement ending April 2023
- g. Municipal Court Summary Reporting for March 2023
- h. P&Z Commission Minutes for April 11th, 2023
- i. City of Rolla Financial Report ending April, 2023

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – none.

V. OLD BUSINESS –

- A. **Ordinance** to approve an agreement with Brownwood Estates Homeowners Association for the lease of a containment pond for recreational use. (PW Director Darin Pryor) City Counselor Lance Thurman read the ordinance for its final reading, by title: ORDINANCE 4739: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN LAND LEASE AGREEMENT WITH THE BROWNWOOD ESTATES HOMEOWNERS ASSOCIATION. A motion was made by Johnson and seconded by Kessinger to approve the lease. A roll call voted showed the following: Ayes: Kessinger, Johnson, Florence, Hall, Steen, Vroman, Balch, Higgins, Mayberry, and Chirban. Nays: none. Absent: Fridley.
- B. **Ordinance** to approve vacation of easement at 1906/1908 N Bishop Ave. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading, by title: ORDINANCE 4740: AN ORDINANCE APPROVING THE VACATION OF A PORTION OF AN EASEMENT LOCATED AT 1906/1908 N BISHOP AVE. A motion was made by Vroman and seconded by Balch to approve the vacation of easement. A roll call vote showed the following: Ayes: Hall, Kessinger, Balch, Higgins, Mayberry, Florence, Johnson, Steen, Vroman, and Chirban. Nays: none. Absent: Fridley.
- C. **Ordinance** to approve the vacation of the rights-of-way of Park Street between 2nd Street and the railroad. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading, by title: ORDINANCE 4741: AN ORDINANCE APPROVING THE VACATION OF PARK STREET BETWEEN 2ND STREET AND THE RAILROAD RIGHTS-OF-WAY. A motion was made by Kessinger and seconded by Balch to approve the vacation of rights-of-way. A roll call vote showed: Ayes: Chirban, Vroman, Johnson, Higgins, Hall, Steen, Florence, Mayberry, Balch, and Kessinger. Nays: none. Absent: Fridley.
- D. **Ordinance** to approve the rezoning of the SW corner of Richard Dr. and Curtis Dr. from the C-1, Neighborhood Commercial to R-3, Multi-family. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading, by title: ORDINANCE 4742: AN ORDINANCE TO APPROVE THE RE-ZONING OF CERTAIN PROPERTY LOCATED AT THE SOUTHWEST CORNER OF RICHARD DRIVE AND CURTIS DRIVE FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE R-3 MULTI-FAMILY DISTRICT. A motion was made by Johnson and seconded by Chirban to approve the re-zoning. A roll call vote showed: Ayes: Vroman, Higgins, Johnson, Chirban, Florence, Hall, Kessinger, Mayberry, Steen, and Balch. Nays: none. Absent: Fridley.

VI. NEW BUSINESS –

- A. **Resolution** to approve the purchase of a 2023 Rescue Pumper from Pierce/Macqueen dealership for \$952,000 utilizing the HGAC program. Fire Chief Jeff Breen explained to Council the current vehicle replacement program of Rolla City Fire and the factors that affect the ISO rating scale. Rolla City Fire is currently in the top 3% nationwide with an ISO rating of 2. City Counselor Lance Thurman read the resolution for one reading, by title: RESOLUTION 2021: A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A PURCHASE AGREEMENT BY AND BETWEEN THE CITY OF ROLLA, MISSOURI AND MACQUEEN EQUIPMENT, LLC FOR THE PURCHASE OF A 2023 PIERCE RESCUE PUMPER. A motion was made by Chirban and seconded by Johnson to approve the purchase of the 2023 Pierce Rescue Pumper for \$952,000. A voice vote showed 10 Ayes, zero Nays, and 1 Absent (Fridley).

- B. **Resolution** to select General Code to provide codification services. City Counselor Lance Thurman read the resolution for one reading, by title: RESOLUTION 2022: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SERVICE AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND GENERAL CODE FOR CODIFICATION SERVICES. A motion was made by Vroman and seconded by Johnson to accept the proposal by General Code. A voice vote showed 10 Ayes, zero Nays, and 1 Absent (Fridley).
- C. **Motion** authorizing City Administrator John Butz to sign the Sovereign Immunity Preservation Rider. City Administrator John Butz explained to Council that each year the City obtains insurance quotes for renewal of general liability, property coverage, and workers comp. Beginning this year and moving forward, carriers are requiring an official motion preserving sovereign immunity. A motion was made by Kessinger and seconded by Higgins to authorize the signing of the Sovereign Immunity Preservation Rider. A voice vote showed 10 Ayes, zero Nays, and 1 Absent (Fridley).
- D. **Ordinance** to amend Section 41-2 of the City Code – Concealed Weapons. (Police Chief Sean Fagan) This item was changed to a discussion only. Legal is reviewing this topic further. An amended ordinance will be presented for Council approval at a future date.

VII. **CLAIMS and/or FISCAL TRANSACTIONS** –

VIII. **CITIZEN COMMUNICATION**

IX. **MAYOR/CITY COUNCIL COMMENTS**

- A. Discussion on July 3rd/4th Council Meeting-consider cancelling? (City Administrator John Butz) A motion was made by Chirban and seconded by Balch to cancel the July 3rd/4th Council meeting. A voice vote showed 10 Ayes, zero Nays, and 1 Absent (Fridley).
- B. Motion to approve the appointment of Kevin Greven to the vacant Ward 5 Council position for the unfulfilled term currently ending April 2024. A motion was made by Johnson and seconded by Hall to postpone the appointment till the June 19th meeting to give the public time to review the bio of the candidate. After some discussion, A motion was then made by Vroman and seconded by Mayberry to approve the appointment. After further discussion, Vroman withdrew his motion and the Mayor agreed to postpone the appointment until the June 19th meeting.

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

- A. Councilwoman Balch reminded citizens of the food distribution at the Dream Center on Wednesday from 10:00 -12:00.
- B. Councilman Kessinger commented on the success of the Summerfest event.

XI. CLOSED SESSION –

At 8:48 pm a motion was made by Johnson and seconded by Higgins to go into closed session. A roll call vote showed the following: Ayes: hall, Kessinger, Balch, Higgins, Mayberry, Florence, Johnson, Steen, Vroman, and Chirban. Nays: none. Absent: Fridley.

Closed Session per RSMo 610.021- (2) Real Estate

At 9:00, Council returned from closed session where a discussion of real estate was had with no final action taken.

XII. ADJOURNMENT -

Having no further business, the meeting adjourned at approximately 9:00 p.m.
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR