

**Please Note:** The Council Meeting will be conducted at Rolla City Hall. Citizens are encouraged to watch the proceedings live on Fidelity Cable Channel 16 or through the Fidelity YouTube link at <https://www.youtube.com/channel/UCffrfbYSQqtuhOAVkCCyieA>

**COUNCIL PRAYER**  
Ministerial Alliance

**AMENDED AGENDA OF THE ROLLA CITY COUNCIL**  
**Monday, August 7th, 2023; 6:30 P.M.**  
**City Hall Council Chambers**  
**901 North Elm Street**

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

**COUNCIL ROLL: JOSHUA VROMAN, TERRY HIGGINS, MEGAN JOHNSON, NATHAN CHIRBAN, LISTER B. FLORENCE, JR., MATTHEW FRIDLEY, JAIED HALL, ROBERT KESSINGER, STANLEY MAYBERRY, KEVIN GREVEN, VICTORIA STEEN, AND TINA BALCH**

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**PLEDGE OF ALLEGIANCE**  
Councilwoman Tina Balch

**I. CONSENT AGENDA**

- A. Consider Approval of the City Council Minutes of:
  - 1. City Council Workshop – July 10<sup>th</sup>, 2023
  - 2. City Council Meeting – July 17<sup>th</sup>, 2023

**II. PUBLIC HEARINGS** – None

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

- a. Environmental Services Department Monthly Report – June 2023
- b. Building Codes monthly report – July 2023
- c. Police Department Monthly Report – June 2023
- d. Animal Control Division Report – June 2023
- e. RMU Board of Public Works Minutes for June 1, 2023 & Financial Statistics - June 2023
- f. The Centre Income Statement ending June 2023
- g. Municipal Court Summary Reporting for July 2023
- h. BOA Minutes for April 6<sup>th</sup>, 2023
- i. Park Advisory Commission Minutes – May 25<sup>th</sup>, 2023
- j. P&Z Commission Minutes for June 13<sup>th</sup>, 2023
- k. City of Rolla Financial Report ending May 2023

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

V. **OLD BUSINESS** –

- A. **Ordinance** to subdivide one residential lot into two lots at 514 Keeton Rd. (City Planner Tom Coots) **Final Reading**
- B. **Ordinance** approving the rezoning of a portion of 514 Keeton Rd from R-1, Single-family district to the R-2, Two-family district. (City Planner Tom Coots) **Final Reading**
- C. **Ordinance** approving text amendment to Chapter 42, Sections 42.141 definitions and 52.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses. (City Planner Tom Coots) **Final Reading**
- D. **Ordinance** amending current marijuana ordinance to match Missouri State Law. (Chief Fagan) **Final Reading**
- E. **Ordinance** adopting final version of proposed Chapter 42 – Planning and Zoning. (City Planner Tom Coots) **First Reading**
- F. **Discussion** on Obscenity – State Law Review. (City Administrator John Butz/City Counselor Carolyn Buschjost)

VI. **NEW BUSINESS** –

- A. **Ordinance** to remove parking on Lions Club Drive from Route 63 to Ramsey Place. (PW Director Darin Pryor) **First Reading**
- B. **Ordinance** to add a stop condition on State Street at the 10<sup>th</sup> Street intersection. (PW Director Darin Pryor) **First Reading**
- C. **Ordinance** to remove the one-way traffic designation on Elm Street from 14<sup>th</sup> Street to 12<sup>th</sup> Street. (PW Director Darin Pryor) **First Reading**
- D. **Resolution** to authorize the Mayor to sign the Chymiak Family Foundation matching grant award pertaining to new pickleball courts. (Parks Director Floyd Jernigan) **Motion**

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

- A. **Motion** to award bid for the purchase of a 2023 Chrysler Pacifica to Taylor Dodge. (Chief Fagan)

VIII. **CITIZEN COMMUNICATION**

- A. Pastor David Dukes regarding drugs and the homeless.
- B. Max Pfeifer in support of LGBTQ+ Rolla and Drag in the Rolla community.
- C. Bethany Louise on diversity management.

IX. **MAYOR/CITY COUNCIL COMMENTS**

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

XI. **CLOSED SESSION** –

- A. Closed Session per RSMo 610.021- (12) Contract Negotiations, (2) Real Estate, (1) Legal Work Product

XII. **ADJOURNMENT** -

ROLLA CITY COUNCIL  
WORKSHOP MINUTES  
MONDAY, JULY 10<sup>TH</sup>, 6:00 P.M.  
ROLLA CENTRE  
1200 HOLLOWAY STREET  
ROLLA, MO 65401

Presiding: Mayor Louis J. Magdits, IV

Council Members in Attendance: Josh Vroman, Terry Higgins, Megan Johnson, Nathan Chirban, Matthew Fridley, Jaired Hall, Robert Kessinger, and Tina Balch.

Council Members Absent: Lister Florence, Kevin Greven, Stanley Mayberry, Victoria Steen

Department Directors and other City Officials in Attendance: Finance Director Steffanie Rogers, Centre Recreation Director Marci Fairbanks, and Parks Director Floyd Jernigan

Mayor Louis J. Magdits, IV called the workshop to order at approximately 6:15 p.m.

Centre Recreation Director Marci Fairbanks stated that membership numbers had been holding steady for the last 5 quarters but with a higher than expected attrition rate. The Centre is in the top 4% of all Power Wellness Centers in the US for total visits per member, meaning that people are using their memberships. The Centre offers multiple membership opportunities and the average member pays \$30 per month. Member Satisfaction scores are very favorable.

Additional revenue streams for the Center include personal fitness training, swimming lessons, parties, café items and gym rentals. Despite new members and improved services the net operating income is less than the projected net income.

Josh Carlson with Power Wellness, attended by conference call. He spoke on the 6 pillars of medical integration and how the Centre has thus far achieved 4 out of the 6 levels putting the Centre on track to be Medical Fitness Association Certified by 2024. MyFitRx is gaining notoriety amongst medical professionals and is an important component for the Centre to achieve financial independence.

City Administrator John Butz reviewed the history of the relationship between the City of Rolla and Power Wellness which began in 2020 during peak of the Covid-19 pandemic. In November of 2022 Council authorized \$850,000 in ARPA funds for Loss Revenue in 2020-2022. In 2023, Council authorized \$475,000 in ARPA funds in Loss Revenue. An additional \$165,000 in support is needed for FY 2023. City Administrator John Butz reviewed key points in keeping the Centre open verses closing the Centre and related costs. City Council discussion continued on past financial performances and future opportunities.

With nothing further to discuss, Mayor Magdits closed the workshop at 8:00 pm.

Minutes respectfully submitted by City Clerk, Lorri Powell

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Mayor, Louis J. Magdits IV

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City Clerk, Lorri Powell

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY, JULY 17TH, 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, Matt Fridley, Jaired Hall, Rob Kessinger, Kevin Greven, Stanley Mayberry, Victoria Steen, Tina Balch,

**Council Members Absent:** None

**Department Directors and Other City Officials in Physical Attendance:** Police Chief Sean Fagan, Fire Chief Jeff Breen, Community Development Director Steve Flowers, City Planner Tom Coots, Finance Director Steffanie Rogers, Park's Director Floyd Jernigan, and City Counselor Carolyn Buschjost.

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

**I. CONSENT AGENDA**

A. Consider Approval of the City Council Minutes of:

1. City Council Meeting – June 5<sup>th</sup>, 2023
2. Closed Session Minutes – June 5<sup>th</sup>, 2023
3. City Council Meeting – June 19<sup>th</sup>, 2023

A motion was made by Higgins and seconded by Johnson to approve the minutes. A voice vote showed 12 Ayes, zero Nays, none Absent.

**II. PUBLIC HEARINGS** –

- A. **Public Hearing and Ordinance** approving the rezoning of a portion of 514 Keeton Rd from R-1, Single-family district to the R-2, Two-family district. (City Planner Tom Coots) The applicant seeks to construct a duplex on the subject property. The applicant has submitted a minor subdivision for concurrent review. Only the northern lot of the subdivision is proposed to be rezoned. Mayor Magdits opened the public hearing at 6:44 pm. The property owner, Shawn Coverdale, spoke to council about the proposed duplex. There was discussion about parking in which Mr. Coverdale assured council there would be ample parking. There were no other citizens that wished to comment and the public hearing was closed at 6:49 pm. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE RE-ZONING OF A PORTION OF A PROPERTY ADDRESSED AS 514 KEETON RD FROM THE R-1, SINGLE-FAMILY DISTRICT TO THE R-2, TWO-FAMILY DISTRICT.

July 17th, 2023

- B. **Public Hearing and Ordinance** approving text amendment to Chapter 42, Sections 42.141 definitions and 52.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses. (City Planner Tom Coots) The amendments to the zoning code are intended to essentially treat both medical marijuana businesses and adult use marijuana businesses synonymously. Mayor Magdits opened the public hearing at 7:02 pm. There were no citizens that commented and the public hearing was closed at 7:02 pm. City Counselor read the ordinance for its first reading by, by title: AN ORDINANCE AMENDING CHAPTER 42, ARTICLE III OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI REGARDING MARIJUANA USES.

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

- a. Environmental Services Department Monthly Report – May 2023
- b. Building Codes monthly report – June 2023
- c. Police Department Monthly Report – May 2023
- d. Animal Control Division Report – May 2023
- e. RMU Financial Statistics for May 2023
- f. Rolla Board of Public Works Minutes for April 25<sup>th</sup>, 2023
- g. The Centre Income Statement ending June 2023
- h. Municipal Court Summary Reporting for June 2023
- i. P&Z Commission Minutes for May 9<sup>th</sup> and June 13<sup>th</sup>, 2023
- j. DRC Minutes for June 20<sup>th</sup> and July 11<sup>th</sup>, 2023
- k. City of Rolla Financial Report ending May 2023

Councilwoman Johnson questioned Chief Fagan about the increase in car thefts.

**IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS –**

- A. Shawn Landers – GovDeals, presented the City of Rolla a certificate for joining the \$1M Club in cumulative surplus sales through GovDeals since January of 2009. The certificate was received by Rob Hribar.

**V. OLD BUSINESS –**

- A. **Ordinance** to amend Section 41-2 of the City Code – Concealed Weapons. Police Chief Sean Fagan stated the proposed amendment would bring the City code into compliance with state law. In addition, he proposed an amendment to Section 41-2(b) which deviates from the statutory language that the City of Rolla does not prohibit the carrying of weapons in City facilities. This was further explained by City Administrator John Butz. A motion was made by Steen and seconded by Greven to make the recommended amendments as stated by Mr. Butz. A roll call vote showed the following: Ayes: Hall, Mayberry, Chirban, Greven, Vroman, Steen, Kessinger, Higgins, Balch, Johnson, Fridley, and Florence. Nays: zero. Absent: none. City Counselor Carolyn Buschjost read the ordinance for its final reading as amended, by title: ORDINANCE 4744: AN ORDINANCE REPEALING SECTIONS 41-2 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI AND ENACTING NEW SECTIONS 41-2 IN LIEU THEREOF PERTAINING TO CARRYING CONCEALED WEAPONS. A motion was made by Steen and seconded by Vroman to approve the amended ordinance. A roll call vote showed the following: Ayes: Vroman, Florence, Steen, Greven, Higgins, Chirban, Fridley, Johnson, Kessinger, Mayberry, Hall, and Balch. Nays: none. Absent: none.

- B. **Ordinance** adopting final version of proposed Chapter 42 – Planning and Zoning. (City Planner Tom Coots) Mayor Magdits reminded Council that there was no hurry to follow through with a first reading as listed on the agenda, if Council is not prepared to do so. City Planner Tom Coots advised Council of impact areas and buffer zones pertaining to “overnight shelters” as requested by Council at the June 19<sup>th</sup> meeting. Mayor Magdits asked that a map also be posted in the lobby for citizens.

There was concern expressed by Councilmembers who felt the new proposed C-2 zoning code went against what Council had previously accomplished in the overnight shelter code limiting same by CUP to R-3, C-3 and manufacturing zones. Mayor Magdits stated that advice had been offered on multiple occasions by both Administration and Legal Counsel regarding too restrictive zoning for overnight shelters. Councilman Vroman made a motion, seconded by Johnson, to remove overnight shelters from R-4 and C-2 zoning district from the new proposed zoning code.

Mayor Magdits clarified that would leave zoning M and R-3 by CUP. Mayor Magdits asked City Administrator John Butz and Counselor Buschjost to comment on the impact of the more restrictions as proposed by Vroman’s motion. City Administrator John Butz said it was not a slight resistance and that Administration had recommended over last several months that it was too restrictive in limiting a legal entity in their right to operate in Rolla. As stated in previous meetings by both legal counsel and Administration, the City cannot use zoning regulations to effectively prohibit a legal entity. Counselor Buschjost concurred with Mr. Butz, as she has stated the same thing multiple times over the last several months. City Administrator John Butz further explained to Council that you have to look at legal uses and compatibility with other comparable uses. The concept of aggregating people (hotels, boarding homes, sororities, fraternities) is what the law will look at when comparing similar usage types. To separate overnight shelters and say they are nothing like these uses and then to say they are more similar to manufacturing, will be a very difficult legal argument to make. In regards to R3 zoning, Mr. Butz stated he didn’t know where in R3, even with a CUP, Council might be willing to allow an overnight shelter. Administration and legal retain the opinion that the proposed zoning is too.

Chirban suggested that Vroman withdraw his motion and separate them into two separate motions. Vroman withdrew his previous motion and made the motion, seconded by Johnson, to remove overnight shelters from the proposed new C-2 district from the new proposed zoning code. A roll call vote showed the following: Ayes: Fridley, Kessinger, Higgins, Greven, Vroman, Steen, Chirban, Balch, Johnson, Nays: Mayberry and Hall. Absent: none. Abstain: Florence. A motion was made by Johnson and seconded by Balch to set aside the first reading for the final version of the chapter 42 revision until the next meeting. Council asked Mr. Coots to create a map showing just R4 zoning. A roll call vote showed the following: Ayes: Steen, Chirban, Higgins, Vroman, Mayberry, Greven, Balch, Johnson, Kessinger, Fridley, and Hall. Nays: none. Absent: none. Abstain: Florence.

## VI. NEW BUSINESS –

- A. **Ordinance** to subdivide one residential lot into two lots at 514 Keeton Rd. The applicant seeks to subdivide the lot into two lots. Lot 13B has the existing house and faces Keeton Rd. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF OZARK TERRACE, 3<sup>RD</sup> ADDITION.

- B. **Ordinance** revising Chapter 31-37 of the Rolla City Codes pertaining to Parks and Recreation Enforcement. Chief Fagan explained to Council that there is a typo in section 31-37(e) of city code, referring to section 1-8 of the code for penalties. It should be referring to section 1-7. The court is not permitting the City Prosecutor to proceed on any tickets written in violation of any offenses contained in section 31 until the matter is corrected. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: ORDINANCE 4745: AN ORDINANCE AMENDING SECTION 31-37(E) OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING A NEW SECTION 31-37(E) IN LIEU THEREOF RELATING TO PARKS AND RECREATION ENFORCEMENT. A motion was made by Fridley and seconded by Vroman to suspend the rules for final reading. A voice vote showed 12 Ayes, Zero Nays, none Absent. City Counselor Carolyn Buschjost read the ordinance for its final reading. A motion was made by Johnson and seconded by Balch to approve the ordinance. A roll call vote showed: Ayes: Greven, Higgins, Steen, Fridley, Mayberry, Chirban, Balch, Johnson, Kessinger, Florence, Hall, and Vroman. Nays: none. Absent: None.
- C. **Ordinance** amending current marijuana ordinance to match Missouri State Law. (Chief Sean Fagan) City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE AMENDING SECTION 30-16 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO MARIJUANA POSSESSION.
- D. **Discussion** on draft of Obscenity Ordinance. Mayor Magdits asked Council what goals they wished to accomplish regarding an obscenity ordinance. There was discussion about parental rights verses child abuse and what rights Council may or may not have regarding restricting the use of public property. City Administrator Butz indicated public property made available for the use by the public must be made available to all of the public. City Counselor Buschjost advised State law had sufficiently defined what was considered obscene and if Council further tried to restrict the protected constitutional rights of others, this may open the City up to liability. If something during the recent Pride event had happened that was of a criminal nature, local law enforcement would have had cause to arrest or ticket the offending party. A community standard is harder to define than just an individual’s opinion on what they feel is appropriate. Mayor Magdits suggested a Resolution showing support and commitment to enforce State Law as an option for Council. Chirban made the point that he wasn’t interested in prohibiting drag shows in Rolla. He was more concerned with inappropriate sexual content and what, if anything, Council can do locally to ensure that law enforcement is able to proceed with a strong prosecutable case if a violation occurs. Legal Counsel was asked to further investigate the State Law regarding obscenity.

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

- A. **Motion** to award bid to McQueen Emergency for Turnout Gear. Fire Chief Jeff Breen stated that bids were received for the purchase of Firefighter Turnout Gear and received one bid from McQueen Emergency. The agency received a \$20,000 grant that required a 50/50 hard match. The department will use approved funds from the 2022-2023 budget to match the grant requirements. A motion was made by Higgins and seconded by Chirban to award the bid to McQueen Emergency for \$58,252.70. A voice vote showed 12 Ayes, Zero Nays, None Absent.



**VIII. CITIZEN COMMUNICATION**

- A. Ellie Pickell: The Rolla Pride event and subsequent public comments – Cancelled appearance via phone.
- B. Mark Murphey: Support of the LGBTQ Community including Drag Queens.
- C. Shasta Johnson: Support of the LGBTQ+ Rolla and Drag community.
- D. Terris Cates: Ordinances to protect minors in City public places
- E. Ron Sluder: Ordinances to protect minors in City public places
- F. Darren Facen: Ordinances to protect minors in City public places.
- G. The following Citizens also spoke regarding the LGBTQ community and Drag events, or in concern of children, parental rights, and community standards on obscenity;  
Chris Barrett – Gays Against Groomers; Jacob Blunkall; April Evers; Andrew Behrendt; Rachel Schneider; unidentified citizen; Brandy Howdeshell; Phoenix Hazel; Melissa Jones; Jodi Eberly; Dennis McCannahan; Aden Block; Maggie Beetles; Christy Hahn; Ellie Pickell; Tara Onera; Kyla Calderas; Tracy unidentified last name; Aaron Moyer; Steve Mert; Carol Cates; Vanessa Moyer, unidentified citizen; Bill Hahn, Frank unidentified last name; Johnathan Kimble; Mandy Durkin; and Beth Karr.

**IX. MAYOR/CITY COUNCIL COMMENTS**

- A. Rodney Bourne – RMU GM, answered some questions asked earlier by Councilman Chirban regarding the power outage on July 1<sup>st</sup>.

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

**XI. CLOSED SESSION –**

Closed Session per RSMo 610.021- None

**XII. ADJOURNMENT -**

Having no further business, the meeting adjourned at approximately 11:18 p.m.  
Minutes respectfully submitted by City Clerk Lorri Powell.

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CITY CLERK

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MAYOR

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July 17th, 2023

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**JUNE MATERIALS COLLECTED & SHIPPED  
FROM RECYCLING CENTER**

(Based on Calendar Year)

<b>Material</b>	<b>Jun 2023</b>	<b>May 2023</b>	<b>Jun 2022</b>	<b>Year-to-Date 2023</b>	<b>Year-to-Date 2022</b>	<b>Yearly Total 2022</b>
Cardboard	107.0 ton	150.0 ton	137.0 ton	721.2 ton	815.9 ton	1,481.9 ton
Newspaper	33.5 ton	34.0 ton	35.0 ton	197.7 ton	245.7 ton	455.6 ton
High Grade Paper	0.0 ton	0.0 ton	22.0 ton	20.0 ton	42.0 ton	63.5 ton
Aluminum	2.3 ton	0.0 ton	0.0 ton	7.3 ton	8.9 ton	16.1 ton
Steel Cans/Scrap Metal	3.5 ton	5.7 ton	6.0 ton	29.9 ton	34.8 ton	69.7 ton
Plastic	10.0 ton	0.0 ton	0.0 ton	48.2 ton	51.9 ton	98.2 ton
Glass	22.8 ton	18.0 ton	44.5 ton	126.9 ton	135.0 ton	201.7 ton
Batteries	0.0 ton	0.0 ton	0.0 ton	0.8 ton	0.8 ton	2.1 ton
Electronic Waste	3.3 ton	0.0 ton	6.7 ton	14.3 ton	21.1 ton	39.3 ton
Household HW	0.0 ton	2.5 ton	0.0 ton	2.5 ton	0.0 ton	0.0 ton
<b>TOTAL</b>	<b>182.4 ton</b>	<b>210.2 ton</b>	<b>251.2 ton</b>	<b>1,168.9 ton</b>	<b>1,356.1 ton</b>	<b>2,428.1 ton</b>

**SERVICES PROVIDED**

<b>Type of Service</b>	<b>Jun 2023</b>	<b>May 2023</b>	<b>Jun 2022</b>	<b>Year-to-Date 2023</b>	<b>Year-to-Date 2022</b>	<b>Yearly Total 2022</b>
Special Pick-ups	54	43	92	245	340	639
Paper Shredding	5.5 hours	4.5 hours	4.8 hours	30.5 hours	34.0 hours	59.5 hours
Reported Trash Nuisances	0	0	0	0	0	0
Households Dropping Off Hazardous Waste	93	96	97	451	485	953

**DISPOSAL TONNAGE**

(Sanitation Division)

<b>Material</b>	<b>Jun 2023</b>	<b>May 2023</b>	<b>Jun 2022</b>	<b>Year-to-Date 2023</b>	<b>Year-to-Date 2022</b>	<b>Yearly Total 2022</b>
Refuse	1,571.0 ton	1,566.8 ton	1,396.6 ton	8,334.4 ton	8,501.0 ton	16,383.3 ton

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**Management Report  
FISCAL YEAR 2023**

**July 2023**

BUILDING PERMITS ISSUED	JULY FY 2023		JULY FY 2022		YTD FY 2023		YTD FY 2022		Δ CHANGE FY 22 - FY 23	
	#	Value	#	Value	#	Value	#	Value	# ISSUED	\$ VALUE
<b>PERMITS ISSUED</b>	35	\$ 994,300	40		423		347		21.9%	
Electric, Plumbing, etc. Only	14	\$ -	19	\$ 50,000	201	\$ -	135	\$ 150,000	48.9%	-100.0%
Single Famil Detached	-	-	2	360,000	9	1,755,474	13	3,512,895	-30.8%	-50.0%
Single Family Attached	-	-	-	-	30	3,332,000	8	1,437,000	275.0%	131.9%
Duplexes	-	-	-	-	-	-	1	291,800	-100.0%	-100.0%
3-or-4 family	-	-	-	-	6	3,241,000	9	3,818,490	-33.3%	-15.1%
5-or-more family	-	-	-	-	2	4,300,000	1	2,057,200	100.0%	109.0%
Hotels, Motels	-	-	-	-	-	-	-	-		
Other nonhousekeeping shelter	-	-	-	-	-	-	-	-		
Amusement, social, recreational	-	-	-	-	-	-	2	291,500	-100.0%	-100.0%
Churches, other religious	-	-	-	-	-	-	-	-		
Industrial	-	-	-	-	1	3,225,000	-	-		
Parking garages	-	-	-	-	5	67,883	5	1,486,500	0.0%	-95.4%
Service stations, repair garages	-	-	1	650,000	2	1,795,125	2	1,854,750	0.0%	-3.2%
Hospitals, institutional	-	-	-	-	-	-	-	-		
Offices, banks, professional	-	-	-	-	1	1,100,000	2	1,245,000	-50.0%	-11.6%
Public Works, utilities	-	-	-	-	-	-	1	500,000	-100.0%	-100.0%
Schools, other educational	-	-	-	-	-	-	-	-		
Stores, customer	-	-	-	-	2	1,564,650	1	1,850,000	100.0%	-15.4%
Towers, antennas	-	-	-	-	1	170,000	-	-		
Signs, attached and detached	5	54,600	5	13,800	50	222,764	57	583,000	-12.3%	-61.8%
Residential addition, remodel	6	126,000	3	19,000	61	1,319,028	53	1,313,865	15.1%	0.4%
Commercial addition, remodel	8	813,700	5	419,500	33	3,430,800	28	3,943,716	17.9%	-13.0%
Residential garage, carport	-	-	-	-	1	10,000	-	-		
Demolition, single family	-	-	4	-	9	-	21	-	-57.1%	#DIV/0!
Demolition, 2-family	-	-	-	-	-	-	-	-		
Demolition, 3-or-4 family	-	-	-	-	-	-	-	-		
Demolition, 5-or-more family	-	-	1	-	-	-	1	-	-100.0%	
Demolition, all other	2	-	-	-	9	-	6	-	50.0%	
<b>Total Residential Units</b>	-	-	2	360,000	111	12,628,474	109	11,117,385	1.8%	13.6%
<b>EST. CONSTRUCTION COSTS</b>		\$ 994,300		\$ 1,512,300		\$ 25,533,724		\$ 24,335,716	#DIV/0!	4.9%
Building Permit Fees		\$ 4,990		\$ 7,509		\$ 109,411		\$ 93,221	#DIV/0!	17.4%
<b>FEES</b>		\$ 12,340		\$ 15,259		\$ 207,736		\$ 196,471	#DIV/0!	5.7%

INSPECTIONS PERFORMED	JULY FY 2023		JULY FY 2022		YTD FY 2023		YTD FY 2022		FY FY 22 - FY 23	
	#		#		#		#		#	%
Building Inspections	98		128		1141		1,627		-30%	
Electrical Inspections	63		80		597		718		-17%	
Excavation Inspections	0		0		0		0		#DIV/0!	
Plumbing Inspections	39		49		436		477		-9%	
Mechanical Inspections	24		24		189		214		-12%	
Code Inspections	161		217		1752		2,443		-28%	
Nuisance Inspections	108		120		1268		1,455		-13%	
Business License Inspections	7		28		83		154		-46%	
<b>TOTAL INSPECTIONS</b>	<b>500</b>		<b>646</b>		<b>5466</b>		<b>7,088</b>		<b>-23%</b>	

July 2023

	Building	Elec.	Plumb	Mech.	Gen Com	Nuis.	BL	Daily #	N/R	30 Day P	30 Day F	Grass P	Grass F	Trash P	Trash F	Abate Grass	Abate Trash	Summons	# of Inspect.
7/3	3	1	0	0	3	0	0	7	0	0	2	0	0	0	0	0	0	0	2
7/5	4	2	1	0	5	8	0	20	0	0	2	2	0	0	0	0	0	0	2
7/6	5	1	1	0	6	5	0	18	0	0	2	2	0	0	0	0	0	0	2
7/7	3	3	0	0	6	6	1	19	0	3	0	1	0	0	0	0	0	0	2
7/10	12	2	2	1	14	5	0	36	0	1	0	0	9	0	0	0	0	0	3
7/11	5	4	2	0	11	5	1	28	0	1	0	1	1	1	0	0	0	0	3
7/12	8	2	3	0	12	4	0	29	0	1	1	0	0	0	0	0	0	0	3
7/13	4	6	3	1	11	11	0	36	0	1	0	1	0	0	0	0	0	0	3
7/14	4	6	0	0	8	7	0	25	0	1	1	0	0	0	0	0	0	0	3
7/17	1	5	1	7	0	6	0	20	0	4	1	0	0	0	0	0	0	0	2
7/18	1	4	1	1	4	2	2	15	0	0	0	1	0	0	0	0	0	0	2
7/19	3	5	3	1	8	4	0	24	0	0	1	0	0	1	0	0	0	0	2
7/20	2	3	1	1	4	5	0	16	1	2	1	2	0	0	0	0	0	0	2
7/21	4	2	2	2	4	2	0	16	0	0	0	0	2	0	0	0	0	0	2
7/24	8	3	3	0	13	12	0	39	0	0	0	6	1	0	0	0	0	0	3
7/25	2	3	2	0	7	2	2	18	0	1	0	0	0	0	0	0	0	0	3
7/26	10	2	2	1	13	6	0	34	0	2	0	1	2	0	0	0	0	0	3
7/27	8	3	5	3	10	6	1	36	0	0	0	5	0	0	0	0	0	0	3
7/28	1	0	2	0	3	3	0	9	0	1	0	2	2	0	0	0	0	0	3
7/31	10	6	5	6	19	9	0	55	0	1	0	0	0	0	0	0	0	0	3
								0											
								0											
	98	63	39	24	161	108	7	500	1	19	11	24	17	2	0	0	0	0	

## Rolla Police Department Monthly Report

YTD 2023

### Part I Crimes

Calls that result in written reports are processed through the department's Records Management System (RMS) and ultimately reported to the MSHP and FBI. Beginning in 2020, we transitioned from the FBI's Uniform Crime Report (UCR) method, which counted only the most serious crime from each incident, to the National Incident-Based Reporting System (NIBRS), which counts each of the offenses per incident separately. NIBRS is now considered the FBI's standard method of reporting. The FBI has historically classified eight of the most serious offenses as "Part I Crimes" (these totals are somewhat fluid as investigations and report processing are not limited to monthly time frames):

	<u>Criminal</u> <u>Homicide</u>	<u>Rape</u>	<u>Robbery</u>	<u>Felony</u> <u>Assault</u>	<u>Burglary</u>	<u>Larceny</u>	<u>Auto Theft</u>	<u>Arson</u>	<u>Total</u>	<u>Change from</u> <u>Previous Yr</u>
June	0	0	2	9	8	32	3	0	54	
YTD 2023	0	3	3	21	41	262	25	2	357	
2022	0	7	6	93	118	526	45	4	799	-1.48%
2021	0	15	9	68	119	564	35	1	811	-23.20%
2020	1	12	1	99	172	711	59	1	1056	13.92%
2019	0	16	6	87	164	604	46	4	927	14.59%
2018	0	30	7	84	102	547	34	5	809	-5.49%

### Overdoses

The following data pertain to calls for service responded to by the Rolla Police Department in which an overdose was known or suspected. It is not an accurate representation of all overdoses occurring in Rolla, as these incidents aren't always reported since Narcan is available over-the-counter. Also, in many circumstances, law enforcement may not be called on to respond, as an overdose could be reported as a medical call, or the patient could be transported to the hospital by family/friends. Note the "Narcan Administered" column is ONLY for Narcan administered by RPD. Therefore, it cannot be used as a representation of the # of Narcan uses per overdose incident, as many times another responding agency (Fire, EMS, other LE) administers the Narcan. We do not have statistics for those agencies. Overdose Deaths are those deaths in which it is immediately known an overdose was involved. There is potential for this total to change as death investigations and/or lab results are finalized.

	<u>Overdose Calls for Service</u>	<u>Narcan Administered by RPD</u>	<u>Overdose Deaths</u>
June	15	8	0
YTD 2023	49	23	5
2022	132	42	11

# Rolla Police Department Monthly Report

## YTD 2023

### Calls for Service

"Calls for Service" refers to the general daily activity of the officers - and dispatchers, in some situations - of the Rolla Police Department, as recorded in the Computer Aided Dispatch (CAD) system. Each incident handled by one or more of those individuals, whether in response to a citizen's request for assistance, self-initiated by an officer, or scheduled, is recorded as a single "Call for Service". Call types are assigned based on the initial circumstances presented to the dispatcher and, therefore, should not be considered a reflection of the full nature of the call. "Calls for Service" should also not be mistaken for "Reports Taken".

Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	2022 YTD	% Increase
Abandoned/Recovered Property	11	13	17	19	21	31							112	110	1.82%
Abandoned Vehicle	26	15	16	14	22	27							120	101	18.81%
Accident - Fatality	0	0	0	0	0	0							0	0	#DIV/0!
Accident - Injury	11	17	15	19	18	16							96	107	-10.28%
Accident - Leave The Scene	5	16	23	6	14	9							73	82	-10.98%
Accident - No Injury	40	41	34	39	26	40							220	269	-18.22%
Accident - Private Property	22	16	13	20	26	24							121	141	-14.18%
Accident - Road Blocked	7	2	10	9	3	8							39	31	25.81%
Adult Abuse	1	0	0	0	0	0							1	0	#DIV/0!
Alarm LE	68	63	68	79	65	60							403	419	-3.82%
Animal Bite/Attack	2	0	1	4	3	2							12	22	-45.45%
Animal Control	93	75	86	120	135	145							654	667	-1.95%
Arson	0	0	0	0	0	0							0	0	#DIV/0!
Assault	14	8	6	8	15	12							63	94	-32.98%
Assist Agency Non-LEA	81	64	74	61	60	71							411	385	6.75%
Assist Citizen	6	7	6	2	5	13							39	43	-9.30%
Assist LEA	10	13	11	13	9	16							72	139	-48.20%
Assist Motorist	25	18	26	18	23	40							150	159	-5.66%
Bomb Threat	0	0	0	0	0	0							0	3	-100.00%
Building Lockout	1	0	0	1	2	1							5	1	400.00%
Burglary	11	9	7	15	14	11							67	96	-30.21%
Business/Building Check	205	227	202	161	180	167							1,142	1,416	-19.35%
Call for Police	61	60	62	44	52	53							332	448	-25.89%
Check Well Being	97	96	107	129	133	122							684	706	-3.12%
Child Abuse	1	2	3	2	4	1							13	11	18.18%
Child Exploitation/Pornography	2	0	0	0	0	0							2	0	#DIV/0!
Confidential Investigation	0	0	0	0	0	0							0	2	-100.00%
Conservation Violation	0	0	0	1	0	0							1	1	0.00%
Court	10	10	6	11	11	5							53	56	-5.36%
Crossing Guard (Officer coverage)	5	3	2	5	3	0							18	47	-61.70%
CWB 911 Hangup	209	228	269	315	402	474							1,897	1,232	53.98%
Death	1	0	0	0	1	0							2	10	-80.00%
Destruction of Property	15	18	16	19	13	18							99	104	-4.81%
Disturbance-Fireworks	0	0	0	0	1	8							9	9	0.00%
Disturbance-Liquor	2	0	0	0	1	0							3	3	0.00%
Disturbance-Other	71	57	77	67	65	62							399	427	-6.56%
Domestic Violence	25	33	32	48	35	41							214	261	-18.01%
Driving While Intoxicated	6	10	9	7	11	12							55	59	-6.78%
Drown/Water Rescue	0	0	0	0	0	0							0	1	-100.00%
Drug Paraphernalia	6	11	10	8	6	15							56	55	1.82%
Escort - Bank	0	1	0	0	0	0							1	1	0.00%
Escort - Courtesy	12	9	5	5	9	6							46	32	43.75%
Escort - Funeral	12	4	11	4	6	10							47	40	17.50%
Exparte Violation	14	3	13	5	9	5							49	39	25.64%
Field Interview	49	35	24	42	55	62							267	292	-8.56%
Fight	5	1	3	2	5	6							22	33	-33.33%
Fingerprints	0	4	3	5	10	5							27	41	-34.15%
Follow-up	117	128	164	119	150	108							786	713	10.24%
Foot Patrol	0	1	1	1	0	0							3	4	-25.00%
Forgery-Counterfeiting	1	0	1	6	2	6							16	6	166.67%
Found Body	0	1	1	1	0	0							3	1	200.00%
Fraud - Checks/Credit Card	14	19	27	17	25	24							126	119	5.88%
Harassment	30	19	19	22	24	33							147	128	14.84%
Identity Theft	3	3	5	6	0	3							20	9	122.22%
Information Request	331	322	360	281	307	361							1,962	1,545	26.99%
Intoxicated Person	6	5	11	5	6	7							40	67	-40.30%
Jail Incident	0	0	0	0	0	0							0	0	#DIV/0!
Juvenile Complaint	9	20	17	13	19	10							88	82	7.32%
Keep the Peace/Standby	9	8	12	15	11	11							66	77	-14.29%
Kidnapping	2	0	0	0	0	1							3	1	200.00%



Description	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	2022 YTD	% Increase
Leave without Pay	0	2	0	0	0	0							2	5	-60.00%
Liquor Violation	0	1	0	0	0	0							1	2	-50.00%
Littering/Dumping	4	0	3	0	0	6							13	27	-51.85%
Loitering	2	2	1	2	8	4							19	52	-63.46%
Lost or Stolen Property	7	11	10	4	8	9							49	33	48.48%
Loud Noise Complaint	24	17	33	32	29	21							156	175	-10.86%
Malicious Mischief	1	1	4	3	5	1							15	8	87.50%
Mental Health	28	15	16	22	28	24							133	169	-21.30%
Missing Person	4	4	7	9	7	8							39	49	-20.41%
Murder	0	1	0	0	0	0							1	0	#DIV/0!
Narcotics Violation	14	21	14	14	15	18							96	147	-34.69%
Negotiation Callout	0	0	0	0	0	0							0	0	#DIV/0!
No Business License	0	0	1	0	0	0							1	1	0.00%
Open Door	7	4	3	3	10	5							32	49	-34.69%
Overdose	8	6	5	2	9	10							40	55	-27.27%
Paper Service	14	22	32	24	19	16							127	169	-24.85%
Prisoner Transport	8	0	4	1	0	0							13	12	8.33%
Property Damage-Non Criminal	1	1	0	3	3	1							9	7	28.57%
Prostitution	0	0	0	1	0	0							1	2	-50.00%
Prowler	1	1	6	0	2	7							17	20	-15.00%
Public Indecency	0	2	2	4	3	2							13	4	225.00%
Public Relations	3	4	11	7	9	5							39	37	5.41%
Pursuit	0	0	1	1	0	1							3	2	50.00%
Rape/Sexual Assault	2	0	1	1	1	1							6	6	0.00%
Robbery	2	0	0	0	0	0							2	1	100.00%
Runaway	7	3	6	8	10	9							43	45	-4.44%
Search Warrant	2	1	1	2	0	1							7	3	133.33%
Vacation/Security Check	18	2	11	11	22	43							107	132	-18.94%
Selective Enforcement	0	0	0	0	0	0							0	1	-100.00%
Sewer Alarm	0	0	1	0	1	0							2	2	0.00%
Sex Offenses	3	2	6	1	5	4							21	37	-43.24%
Shots Fired	0	3	3	6	3	1							16	9	77.78%
Soliciting	2	4	1	2	1	1							11	10	10.00%
Stabbing	0	0	0	0	0	0							0	0	#DIV/0!
Stabbing or Shooting with Injury	2	0	0	0	0	0							2	2	0.00%
Stalking	3	0	2	0	1	0							6	1	500.00%
Stealing	61	58	107	75	93	60							454	432	5.09%
Stolen Vehicle	9	9	14	12	5	8							57	50	14.00%
Suicide	0	0	0	1	0	0							1	1	0.00%
Suspicious Activity	100	81	61	80	86	88							496	567	-12.52%
Suspicious Package/Item	1	0	0	2	1	0							4	2	100.00%
SWAT Callout	0	0	0	1	0	0							1	2	-50.00%
Tampering	4	2	5	4	5	1							21	35	-40.00%
Telephone Harassment	6	11	19	14	18	8							76	49	55.10%
Tow Sticker Expired	17	14	12	5	12	13							73	101	-27.72%
Traffic Complaint	109	130	130	125	129	128							751	924	-18.72%
Traffic Stop	401	350	282	349	219	290							1,891	2,216	-14.67%
Trespassing	56	42	36	45	65	46							290	313	-7.35%
Try to Contact	6	14	9	20	18	14							81	90	-10.00%
Vehicle Identification	35	38	25	49	39	31							217	317	-31.55%
Vehicle Lockout	2	3	1	1	0	0							7	12	-41.67%
Vehicle Repossession	8	8	2	7	2	7							34	27	25.93%
Veterinary Call	3	3	1	5	6	2							20	34	-41.18%
Weapons Violation	3	5	4	3	7	5							27	32	-15.63%
<b>Totals</b>	<b>2,752</b>	<b>2,613</b>	<b>2,778</b>	<b>2,774</b>	<b>2,921</b>	<b>3,061</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16,899</b>	<b>17,425</b>	<b>-3.02%</b>

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## ANIMAL CONTROL MONTHLY TOTALS

June 2023

### ANIMALS IMPOUNDED

	Canine	Feline	Other	Wildlife	Monthly Total	2023 YTD Total	2022 YTD Total
	Domestic						
City of Rolla	15	4	0	29	48	202	227
Rolla Area	4	0	0	0	4	14	5
City of Newburg	0	0	0	0	0	0	0
Newburg Area	0	0	0	0	0	0	0
Edgar Springs Area	0	0	0	0	0	0	1
Other Agencies	0	0	0	0	0	0	0
St. James Area	0	0	0	0	0	0	7
Ft. Leonard Wood	0	0	0	0	0	0	0
Monthly Total	19	4	0	29	52		
2023 YTD Total	98	35	0	83		216	
2022 YTD Total	136	34	0	70			240
Total Phelps County	4	0	0	0	4	14	10

### ANIMAL DISPOSITION

	Canine	Feline	Other	Wildlife	Monthly Total	2023 YTD Total	2022 YTD Total
	Domestic						
Animals Adopted ①	6	5	0	0	11	41	67
Animals Claimed	7	0	0	0	7	52	49
Euthanized(III/Injured)	0	0	0	0	0	7	4
Euthanized(Dangerous)	0	2	0	0	2	18	22
Euthanized(Un-Placed)②	0	0	0	0	0	0	0
Deceased on Arrival	1	1	0	12	14	60	47
Transferred to Rescue ③	0	0	0	0	0	0	7
Wildlife Relocated	0	0	0	17	17	30	8
Other	0	0	0	0	0	0	1
Monthly Total	14	8	0	29	62		
2023 YTD Total	93	27	0	89		209	
2022 YTD Total	124	36	0	45			205

### ADDITIONAL STATISTICS

	Monthly Total	2023 YTD Total	2022 Total
Adoption Rate (① +③)÷(①+②+③)	100.00%	100.00%	100.00%
PR Programs	0	4	7
Calls for Service	137	731	628
Written Warnings	0	0	0
Citations	1	4	13
Total Incinerator Hours	0	0	129

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**REGULAR SESSION – June 1, 2023**

~ Meeting was held in the Board Room at RMU's Tucker Professional Center at 4:30 p.m. ~

The meeting was called to order at 4:30 p.m. by Rolla Board of Public Works ("RBPW" or "Board") President, Nick Barrack presiding. The following were present:

- Board members: President, Nick Barrack  
 Vice President, Albert Crump, Jr.  
 Secretary, Dr. Wm. E. Showalter  
 Vice Secretary, Ted Read
- RMU Staff: General Manager, Rodney P. Bourne, P.E.  
 Operations Manager, Chad Davis, P.E.  
 Business Manager, Jason Grunloh  
 Finance Manager, Gwen Cresswell  
 Electric Superintendent, Eric Lonning

Minutes submitted, according to Agenda, by RMU's Administrative Assistant, Megan Saylor.

\* \* \* \* \*

**I. APPROVAL OF MINUTES**

Showalter made a motion, seconded by Read, the minutes of the April 25, 2023 Board meeting Regular and Closed sessions be approved as presented. Motion passed unanimously.

**II. CITIZEN COMMUNICATION (None)**

**III. SPECIAL PRESENTATION (None)**

**IV. STAFF REPORTS**

**A. FINANCE MANAGER'S REPORT (presented by Cresswell)**

1. The Board received the Statement of Income & Expenses reports for April 2023 (FY23). Cresswell reviewed April reports (FY23):

Month-to-Date comparison of April 2023 to April 2022

- April shows operating income of \$2,742,000 which is about \$65,000 less than the previous April. Our operating income for the year is \$18,400,000 which is relatively even when compared to this time last year.
- Purchased power expenses for the month of April were \$1,864,000 which is down over \$200,000 from April 2022. Year-to-date purchased power is \$13,170,000. We are still showing an overall increase of \$484,000 for purchased power expense over last year and we are expecting this increase to grow over the summer months. We have purchased about 3 million more kWh this year compared to last year and our average cost per MWh is up about \$4.50/MWh.
- Total operating expenses for April were \$2,228,000 which includes purchased power. This is down \$410,000 from April 2022 and up over \$667,000 year-to-date. The bulk of this increase is purchased power.
- This gives us a total operating margin for the month of \$514,945 and a net loss of \$339,306 for the year. Our Electric department is showing an operating loss of \$564,182 for the year and the Water department is showing an operating gain of \$222,629.
- Overall net income for the month was \$563,000 and \$313,000 for the year.

2. Cresswell presented RMU's Financial Statement, Statistics report, and the Disbursement Summary for April 2023.

Read made a motion, seconded by Showalter, that the financial reports be approved as presented and forwarded to the City. Motion passed unanimously.

**3. RMU Service Center Expansion**

Cresswell announced that the architect is coming to RMU Tuesday, June 6<sup>th</sup> to meet with the committee to present the building, elevations, site layouts, cost opinions and professional fees.

**4. APPA FERC Accounting Training Report**

Cresswell gave a brief Power Point presentation regarding the APPA FERC accounting training she attended

improvements was \$97,804.00. The May invoice for asphalt repairs for electric distribution system improvements was \$8,867.25.

- Davis noted the failed 1000 kVA transformer had been shipped to the company where purchased in order to evaluate what the issue was. The quote for \$26,725.00 has been approved and repair will begin.

2. Reliability Statistics

Davis mentioned the Reliability Statistics Report that was included in the Board packets. RMU had a 99.99% reliability rate and the average outage length was less overall when compared to Ameren and Evergy. Davis reported that the largest number of outages continues to be natural (squirrels, vegetation and weather) and commended staff for responding to calls quickly and dispatching crews to deal with issues in a timely manner.

3. APPA Underground Training Report

Electric Superintendent, Eric Lonning, gave a brief Power Point presentation regarding the APPA Undergrounding Conference he attended in May. Lonning explained characteristics of underground cable failures and highlighted items we can improve on RMU's system.

D. **GENERAL MANAGER'S REPORT** (presented by Bourne)

1. MoPEP Update

Bourne gave highlights from the most recent MoPEP meeting noting that overall, the projects are running well. There are a few power plants coming out of spring outages, or maintenance outages, but there are no known issues going into the summer season. Bourne mentioned a brief discussion on Demand Side Voltage Regulation. This is a tool used to lower distribution voltages to improve system efficiency by monitoring "end of line" meters. Potentially 2-3% savings can be achieved. We have some upcoming discussions on this topic with utilities currently using the technology and suspects an active AMI system is required.

A Community Solar Project for the Rolla/St. James area was mentioned. This will be an ongoing project with some MoPEP contract implications. MoPEP staff will schedule meetings with Rolla/St James to discuss and work thru possible solutions.

Finally, we are entering summer weather season and we have already seen notices from NERC and FERC about possible electrical shortages and instability in the bulk electric system. NERC's 2023 Summer Reliability Assessment says the amount of electric generation capacity across the country is adequate for normal summer weather, though spiking temperatures, coupled with potential high outage rates from fossil plants and low output from renewables, could force emergency actions like interrupting power service. Similar notices occurred last summer with no major events. This is more awareness of pending issues related to plant retirements and would require several problems in the grid to become problematic.

Bourne mentioned having a brief conversation with MoPEP staff regarding initiating a Rebate/Incentive program for energy efficiency improvements. These could include HVAC, insulation, hot water heaters, commercial lighting, etc. They will review.

2. MS&T Electric Vehicle Charging Station

As reported in March, the City received grant information from MRPC regarding opportunities to apply for EV Charging grants as part of the massive Infrastructure Investment & Jobs Act (IIJA). After a few meetings, we determined that RMU would not be applying for this grant during this cycle due to the short window to apply. MS&T does plan to apply for a station to be located on the west side of campus with up to ten chargers.

3. Water Cost of Service Study

Bourne noted that upon reviewing the budget, it continues to indicate the need for increases in water and electric rates. The last Water Cost of Service Study was completed in 2013. Because of the age of this document, the study has been updated based on current costs and projections.

As a reminder, while the Water Department is performing with a positive income, we have several projects that will collectively affect reserve balances in the ensuing years and when combined with increasing material costs will become challenging without planned rate increases. These projects include: Legislative Priority Projects which require 50% match (Nagogami Water Zone), Water tank overcoats or complete re-painting, increasing asphalt repair costs, and increasing material costs, pipe, fittings, etc.

Bourne noted the overall result indicates increasing all portions of the water rates to significantly increase water revenues and recommends adopting a four (4) year plan to spread out these increases.

- For a residential customer, this would be a \$0.30/TGal increase each year for a four year period along with increasing SAF's over a two year period.
- If we completely implement this 4-year plan, the overall impact for a typical residential user of 4,000 gallons would increase monthly billing from \$24/mo to \$30.80/mo. Or a \$6.80/mo increase.
- Increases in our Commercial through Industrial rates will be based on usage and meter size.

4. FY2024 Budget Discussion

Bourne reported that starting with FY2023, the Water Department should finish the year with positive cash flow. The Electric Department is underwater significantly due to higher power supply, capital costs and increasing O&M expenses. All of which continue to point to required rate increases. The current tentative budget numbers do not include the potential rate increase. Moving forward into FY2024, Water Department margin is shrinking, and the Electric Department will continue to erode reserves without any rate adjustments.

**B. Lead Service Line Program Resolution**

Davis presented the Resolution authorizing the filing of an application with the Missouri Department of Natural Resources which was included in Board packets. Davis explained the application process for available grant funds through MoDNR to help with Lead service line inventory and developing a lead service line replacement plan. Read made a motion, seconded by Crump, to approve the Resolution and allow for signatures to proceed with the application process. Motion passed unanimously.

**C. Patching for Water Line Replacement Program MOU**

Davis requested approval of the Memo of Understanding from the Rolla Public Works Department for renewing the asphalt patching contract. Pierce Asphalt was the lowest bidder at \$3.50/SF + \$500 mobilization fee. Read made a motion, seconded by Showalter to approve the MOU for asphalt patching for water line replacement. Motion passed unanimously.

**VII. CLOSED SESSION (none)**

**VIII. ADJOURNMENT**

With no further business to discuss, Read made a motion, seconded by Showalter to adjourn the meeting. Motion passed unanimously. Meeting adjourned at 6:00 p.m.

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*Nicholas Barrack, President*

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*Dr. Wm. Eric Showalter, Secretary*

The Board's next meeting is scheduled for Thursday, July 6, 2023 at 4:30 p.m.



STATISTICS

June 2023

PRODUCTION

Date of Demand	06/29/2023
Time of Demand	04:00 PM
Scada Demand	60.0 MWH
kWh Purchased	25,742,200
Total Cost	\$1,834,063.70 *
Cost per kWh	0.071247 *
Load Factor	60.3%

Pumped #2 Well	0
Pumped #3 Well	0
Pumped #4 Well	4,687,000
Pumped #5 Well	3,144,000
Pumped #6 Well	3,455,000
Pumped #7 Well	2,617,000
Pumped #8 Well	3,067,000
Pumped #9 Well	5,653,000
Pumped #10 Well	3,526,000
Pumped #11 Well	5,371,000
Pumped #12 Well	3,554,000
Pumped #13 Well	7,465,000
Pumped #14 Well	8,855,000
Pumped #15 Well	2,505,000
Pumped #16 Well	4,446,000
Pumped #17 Well	6,404,000
Pumped # 1 Ind Park Well	5,619,000
Pumped # 2 Ind Park Well	4,470,000
Pumped # 3 Ind Park Well	0
Total Gallons	74,838,000

METERS IN SERVICE	Electric	Water
Residential - Single Phase	8,024	6,386
Residential - Three Phase	22	20
Commercial - Single Phase	930	515
Commercial - Three Phase	492	312
Power Service	104	90
Industrial	6	2
Area Lighting	16	7
Street Lighting	27	1
Missouri S&T		5
PWSD #2		592
Total	9,621	7,930

ELECTRIC SALES

Residential - Single Phase kWh	6,358,238
Residential - Three Phase kWh	96,586
Commercial - Single Phase kWh	1,244,973
Commercial - Three Phase kWh	3,064,532
Power Service kWh	6,396,500
Industrial kWh	5,594,280
Area Lighting kWh	39,532
Street Lighting kWh	25,316
Rental Lights kWh	78,141
Total kWh Sold	22,898,098
Demand kW	27,381
Revenue	\$2,068,862.45
Monthly Loss	11.05%
Fiscal Year to Date Loss	5.32%

WATER SALES

Residential - Single Phase Gallons	28,008,000
Residential - Three Phase Gallons	199,000
Commercial - Single Phase Gallons	7,513,000
Commercial - Three Phase Gallons	5,449,000
Power Service Gallons	12,595,000
Industrial Gallons	3,569,000
Missouri S&T Gallons	2,833,000
PWSD #2 Gallons	1,726,000
Total Gallons Sold	61,892,000
Revenue	\$315,598.66
Pumping Cost, Electric	\$36,817.93
Monthly Unidentified Loss	18.47% **
Fiscal Year to Date Unidentified Loss	9.36% ***

PILOT	\$118,533.91
Sewer Service Charge	\$446,436.33
Refuse Service Charge	\$219,726.09

Gross Payroll \$306,725.57

\* Energy losses are not included in this statistic and are estimated at an additional 12%.

\*\* Loss includes 3,197,000 gallons per water main flushing records.

\*\*\* FY loss includes 27,901,400 gallons per water main flushing records.





**FINANCIAL STATEMENT**  
JUNE 2023

**RECEIPTS**

Electric, Water, Tax, Sewer and Refuse Charge	\$3,123,276.73
Accounts Receivable - Miscellaneous	\$75,227.90
Customer's Deposits - Refundable	\$57,780.56
Misc Non-Operating Revenue	<u>\$2,251.06</u>
Total Receipts	<u>\$3,258,536.25</u>

Southern Bank Electronic Payment Account Interest (May 31, 2023)	\$12.22
Southern Bank General Fund Account Interest (May 31, 2023)	\$3.66
Southern Bank Payroll Account Interest (May 31, 2023)	-\$59.16
FSCB ICS Sweep Account Interest (May 31, 2023)	\$7,312.90
FSCB Super-Now Account Interest (May 31, 2023)	\$5,218.39
FSCB Electronic Payment Account Interest (May 31, 2023)	\$2,194.46
PCB Super-Now Account Interest (May 31, 2023)	\$0.23
Miscellaneous Interest	\$0.00
Public Utility Cash In Bank (May 31, 2023)	<u>\$31,838,772.86</u>
Total Receipts and Cash In Bank	<u><u>\$35,111,991.81</u></u>

**DISBURSEMENTS**

Power Purchased	\$1,362,361.19
Operating Expenses	\$181,378.10
Administrative and General Expenses	\$173,594.69
Payroll	\$216,015.10
Capital Expenditures	\$231,145.00
Construction in Progress	\$233,430.87
Stock Purchases (Inventory)	\$118,083.66
Balance of Customer's Deposits after Finals	\$58,887.33
Medical, Dental, Vision and Life Insurance Paid by Employees	\$16,471.28
Support Payments	\$1,351.58
457 Plan Employee Contributions	\$11,049.24
Flexible Spending Account Contributions	\$1,133.28
U.S. Withholding Tax	\$28,358.79
Missouri Dept. of Revenue (Sales Tax)	\$33,507.35
Missouri Dept. of Revenue (Income Tax)	\$11,421.00
First State Community Bank (Social Security)	\$43,368.56
Sewer Service Charge	\$385,407.38
Refuse Service Charge	\$218,563.79
PILOT to City of Rolla	\$134,101.24
Standpipes Lease/Purchase	\$0.00
Utility Incentives	\$0.00
Unclaimed Deposits to State	\$0.00
Primacy Fees	\$0.00
Void General Fund Check	\$0.00
Void Working Fund Check: Southern Bank WF reissued at FSCB	-\$1,931.52
	<u>\$3,457,697.89</u>

Cash in Bank (June 30, 2023)	<u>\$31,654,293.92</u>
Total Disbursements and Cash In Bank	<u><u>\$35,111,991.81</u></u>

**BALANCE OF OTHER FUNDS:**

**PUBLIC UTILITY ACCOUNTS:**

Citizens Bank of Newburg, Ck#1288 for \$112.43	\$2,000.00
First State Comm Bk-Electronic Payment Account, Ck#1081 for \$1,879,383.66	\$229,074.01
First State Comm Bk-General Fund, Cks #36717-36852 for \$3,896,437.01	\$2,685,194.74
First State Comm Bk-ICS Sweep Account and Certificates of Deposit	\$819,089.55
Southern Bank-General Fund, Ck#38055 for \$414.07	\$3.66
Southern Bank-Electronic Payment Account, Ck #1260 for \$1,935.85	\$212.22
Southern Bank-Payroll Account	\$0.00
PCB-Super Now, Ck #26370 for \$28,592.17	\$19,091.25
Town & Country Bank, Ck#1277 for \$1,570.99	<u>\$4,045.49</u>
Total Public Utility Accounts	<u>\$3,758,710.92</u>

**ELECTRIC RESERVES:**

Certificates of Deposit	\$0.00
Money Market Account	\$10,195,583.00 FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Electric Reserves	<u>\$10,195,583.00</u>

**RESTRICTED ELECTRIC RESERVES:**

Certificates of Deposit	\$0.00
Money Market Account	\$14,151,791.00 FY21 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Electric Reserves	<u>\$14,151,791.00</u>

**WATER RESERVES:**

Certificates of Deposit	\$0.00
Money Market Account	\$3,548,209.00 FY20 Funded
U.S. Treasury Bills	<u>\$0.00</u>
Total Water Reserves	<u>\$3,548,209.00</u>

<b>TOTAL RESERVES:</b>	<u><u>\$27,895,583.00</u></u>
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<b>TOTAL PUBLIC UTILITY ACCOUNTS AND RESERVES:</b>	<u><u>\$31,654,293.92</u></u>
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*The Centre Rolla's Health & Recreation Complex*  
*Income Statement*  
*For the 9 Months Ending*  
*June 30, 2023*

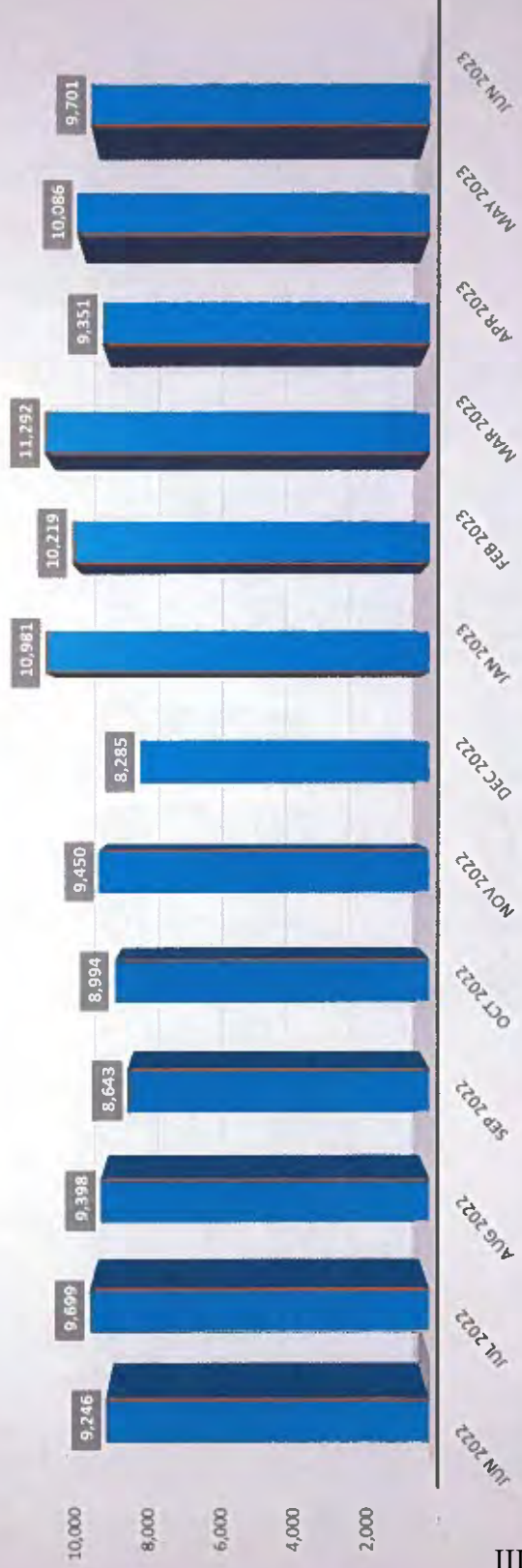
	<u>Period To Date</u>	<u>PTD Budget</u>	<u>Variance</u>	<u>Last Year</u>	<u>Year To Date</u>	<u>YTD Budget</u>	<u>Variance</u>	<u>Last Year</u>
<b>Members:</b>								
New	125	109	15%	142	1,104	1,347	-18%	1,335
Net New & Reactivated Bridge/Freezes	(30)			(6)	(127)			(95)
Cancelled	139	79	-76%	89	1,078	688	-57%	744
Net	(44)	30	-247%	47	(101)	659	-115%	496
<b>Total Members</b>	<b>1,957</b>	<b>2,809</b>	<b>-30%</b>	<b>2,040</b>	<b>1,957</b>	<b>2,809</b>	<b>-30%</b>	<b>2,040</b>
<b>Revenues</b>								
<b>Rental &amp; Other:</b>								
Conference Room & Other Rental	\$60	\$300	(\$240)	\$250	\$6,773	\$2,700	\$4,073	\$2,285
	60	300	(240)	250	6,773	2,700	4,073	2,285
<b>Member Services:</b>								
Membership Dues	58,142	82,986	(24,844)	50,504	516,549	652,202	(135,653)	411,785
Guest Fees	7,788	8,000	(212)	7,044	70,042	72,000	(1,958)	68,342
Special Programs	0	350	(350)	0	0	3,150	(3,150)	1,990
Locker Rent	178	75	103	215	948	675	273	847
	66,108	91,411	(25,303)	57,763	587,539	728,027	(140,488)	482,964
<b>Fitness:</b>								
Enrollment Fees/Health Assessments	1,411	2,725	(1,314)	2,531	8,920	33,675	(24,755)	7,786
Special Programs	860	410	450	559	4,518	3,690	828	3,835
	2,271	3,135	(864)	3,090	13,437	37,365	(23,928)	11,620
<b>Ancillary:</b>								
Swim Programs	9,091	11,000	(1,909)	10,714	85,766	99,000	(13,234)	93,189
General Medical Integration	248	2,066	(1,818)	347	4,414	12,175	(7,761)	1,588
Recreation	12,650	10,000	2,650	8,708	74,084	66,000	8,084	68,247
Café	1,568	350	1,218	433	10,544	3,150	7,394	3,190
Pro Shop	184	400	(216)	88	1,084	3,600	(2,516)	752
Personal Training/Pilates	6,391	7,023	(632)	4,908	67,999	57,663	10,336	36,013
Children's Area	3,668	1,500	2,168	2,125	27,248	13,500	13,748	14,002
	33,800	32,339	1,461	27,323	271,139	255,088	16,051	216,979
<b>Total Revenue</b>	<b>102,239</b>	<b>127,185</b>	<b>(24,946)</b>	<b>88,425</b>	<b>878,888</b>	<b>1,023,180</b>	<b>(144,292)</b>	<b>713,849</b>
<b>Expenses</b>								
Salaries & Burden	103,342	97,550	(5,792)	81,401	873,092	859,659	(13,433)	769,641
Other Employee Expenses	4,069	2,000	(2,069)	1,830	20,569	18,000	(2,569)	20,995
General Supplies & Services	921	442	(479)	328	7,488	3,978	(3,510)	3,120
Program Supplies	0	200	200	0	719	1,800	1,081	1,491
Environmental Supplies	2,361	1,500	(861)	1,710	22,047	13,500	(8,547)	12,310
Cost of Goods Sold	515	280	(235)	53	5,916	2,520	(3,396)	473
Minor Equipment	1,405	817	(588)	1,560	18,866	7,353	(11,513)	9,085
Repairs & Maintenance/Service Contracts	13,111	6,129	(6,982)	7,745	92,225	55,161	(37,064)	65,219
Marketing & Collateral	6,953	5,950	(1,003)	7,421	48,256	53,550	5,294	46,309
Utilities	15,369	15,125	(244)	15,964	135,480	136,125	645	141,265
Bank Fees & Miscellaneous	3,557	2,851	(706)	3,164	28,522	25,659	(2,863)	18,779
CAM, Taxes & Fees	2,220	2,665	445	1,904	24,306	23,985	(321)	19,025
<b>Total Expenses</b>	<b>153,825</b>	<b>135,509</b>	<b>(18,316)</b>	<b>123,081</b>	<b>1,277,485</b>	<b>1,201,290</b>	<b>(76,195)</b>	<b>1,107,713</b>
<b>Net Operating Income</b>	<b>(\$1,586)</b>	<b>(\$8,324)</b>	<b>(\$3,262)</b>	<b>(\$4,655)</b>	<b>(\$398,597)</b>	<b>(\$178,110)</b>	<b>(\$220,487)</b>	<b>(\$393,864)</b>
Management Fees	8,000	10,000	2,000	8,000	72,000	90,000	18,000	77,000
<b>Net Income (Loss)</b>	<b>(\$59,586)</b>	<b>(\$18,324)</b>	<b>(\$41,262)</b>	<b>(\$42,653)</b>	<b>(\$470,597)</b>	<b>(\$268,110)</b>	<b>(\$202,487)</b>	<b>(\$470,864)</b>
<b>Ancillary Services Net Income (Loss)</b>								
Swim Programs (Net)	\$4,509	\$6,600	(\$2,091)	\$6,794	\$42,621	\$59,400	(\$16,779)	\$55,891
Recreation (Net)	\$5,025	\$5,800	(\$775)	\$2,440	\$50,244	\$37,800	\$12,444	\$40,751
Café (Net)	\$1,156	\$350	\$806	\$433	\$5,378	\$3,150	\$2,228	\$3,190
Pro Shop (Net)	\$81	\$120	(\$39)	\$35	\$334	\$1,080	(\$746)	\$279
Personal Training/Pilates (Net)	\$2,009	\$2,107	(\$98)	\$1,253	\$23,918	\$17,300	\$6,618	\$9,571
Children's Area (Net)	\$532	(\$101)	\$633	\$448	\$4,263	(\$909)	\$5,172	\$1,090
<b>Total Ancillary Services Net Income (Loss)</b>	<b>\$13,311</b>	<b>\$14,876</b>	<b>(\$1,565)</b>	<b>\$11,403</b>	<b>\$126,758</b>	<b>\$117,821</b>	<b>\$8,937</b>	<b>\$110,772</b>

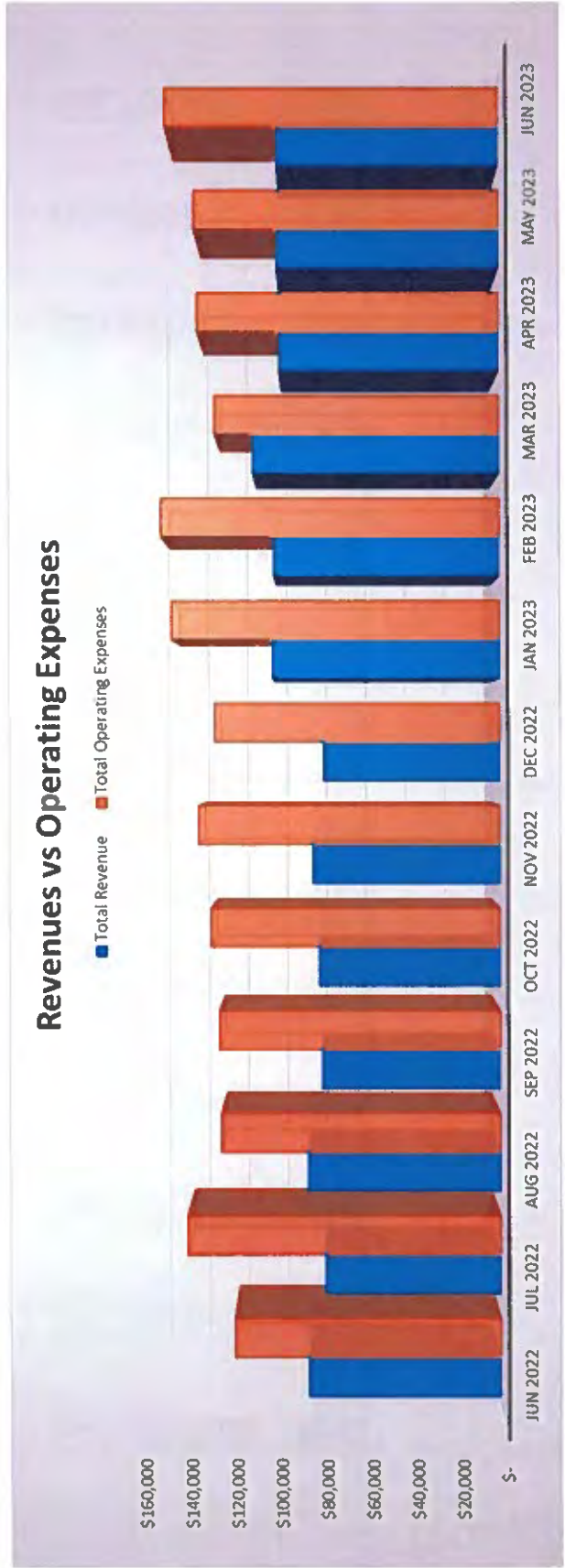
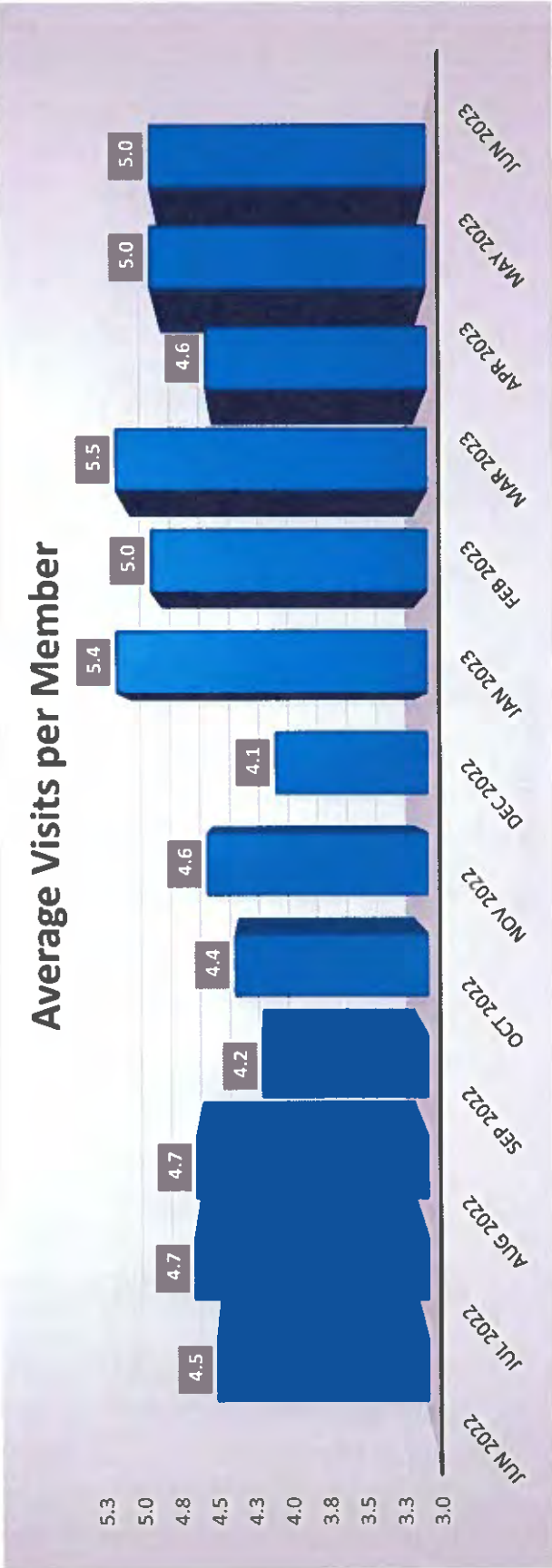


### Members by Type



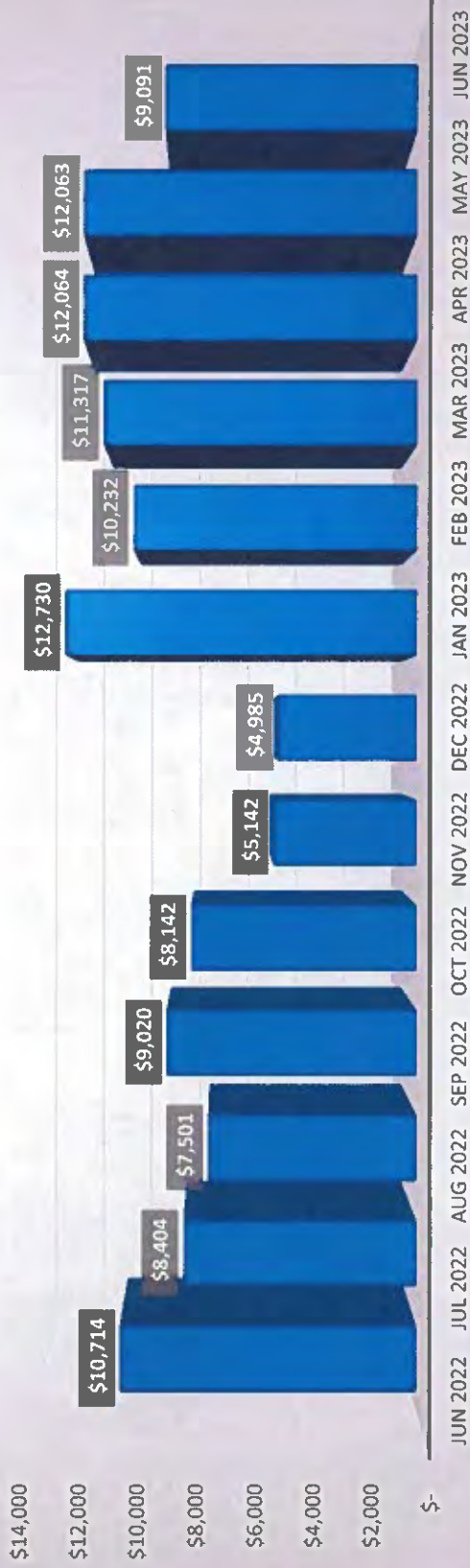
### Total Center Visits



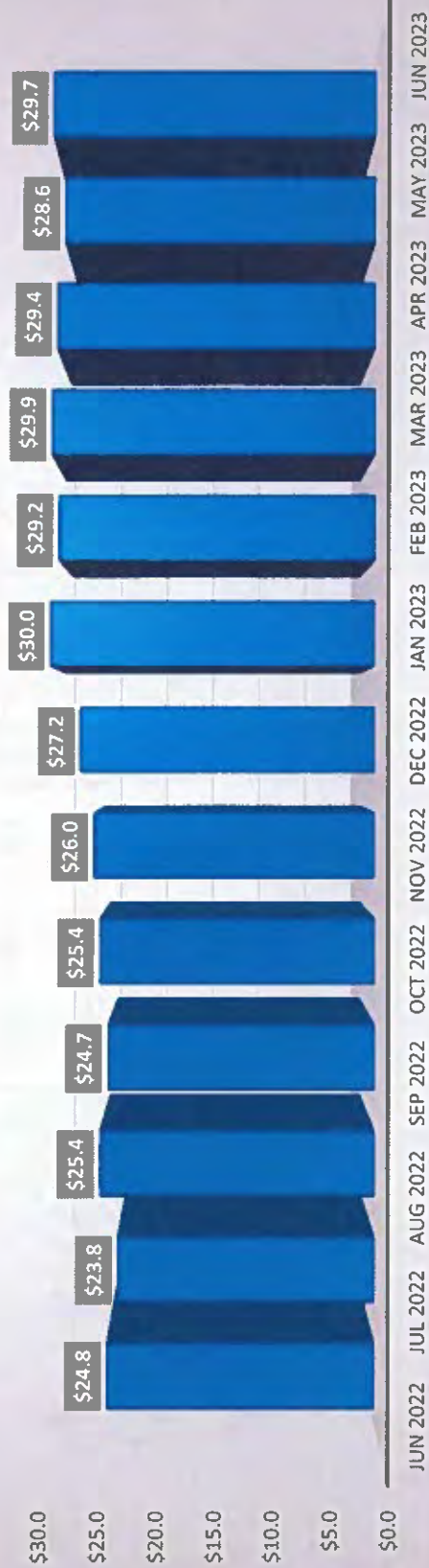




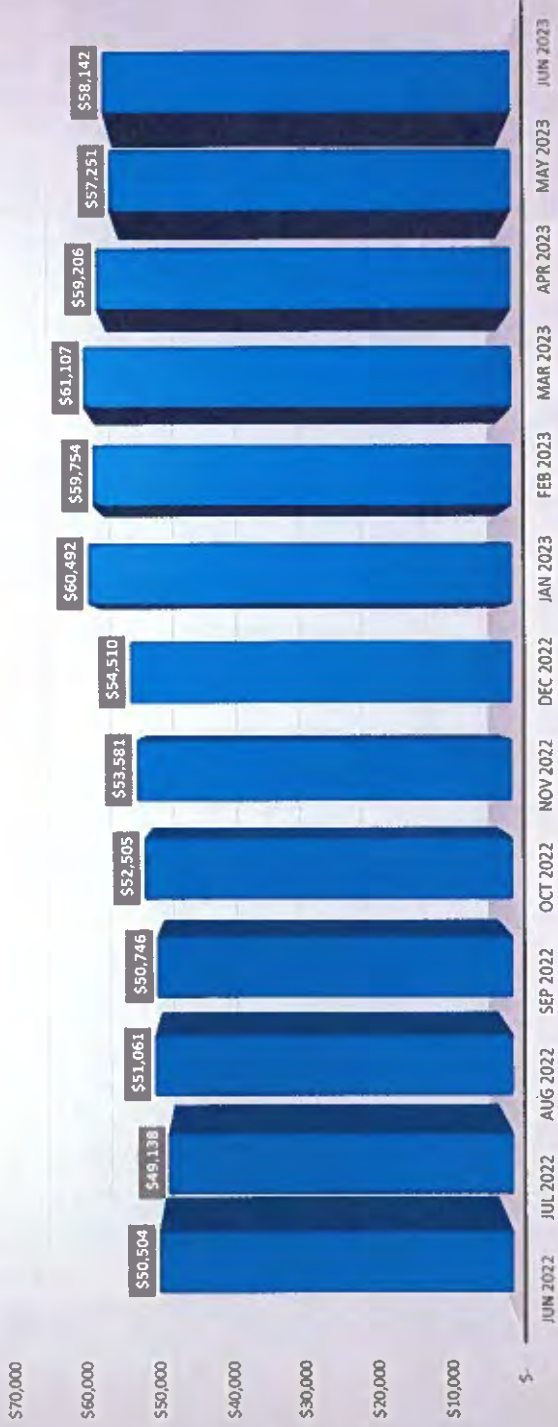
## Swim Revenue



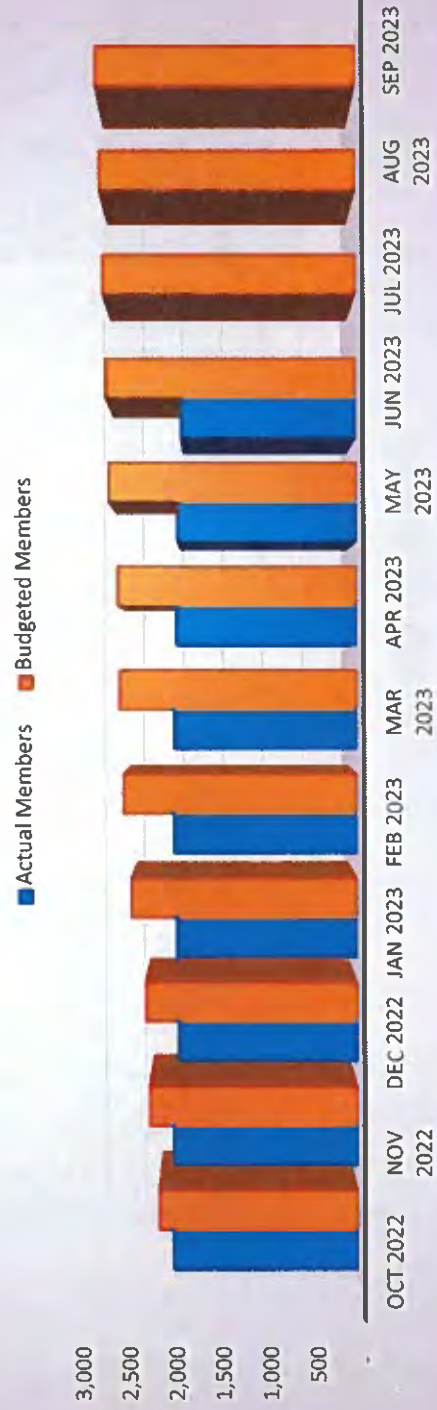
## Average Dues per Billable Member



### Membership Dues Revenue



### FY23 Members





## MUNICIPAL DIVISION SUMMARY REPORTING FORM

*Refer to instructions for directions and term definitions. Complete a report each month even if there has not been any court activity.*

<b>I. COURT INFORMATION</b>		Municipality: ROLLA	Reporting Period: Jul 1, 2023 - Jul 31, 2023	
Mailing Address: 901 NORTH ELM, ROLLA, MO 65401				
Physical Address: 901 NORTH ELM, ROLLA, MO 65401			County: Phelps County	Circuit: 25
Telephone Number: (573)3648590		Fax Number:		
Prepared by: LESLIE YOAKUM		E-mail Address:		
Municipal Judge: James T Crump				
<b>II. MONTHLY CASELOAD INFORMATION</b>				
		Alcohol & Drug Related Traffic	Other Traffic	Non-Traffic Ordinance
A. Cases (citations/informations) pending at start of month		17	929	176
B. Cases (citations/informations) filed		0	365	31
C. Cases (citations/informations) disposed				
1. jury trial (Springfield, Jefferson County, and St. Louis County only)		0	0	0
2. court/bench trial - GUILTY		0	0	0
3. court/bench trial - NOT GUILTY		0	0	0
4. plea of GUILTY in court		2	17	7
5. Violations Bureau Citations (i.e. written plea of guilty) and bond forfeiture by court order (as payment of fines/costs)		0	153	0
6. dismissed by court		0	0	0
7. <i>nolle prosequi</i>		1	43	4
8. certified for jury trial (not heard in Municipal Division)		0	0	0
<b>9. TOTAL CASE DISPOSITIONS</b>		3	213	11
D. Cases (citations/informations) pending at end of month [pending caseload = (A+B)-C9]		14	1,081	196
E. Trial de Novo and/or appeal applications filed		0	0	0
<b>III. WARRANT INFORMATION (pre- &amp; post-disposition)</b>				
1. # Issued during reporting period		33	<b>IV. PARKING TICKETS</b>	
2. # Served/withdrawn during reporting period		37	1. # Issued during period	
3. # Outstanding at end of reporting period		990	218	
			<input type="checkbox"/> Court staff does not process parking tickets	

III.g.1

## MUNICIPAL DIVISION SUMMARY REPORTING FORM

<b>COURT INFORMATION</b>	Municipality: ROLLA	Reporting Period: Jul 1, 2023 - Jul 31, 2023
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<b>V. DISBURSEMENTS</b>			
<b>Excess Revenue (minor traffic and municipal ordinance violations, subject to the excess revenue percentage limitation)</b>		<b>Other Disbursements:</b> Enter below additional surcharges and/or fees not listed above. Designate if subject to the excess revenue percentage limitation. Examples include, but are not limited to, arrest costs and witness fees.	
Fines - Excess Revenue	\$2,422.50	Bad Check Fee-E/R	\$15.00
Clerk Fee - Excess Revenue	\$336.00	Court Automation	\$511.00
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Excess Revenue	\$10.36	Law Enf Arrest-Local	\$90.00
Bond forfeitures (paid to city) - Excess Revenue	\$100.00	Overpayment-E/R	\$0.50
<b>Total Excess Revenue</b>	<b>\$2,868.86</b>	Overpayments Detail Code	\$24.50
		<b>Total Other Disbursements</b>	<b>\$641.00</b>
<b>Other Revenue (non-minor traffic and ordinance violations, not subject to the excess revenue percentage limitation)</b>		<b>Total Disbursements of Costs, Fees, Surcharges and Bonds Forfeited</b>	<b>\$10,633.50</b>
Fines - Other	\$4,681.50	Bond Refunds	\$230.00
Clerk Fee - Other	\$540.00	<b>Total Disbursements</b>	<b>\$10,863.50</b>
Judicial Education Fund (JEF) <input type="checkbox"/> Court does not retain funds for JEF	\$0.00		
Peace Officer Standards and Training (POST) Commission surcharge	\$73.00		
Crime Victims Compensation (CVC) Fund surcharge - Paid to State	\$520.49		
Crime Victims Compensation (CVC) Fund surcharge - Paid to City/Other	\$16.65		
Law Enforcement Training (LET) Fund surcharge	\$146.00		
Domestic Violence Shelter surcharge	\$146.00		
Inmate Prisoner Detainee Security Fund surcharge	\$0.00		
Restitution	\$0.00		
Parking ticket revenue (including penalties)	\$0.00		
Bond forfeitures (paid to city) - Other	\$1,000.00		
<b>Total Other Revenue</b>	<b>\$7,123.64</b>		

III.g.2

**BOARD OF ADJUSTMENT MINUTES**

**April 6, 2023**

**Rolla City Hall**

<b><u>Presiding:</u></b>	Chairperson Matt Crowell
<b><u>Members Present:</u></b>	John Meusch, Jacob Rohter, Matt Miller
<b><u>Alternates Present:</u></b>	Jonathan Hines
<b><u>Members Not Present:</u></b>	None
<b><u>City Officials in Attendance:</u></b>	Tom Coots, City Planner, and Sarah West, Executive Assistant

Chairperson **Matt Crowell** called the meeting to order at 5:30 P.M. He recognized the members who were present. **Crowell** swore in all present who intended to speak.

**I. APPROVE MINUTES:**

**Crowell** approved the minutes from the February 16, 2023 Board of Adjustment meeting as printed and distributed.

**II. OLD BUSINESS:**

**NONE**

**III. PUBLIC HEARING:**

1. **VAR2023-01:** Special Exception to allow a church parking lot in the R-1, Single-family district.

**Tom Coots** presents the staff report.

Staff recommends a fence to provide a buffer between adjacent properties. **Jonathan Hines** asks why this is suggested. **Coots** states that there have been concerns brought up from neighbors. **Crowell** mentions that pictures of the property show existing fences. There is also a detention basin proposed for further buffer. **John Meusch** asks if the code requires fencing between a parking lot and residential housing. **Coots** states the code requires screening between a commercial and residential zone.

**Matt Miller** asks if there are any restrictions on the parking lot, since a neighbor brought up concerns. **Coots** states that the neighbor is concerned about citizens cutting through their backyard. **Crowell** states this would be deterred by the detention basin. **Coots** mentions the general reason for screening from a parking lot is lighting.

**Adam Bloch**, residing at 1205 Ella Court, is the pastor of Ridgeview Church. He is requesting the special exemption as the church has outgrown the current parking lot. He mentions the entire northern property is a rental house for college students that use the existing parking lot. He states the Highway 72 extension took away most of their original parking lot directly south of the building. Negotiations with the City resulted in their existing parking lot on the west side of

Walker Avenue. The church needs additional parking as they have outgrown the lot, and the most logical place is just north of the existing lot.

**Rick Barnes**, residing at 12199 Co Rd 8030, expresses the church's need for more parking.

**Crowell** opens the public hearing. Seeing no one wishing to speak, he closes the public hearing and moves into Board deliberation.

1<sup>st</sup> Criterion: **Crowell** states the lot is already being used as a parking lot, and has been for three years now. He asks if there have been any complaints in those three years. **Coots** and the applicant have not heard of any. All Board members agreed the 1<sup>st</sup> criterion was met.

2<sup>nd</sup> Criterion: **Crowell** comments that allowing parking so people can attend their place of worship serves the general welfare of the City. **Hines** states other alternatives would be parking across a major highway. All Board members agreed the 2<sup>nd</sup> criterion was met.

3<sup>rd</sup> Criterion: **Hines** mentions he does not believe that any additional safeguards are necessary since there is no issue with safety or complaints. The property is already being used for a parking lot now, and he does not see a detriment to the neighborhood by paving the lot and creating a retention pond. All Board members agreed the 3<sup>rd</sup> criterion was met.

**A motion was made by Jonathan Hines, seconded by John Meusch, to approve the special exception to allow a church parking lot in the R-1, Single-family district. A roll call vote on the motion showed the following: Ayes: Crowell, Hines, Rohter, Meusch, and Miller. Nays: None. The motion passes unanimously.**

#### **IV. OTHER BUSINESS/REPORTS FROM THE CHAIRPERSON, BOARD, OR STAFF:**

1. Election of vice-chairperson. **Tabled to the May 4 meeting.**

Having no further business, the meeting was adjourned at 5:59 P.M.  
Minutes prepared by **Sarah West**

**NEXT MEETING:**

**Thursday, May 4, 2023**

# Park Advisory Commission Meeting Minutes

May 25, 2023 – 5:00 p.m.  
Rolla City Cemetery

**Members Present:** Larry Thomas, Ken Kwantes, and Mike Fleishhauer  
**Absent:** Susan Wrasmann and Andrew Meggitt

**Others Present:** Floyd Jernigan, Stan Busch, Parks Superintendent; Julie Quackenbush, Carla Campbell, S&T graduate student; Nick Gironde, Missouri Dept. of Conservation

## 1. Call to Order

- Andrew Meggitt called the meeting to order at 5:04 p.m.

## 2. Approval of Minutes

- Larry Thomas made a motion to approve the January 30, 2023, minutes. Susan Wrasmann seconded approval. Motion passed with no opposition.

## 3. New Business

- Committee to Continue Prop P update

Mr. Jernigan introduced Lonna Sowers to the group, noting that Lonna is the “face of the Rolla Downtown Business Association.” Lonna has graciously offered to help with Prop P, working on the committee and helping to bring awareness of the benefits of Prop P to Rolla citizens, through various media.

She said Prop P has a Facebook page and an event page which are all free. The committee did two sets of ads for the Phelps County Focus: an on-line banner ad to run from March 28 – April 3; and two 2” x 6” print ads.

Lonna does media submission. She shot two videos of a young child at the all-inclusive park in BerJuan Park. They are posted on Facebook and the Focus is publishing it, as well.

Lonna interviewed Randy and Laura Stoll for pickleball. She is trying to show people a variety of aspects that Parks touches. “We are trying to educate people. We have sheets with the facts and figures of Prop P, showing the tax is only 6.25 cents on every \$100 spent. The sheets list what our Parks have to offer the community: SplashZone, maintenance of 270 acres with 34 parks, ballfields, a disc-golf course, and a 40-acre cemetery maintaining 16,000 plus burials.”

Lonna has heard a lot of negative feedback regarding taxes in general. “Hopefully that won’t also be a negative for the Parks tax,” she said.

Mr. Jernigan said we did a presentation as part of the City Council meeting on Monday that is available to view. The Open House for Prop P was attended by six City Council members, which is the most we have ever gotten for an open house.

During public meetings, questions were posed about how much the Parks received of the APRA money and where the largest portion of the funds went.

Parks received \$45,000 in ARPA money, due to lower attendance at SplashZone. The Centre has received \$850,000 and an additional \$350,000, to date, as approved by City Council.

Prop P is on the back side of the ballot. The county marijuana tax and the school taxes are on the front.

The Prop P Committee has had a couple of meetings, with three consistent members and two others offering feedback and support.

- **Farmers Market MOU**

The Farmers Market officially begins April 1, the first Saturday in April. Mr. Jernigan included this year's Memorandum of Understanding between the Rolla Downtown Farmers Market and the Parks Department.

There are eight vendors currently active for the winter market. Market Manager Laura Tarvin has been working on the MOU paperwork for spring vendors. They are currently a 501C3 organization, but they are working toward getting their own insurance. It should take effect next year. A picture of the Rolla City lots they use is included in the packet.

They have 37 vendors confirmed for this year, a couple of which are food producers. They had 65 vendors last year. Each vendor is required to complete a food safety handling course through the County Health Department. About half of the Hold Harmless Agreements have been turned in to the office, with the rest due by next week.

Susan Wrasmann moved to approve the updated MOU. Mike Fleishhauer seconded the motion. All were in favor, with no opposition.

#### **4. Financials**

- Mr. Jernigan noted that Prop P Tax revenue is missing from Park Financials spreadsheet as it had not been calculated at the time the financials were prepared.

Overall, expenses are down and revenues are up. We haven't hired back seasonals at this point. We turn on water and open bathrooms on April 1.

Expenses should be more this year because minimum wage has gone up again. We are still looking for umpires for the softball league. We are doing pretty well on lifeguards and rec aides.

We were short by several employees last year. Maintenance side is still looking for people. Revenue is up mainly because Eugene Northern Community Hall rentals are up.

This year, the budget reflected rate increases, except in the cemetery.

#### **5. Director's Narrative**

- The department is working with a group from MS&T regarding nutrient mitigation in Schuman Lake. Mr. Jernigan included a copy of the abstract in the packet. Carla Campbell, S&T graduate student, was on hand to discuss their project. Her research team will consist of two principal investigators, graduate students, and undergrad students, who will perform sampling of water. They are also proposing a floating wetland bed as a pilot project to see if this can

help reduce nutrients in the water. The group will file a Special Use – canoe – Permit. They are applying for a grant, so this is preliminary for that.

Commission members discussed the possibility of putting in aerators in Schuman, like we did at BerJuan Lake. It limits or reduces fish kill. Both are runoff lakes which receive fertilizer, etc., from nearby fields. Mike Fleishhauer said to watch that the floating mats don't get left there and to watch for bank fishermen.

- May is Tennis Month, but it is a particularly busy month for Mr. Jernigan and Andrew Smith. They both met with USTA to talk about new ways to bring in people and programs to our courts. USTA representatives expressed they would help with activities for Tennis Month with a concentrated week of activities and open play during the evenings on successive Monday nights during the month.
- Mr. Jernigan met with an MS&T group regarding a Monarch butterfly and pollinator garden in Schuman Park. The key will be that the group is able to provide us with a report to show continued efforts for the Mayor's Monarch garden, since these students are seniors.
- Working with Westport Pools for the Splash Zone leak, hoping it will come out well. We dipped into reserves to pay for the replacement of the Morgan Field lights that were impacted by last spring's storms. We are replacing the slide on the children's play structure at SplashZone, rather than replacing the entire pool feature.
- Ridgeview Playground was vandalized, set on fire by juveniles, causing around \$40,000 in damages. The playground, which was a replacement for older structures that were there in the original location, consisted of a new slide and a safety surface of rubber nuggets. This was funded by Transportation Development District funds. Staff is recommending instead to go back with a pour in play surface, due to less issues related to vandalism and better longevity. We are waiting on final reports from the fire department. Staff took pictures, and turned all of our information into insurance. We are waiting on insurance adjusters to make a determination on how much the reimbursement will be.

## 6. Commission Comments

- Larry Thomas said he was recently questioned by Kent Bagnall regarding the train in Schuman Park. Mr. Bagnall expressed that he would like to see the caboose that is downtown be moved to the Schuman location. The caboose the city currently owns is not a Frisco, like the engine at Schuman. Staff pointed out the cost and logistics it would take to make the move. The caboose has been maintained by public works.
- Andrew Meggitt asked about the current standings on the other grants we submitted. He asked how they are looking and if they seem to be in our favor. Mr. Jernigan replied that we are hopeful. We will have an announcement in the coming months. We did receive word that we were awarded a grant that is earmarked for BerJuan park improvements. This grant will pay for replacement lighting and ballfield improvements. We are hopeful for positive news regarding a second.  
Mr. Jernigan added that we applied for a small grant in conjunction with May Tennis Month. Such grant is designated for any expenses incurred for the activities we have planned.
- There was some discussion regarding the Rolla Cemetery. We received a \$10,000 donation to do repairs for the older stones prior to 1900 and their locations. We will do a border on the

Potters Field/Section 4A, which is largely lots for people who lost a child and moved away, those who were indigent at the time of burial, and injured in railroad accidents. We do not know exact locations of those who are in this section, but we have a list of names and have determined their most likely location. There was GIS done in the section to help locate graves.

Larry Thomas asked about how things ended up with the cremation tombstone vault issue we had a few months ago. Mr. Jernigan said we contacted the headstone company and the lot owners and all records, paperwork, and payments have been completed. All went smoothly.

## **7. Adjournment**

- Next meeting is Wednesday, July 26, at 5 p.m. It was suggested we meet in one of the Rolla City Pavilions or at the train.
- Larry Thomas made a motion to adjourn. Mike Fleishhauer seconded. All were in favor, with no opposition. The meeting adjourned at 6:08 p.m.



**MINUTES  
ROLLA PLANNING AND ZONING COMMISSION MEETING  
ROLLA CITY HALL COUNCIL CHAMBERS  
TUESDAY, JUNE 13, 2023**

**Presiding:** Russell Schmidt, Chairperson

**Commission Members Present:** Monty Jordan, Janece Martin, Kevin Crider, Nathan Chirban, Robert Anderson

**Commission Members Absent:** Monte Shields, Steve Davis

**I. APPROVE MINUTES:** Review of the Minutes from the Planning and Zoning Commission meeting held on Tuesday, May 9, 2023. **Chairperson Russell Schmidt approved the minutes as printed and distributed.**

**II. REPORT ON RECENT CITY COUNCIL ACTIONS:**

1. **ZON23-03:** Rezoning of property at the SW Corner of Richard Dr and Curtis Dr from the C-1, Neighborhood Commercial district to the R-3, Multi-family district
2. **VAC23-01:** Vacation of the rights-of-way of Park Street between 2<sup>nd</sup> Street and the railroad

**III. NEW BUSINESS:** NONE

**IV. PUBLIC HEARING:**

1. **ZON23-04:** Rezoning of 71 Rose Ct from the R-1, Single-family district to the R-2, Two-family district

Tom Coots presents the staff report.

Schmidt opens the public hearing. Seeing no questions from the audience, he closes the public hearing.

Nathan Chirban asks if there was any opposition to the rezoning in that neighborhood. Coots states he did not hear from any citizens that were against the request.

**A motion is made by Monty Jordan, seconded by Janece Martin, to recommend approval to the City Council to rezone the subject property from R-1 to R-2. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan and Martin. Nays: None. The motion passes unanimously.**

2. **TXT23-01**: Amendment to Chapter 42, Sections 42.141 Definitions and 42.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses

**Coots** presents the staff report.

**Schmidt** asks if the final wording of the state law will be completed before a new location is approved in October. **Coots** comments that the constitutional amendment is not being changed, but the state is making adjustments to their rules. He mentions this is unlikely to affect the decision of the Commission or clarify what locations the dispensaries can locate or change the 1,000 foot separation.

**Chirban** asks how the separation rule applies between facilities or from neighboring churches, parks, or schools. **Coots** states the 1,000 foot distance as a person could legally walk measures the distances from neighboring structures. Between facilities, this distance is measured as a straight line.

**Schmidt** opens the public hearing. Seeing no questions from the audience, he closes the public hearing.

**Chirban** suggests the Commission consider changing the existing separation distance in Rolla's ordinance since the state is using a different method of measuring. **Coots** recommends tabling the case to calculate numbers to see what works best. **Kevin Crider** mentions measuring the existing businesses to get an idea of where future facilities will be.

**Schmidt** asks if the state gives guidance on how they will measure the separation of medical marijuana dispensaries. **Coots** says the state legislation left it up to the cities to decide. There is a possibility of new adjustments to the state rules for these locations.

**Janece Martin** asks if an existing dispensary in Rolla met the 1,000 foot distance. **Coots** states he is unsure. **Chirban** asks if it is within this distance, would it then be a nonconforming use. **Coots** comments they would still be able to stay open and the Commission could use them as a standard for future facilities.

**Schmidt** asks if both the medical and adult use dispensaries could be measured the same way in Rolla. **Coots** comments he will check with the statutes.

**A motion is made by Janece Martin, seconded by Nathan Chirban, to table the case to the next meeting on July 11. A roll call vote on the motion showed the following: Ayes: Anderson, Chirban, Crider, Jordan and Martin. Nays: None. The motion passes unanimously.**

**V. OLD BUSINESS:****NONE****VI. OTHER BUSINESS / REPORTS FROM COMMITTEE OR STAFF:**

1. **Discussion:** Announcement of Old Town Neighborhood Plan project and neighborhood meeting to be held June 15, 2023 at 6:00 at Eugene Northern Community Hall

**Coots** presents the project.

**Chirban** asks what the goals are for the neighborhood plan. **Coots** states the plan will cover the infrastructure, examine the zoning to ensure it is appropriate and try to correct problems and issues.

**VII. CITIZEN COMMENTS:****NONE**

**Meeting adjourned: 6:00 p.m.**  
**Minutes prepared by: Sarah West**

**NEXT MEETING:****Tuesday, July 11, 2023**



**CITY OF ROLLA  
CASH ANALYSIS REPORT  
June 30, 2023**

**GENERAL FUND**

CASH IN BANK	\$	101,703.22
NIB GENERAL FUND	\$	3,813.82
CASH - BAIL BONDS	\$	-
ROLLA MUNICIPAL COURT	\$	1,045.00
ASI FLEX 125	\$	13,470.16
CASH - HEALTH ACCOUNT	\$	-
TIF ACCOUNT - EATS	\$	78,525.73
TIF ACCOUNT - PILOT	\$	34.09
CASH - PAID UNDER PROTEST	\$	-
INVESTMENTS - GENERAL FUND	\$	233,596.63
USE TAX MMA	\$	1,032,387.81
MMA - GENERAL FUND RESERVE REBUILD	\$	1,568,576.75
POLICE EVIDENCE FUNDS	\$	19,361.87
CITY SEIZURES & FORFEITURES	\$	9,802.82
TASKFORCE SEIZURES & FORFEITURES	\$	56,607.45
ANIMAL CONTROL SHELTER COMM PARTNER	\$	136,291.27
ANIMAL CONTROL SHELTER RESERVE	\$	244,547.30
PROPERTY FIRE DAMAGE ACCOUNT	\$	15.02
DISASTER RESPONSE	\$	-
GENERAL FUND CREDIT CARD ACCOUNT	\$	174,298.73
US BANK ESCROW	\$	-
INVESTMENT CLEARING ACCOUNT	\$	15.05
INVESTMENTS - CDS	\$	-
EAC ACCOUNT	\$	-
<b>GENERAL FUND TOTALS</b>	<b>\$</b>	<b>3,674,092.72</b>

**SEWER FUND**

CASH IN BANK	\$	936.60
NIB GENERAL FUND	\$	37.00
SEWER FUND MMA	\$	2,133.68
SEWER FUND DEPREC & RESERVE	\$	508,836.23
INVESTMENTS - GENERAL FUND	\$	3,978.31
GENERAL FUND CREDIT CARD ACCOUNT	\$	37.00
US BANK ESCROW	\$	-
INVESTMENT - CDS	\$	-
<b>SEWER FUND TOTALS</b>	<b>\$</b>	<b>515,958.82</b>

**ENVIRONMENTAL SERVICES FUND**

CASH IN BANK	\$	231,362.12
NIB ENV SVS FUND	\$	-
INVESTMENTS - GENERAL FUND	\$	-
GENERAL FUND CREDIT CARD ACCOUNT	\$	119.00
MMA PCB	\$	1,799,940.62
ENV SVS CC	\$	108,666.19
INVESTMENT - CDS	\$	-
<b>ENV SVS FUND TOTALS</b>	<b>\$</b>	<b>2,140,087.93</b>

**ARPA FUNDING**

CASH IN BANK	\$	-
ARPA FUNDING MMA	\$	1,399,289.58
<b>AIRPORT FUND TOTALS</b>	<b>\$</b>	<b>1,399,289.58</b>

**CITY OF ROLLA  
CASH ANALYSIS REPORT  
June 30, 2023**

**AIRPORT FUND**

CASH IN BANK	\$ 17,216.60
NIB GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 665.00
INVESTMENTS - MMA	\$ 29,098.16
INVESTMENTS - MMA (BREWER LEASE AGREE)	\$ 30,446.00
<b>AIRPORT FUND TOTALS</b>	<b>\$ 77,425.76</b>

**CEMETERY FUND**

CASH IN BANK	\$ 1,600.00
CASH - MMA	\$ 342,327.29
INVESTMENTS - RESTRICTED	\$ -
<b>CEMETERY FUND TOTALS</b>	<b>\$ 343,927.29</b>

**STREET FUND**

CASH IN BANK	\$ 133,399.44
NIB GENERAL FUND	\$ -
TDD PROPERTY RENTAL	\$ 30,081.80
GENERAL FUND MMA	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ 1,525.00
CASH - MMA	\$ 2,875,304.17
MODOT RESERVE	\$ 2,024,337.32
INVESTMENT - CDS	\$ -
<b>STREET FUND TOTALS</b>	<b>\$ 5,064,647.73</b>

**RECREATION FUND**

CASH IN BANK	\$ (250,072.76)
INVESTMENTS - GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ -
DEPR RES & EQUIP - MMA	\$ -
<b>RECREATION FUND TOTALS</b>	<b>\$ (250,072.76)</b>

**HEALTH INSURANCE FUND**

HEALTH INSURANCE RESERVE	\$ 506,653.55
CASH - HEALTH ACCOUNT	\$ 121,611.68
GENERAL FUND CREDIT CARD ACCOUNT	\$ 1,675.32
<b>HEALTH FUND TOTALS</b>	<b>\$ 629,940.55</b>

**PARK FUND**

CASH IN BANK	\$ 64,181.55
NIB GENERAL FUND	\$ -
GENERAL FUND CREDIT CARD ACCOUNT	\$ -
INVESTMENTS - PARK SALES TAX	\$ 196,953.02
PARKS CC	\$ 14,433.21
<b>PARK FUND TOTALS</b>	<b>\$ 275,567.78</b>

**PARK LAND RESERVE FUND**

CASH IN BANK	\$ 5,185.68
PARK LAND RESERVE ACCOUNT	\$ 9,535.04
<b>PARK LAND RESERVE FUND TOTALS</b>	<b>\$ 14,720.72</b>

**GRAND TOTAL ALL FUNDS** **\$ 12,486,296.54**

ANY AND ALL FINANCIAL RECORDS ARE OPEN TO THE PUBLIC

**CITY OF ROLLA**  
**REVENUE/EXPENDITURE REPORT - UNAUDITED**  
**June 30, 2023**  
**75% of Year**

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<b><u>GENERAL FUND</u></b>				
REVENUES	\$14,938,885.00	\$ 10,349,547.14	\$ 4,589,337.86	69.3%
<b>EXPENDITURES</b>				
GENERAL ADMINISTRATIVE	\$ 709,485.00	\$ 531,616.93	\$ 177,868.07	74.9%
ADMINISTRATION	\$ 308,055.00	\$ 208,863.37	\$ 99,191.63	67.8%
LIBRARY	\$ 318,850.00	\$ 275,953.29		86.5%
FINANCE	\$ 729,200.00	\$ 570,059.61	\$ 159,140.39	78.2%
LEGAL	\$ 70,700.00	\$ 46,672.90	\$ 24,027.10	66.0%
COURT	\$ 133,450.00	\$ 92,700.10	\$ 40,749.90	69.5%
TELECOMMUNICATIONS	\$ 1,498,835.00	\$ 933,795.58	\$ 565,039.42	62.3%
ANIMAL CONTROL	\$ 335,740.00	\$ 169,102.66	\$ 166,637.34	50.4%
POLICE	\$ 4,993,225.00	\$ 4,253,747.76	\$ 739,477.24	85.2%
FIRE	\$ 4,655,462.00	\$ 3,303,207.95	\$ 1,352,254.05	71.0%
ROLLA RURAL FIRE	\$ -	\$ 446,899.32	\$ (446,899.32)	#DIV/0!
BUILDING SERVICES	\$ 105,715.00	\$ 83,729.34	\$ 21,985.66	79.2%
COMMUNITY DEVELOPMENT	\$ 518,500.00	\$ 421,267.07	\$ 97,232.93	81.2%
ECONOMIC DEVELOPMENT	\$ 57,075.00	\$ 61,146.00	\$ (4,071.00)	107.1%
TOTAL EXPENDITURES	<u>\$14,434,292.00</u>	<u>\$ 11,398,761.88</u>	<u>\$ 2,992,633.41</u>	79.0%
REVENUES OVER/UNDER EXPENDITURES	\$ 504,593.00	\$ (1,049,214.74)	\$ 1,596,704.45	
<b><u>SEWER FUND</u></b>				
REVENUES	\$ 5,451,717.00	\$ 3,853,287.46	\$ 1,598,429.54	70.7%
EXPENDITURES	<u>\$ 5,874,432.00</u>	<u>\$ 4,680,983.33</u>	<u>\$ 1,193,448.67</u>	79.7%
REVENUES OVER/UNDER EXPENDITURES	\$ (422,715.00)	\$ (827,695.87)	\$ 404,980.87	
<b><u>ENVIRONMENTAL SERVICES FUND</u></b>				
REVENUES	\$ 4,091,200.00	\$ 2,629,625.92	\$ 1,461,574.08	64.3%
<b>EXPENDITURES</b>				
RECYCLING	\$ 428,375.00	\$ 349,654.45	\$ 78,720.55	81.6%
SANITATION	\$ 3,072,950.00	\$ 1,793,703.26	\$ 1,279,246.74	58.4%
VEHICLE MAINTENANCE	\$ 496,230.00	\$ 363,698.71	\$ 132,531.29	73.3%
TOTAL EXPENDITURES	<u>\$ 3,997,555.00</u>	<u>\$ 2,507,056.42</u>	<u>\$ 1,490,498.58</u>	62.7%
REVENUES OVER/UNDER EXPENDITURES	\$ 93,645.00	\$ 122,569.50	\$ (28,924.50)	
<b><u>ARPA FUNDING</u></b>				
REVENUES	\$ 750.00	\$ 449,501.65	\$ (448,751.65)	59933.6%
EXPENDITURES	<u>\$ 1,635,000.00</u>	<u>\$ 456,389.82</u>	<u>\$ 1,178,610.18</u>	27.9%
REVENUES OVER/UNDER EXPENDITURES	\$ (1,634,250.00)	\$ (6,888.17)	\$ (1,627,361.83)	

**CITY OF ROLLA**  
**REVENUE/EXPENDITURE REPORT - UNAUDITED**  
**June 30, 2023**  
**75% of Year**

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<b><u>AIRPORT FUND</u></b>				
REVENUES	\$ 800,728.00	\$ 733,560.15	\$ 67,167.85	91.6%
EXPENDITURES	\$ 794,560.00	\$ 665,868.52	\$ 128,691.48	83.8%
REVENUES OVER/UNDER EXPENDITURES	\$ 6,168.00	\$ 67,691.63	\$ (61,523.63)	
<b><u>CEMETERY FUND</u></b>				
REVENUES	\$ 10,500.00	\$ 13,301.62	\$ (2,801.62)	126.7%
EXPENDITURES	\$ 10,000.00	\$ 150.00	\$ 9,850.00	1.5%
REVENUES OVER/UNDER EXPENDITURES	\$ 500.00	\$ 13,151.62	\$ (12,651.62)	
<b><u>STREET FUND</u></b>				
REVENUES	\$ 6,719,200.00	\$ 6,699,606.42	\$ 19,593.58	99.7%
EXPENDITURES				
STREET	\$ 5,443,085.00	\$ 3,220,164.58	\$ 2,222,920.42	59.2%
TDD	\$ 1,660,000.00	\$ 206,676.52	\$ 1,453,323.48	12.5%
ENGINEERING	\$ 926,750.00	\$ 522,425.29	\$ 404,324.71	56.4%
TOTAL EXPENDITURES	\$ 8,029,835.00	\$ 3,949,266.39	\$ 4,080,568.61	
REVENUES OVER/UNDER EXPENDITURES	\$ (1,310,635.00)	\$ 2,750,340.03	\$ (4,060,975.03)	
<b><u>RECREATION FUND</u></b>				
REVENUES	\$ 450,000.00	\$ 571,099.82	\$ (121,099.82)	126.9%
EXPENDITURES				
AQUATICS	\$ -	\$ 2,093.98	\$ (2,093.98)	#DIV/0!
ADMINISTRATION	\$ 459,025.00	\$ 596,889.58	\$ (137,864.58)	130.0%
MAINTENANCE	\$ -	\$ 24,378.32	\$ (24,378.32)	#DIV/0!
TOTAL EXPENDITURES	\$ 459,025.00	\$ 623,361.88	\$ (164,336.88)	135.8%
REVENUES OVER/UNDER EXPENDITURES	\$ (9,025.00)	\$ (52,262.06)	\$ 43,237.06	
<b><u>PARK FUND</u></b>				
REVENUES	\$ 1,884,900.00	\$ 1,460,449.86	\$ 424,450.14	77.5%
EXPENDITURES				
ADMINISTRATION	\$ 238,075.00	\$ 169,872.91	\$ 68,202.09	71.4%
PARKS	\$ 1,135,145.00	\$ 894,809.92	\$ 240,335.08	78.8%
SPLASHZONE	\$ 254,420.00	\$ 141,787.66	\$ 112,632.34	55.7%
OUTDOOR RECREATION	\$ 184,410.00	\$ 93,291.26	\$ 91,118.74	50.6%
TOTAL EXPENDITURES	\$ 1,812,050.00	\$ 1,299,761.75	\$ 512,288.25	71.7%
REVENUES OVER/UNDER EXPENDITURES	\$ 72,850.00	\$ 160,688.11	\$ (87,838.11)	



**CITY OF ROLLA**  
**REVENUE/EXPENDITURE REPORT - UNAUDITED**  
**June 30, 2023**  
**75% of Year**

	<u>CURRENT BUDGET</u>	<u>YTD ACTUALS</u>	<u>BUDGET BALANCE</u>	<u>% OF BUDGET</u>
<b><u>PARK LAND RESERVE FUND</u></b>				
<b>REVENUES</b>	\$ 40.00	\$ 131.86	\$ (91.86)	329.7%
<b>EXPENDITURES</b>	\$ 25,000.00	\$ 25,000.00	\$ -	100.0%
<b>REVENUES OVER/UNDER EXPENDITURES</b>	\$ (24,960.00)	\$ (24,868.14)	\$ (91.86)	

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**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT:** Community Development

**ACTION REQUESTED:** Final Reading

**SUBJECT:** Ozark Terrace, 3<sup>rd</sup> Addition: A Minor Subdivision to subdivide one residential lot into two lots at 514 Keeton Rd

(SUB23-02)

**MEETING DATE: August 7, 2023**

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**Application and Notice:**

Applicant/Owner - Shawn Coverdell  
Public Notice - <https://www.rollacity.org/agenda.shtml>

**Background:** The applicant seeks to subdivide the lot into two lots. Lot 13B has the existing house and faces Keeton Rd.

Lot 13A would be intended for construction of a duplex facing Lions Club Rd. Lot 13A is also proposed to be rezoned from the R-1, Single-family district to the R-2, Two-family district. The rezoning and subdivision have been submitted concurrently because the rezoning is not necessary to subdivide the property. The lot is divided by an existing sewer line. The lot line between the two lots is located to allow for enough space for the proposed duplex and meet all setbacks.

**Property Details:**

Current zoning - R-1, Single-family (proposed to rezone Lot 13A to R-2, Two-family)  
Current use - Single-family and vacant/undeveloped  
Land area - Lot 13A: 0.29 (~12,600 SF); Lot 13B: 0.17 (~7,400 SF)

**Public Facilities/Improvements:**

Streets - The subject property has frontage on Lions Club Rd, a major arterial road; and Keeton Rd, a local street.  
Sidewalks - Sidewalks are not located adjacent to the property. Sidewalks may be required at the time of redevelopment.  
Utilities - The subject property should have access to all needed utilities, although utilities for Lot 1 are proposed to be provided by a utility easement.

**Comprehensive Plan:** The Comprehensive Plan designates the subject property as being appropriate for Medium/High Density Residential uses.

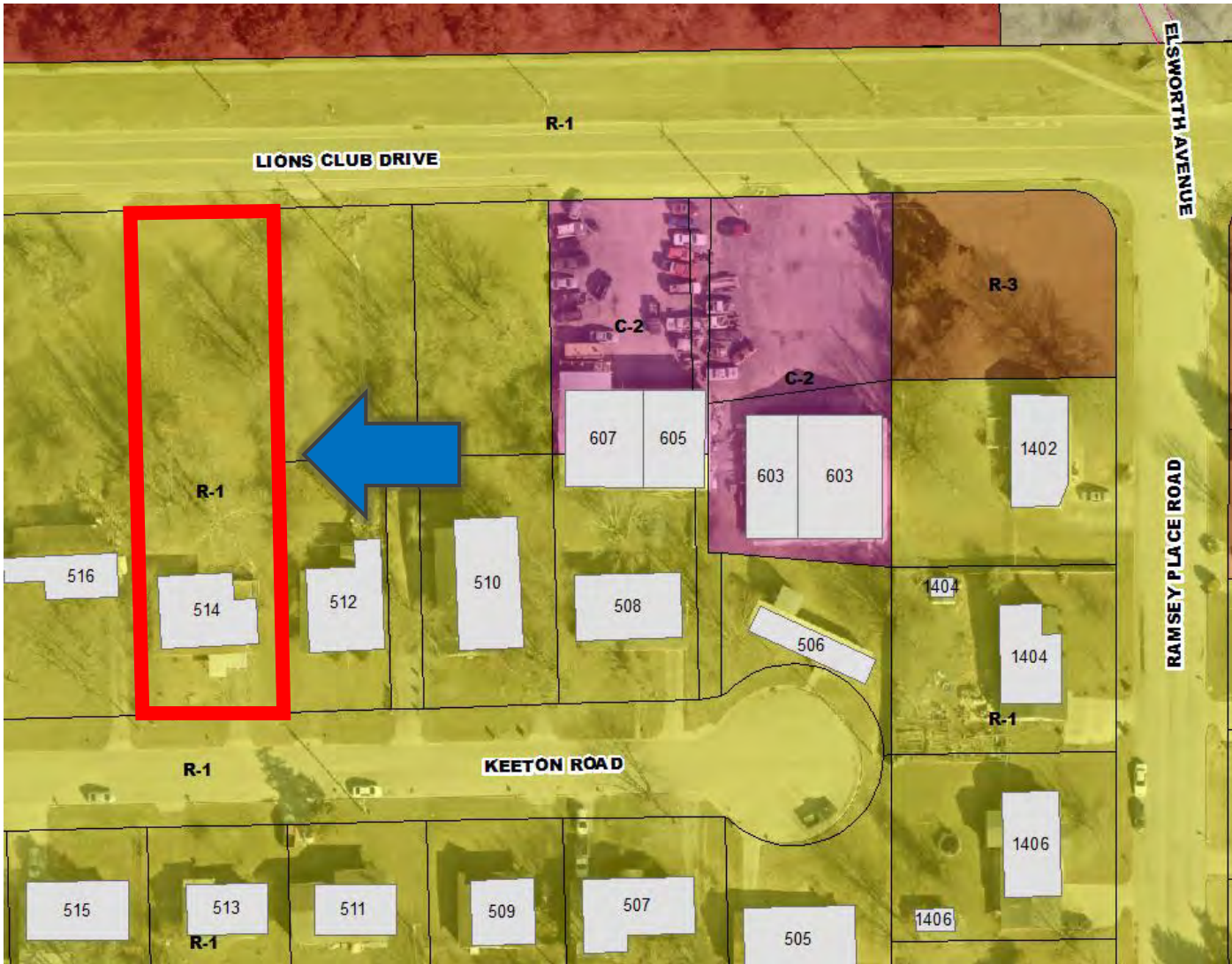
**Discussion:** The proposed plat appears to meet all zoning and subdivision requirements. Direct access to Lions Club Rd would be permitted at this location.

**Planning and Zoning Commission Recommendation:**

The Rolla Planning and Zoning Commission conducted a meeting on July 11, 2023 and voted 5-0 to recommend approval of the request.

**Prepared by:** Tom Coots, City Planner

**Attachments:** Area Map, Revised Plat, Ordinance



**Project Information:**

Case No: SUB23-02  
 Location: 514 Keeton Rd  
 Applicant: Shawn Coverdell  
 Request:

Minor Subdivision to subdivide into two residential lots



**For More Information Contact:**

Tom Coots, City Planner  
[tcoots@rollacity.org](mailto:tcoots@rollacity.org)

(573) 426-6974  
 901 North Elm Street  
 City Hall: 2<sup>nd</sup> Floor  
 8:00 – 5:00 P.M.  
 Monday - Friday

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF OZARK TERRACE, 3<sup>RD</sup> ADDITION.**

**(SUB 23-02)**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:**

**SECTION 1:** An ordinance approving the Minor Subdivision Final Plat of Ozark Terrace, 3<sup>rd</sup> Addition, a subdivision in City of Rolla, Phelps County, Missouri through the subdivision process.

**SECTION 2:** That this ordinance shall be in full force and effect from and after the date of its passage and approval. Building permits may not be issued by the Community Development Department until the plat has been filed with the Phelps County Recorder of Deeds.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 7<sup>TH</sup> DAY OF AUGUST, 2023.**

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

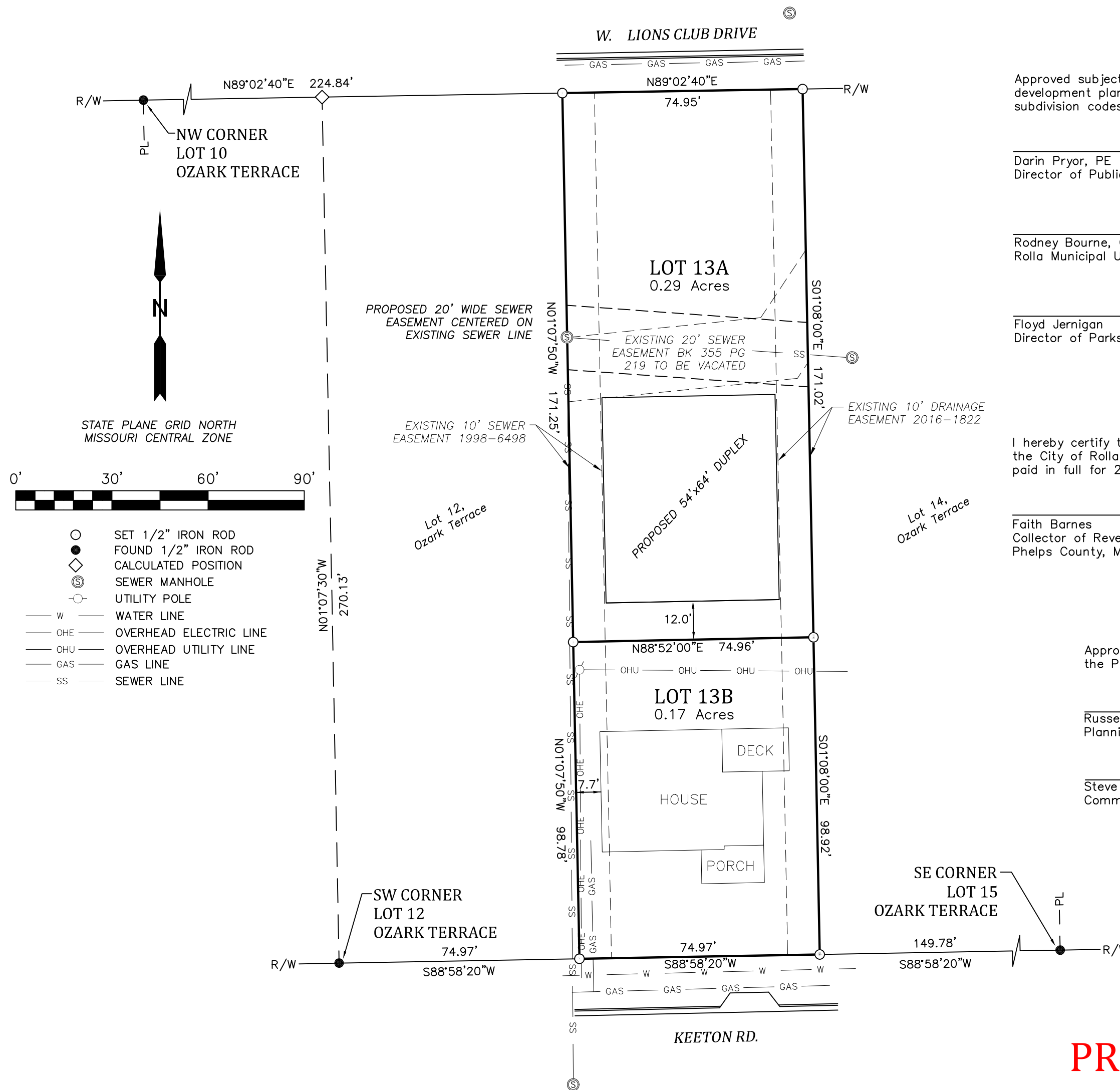
APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



# OZARK TERRACE THIRD ADDITION

A Resubdivision of Lot 13 of Ozark Terrace Addition To  
The City of Rolla, Missouri



**SURVEYOR'S CERTIFICATION**

Know all men by these presents:

That I, Jason Lortz, do hereby certify that this plat meets Missouri Minimum Standards for Property Boundary Surveys and was prepared under my supervision from actual survey of the land herein described prepared by Lortz Surveying, LLC dated June 16, 2023 and signed by Jason Lortz L.S. No. 2012000096 and that corner monuments and lot corner pins shown herein were placed under the personal supervision of Jason Lortz L.S. No. 2012000096 in accordance with Article II, Chapter 42, of the City Code of Rolla, Missouri.

Jason Lortz  
PLS 2012000096

Date

V.A.5

**DESCRIPTION**

Lot Thirteen (13) in Ozark Terrace Addition to the City of Rolla, Missouri.

**IMPROVEMENT ACCEPTANCE**

Approved subject to construction of improvements in accordance with development plans on file with the City of Rolla. this plat meets current subdivision codes of the City of Rolla.

\_\_\_\_\_  
Darin Pryor, PE  
Director of Public Works

\_\_\_\_\_  
Date

\_\_\_\_\_  
Rodney Bourne, General Manager  
Rolla Municipal Utilities

\_\_\_\_\_  
Date

\_\_\_\_\_  
Floyd Jernigan  
Director of Parks

\_\_\_\_\_  
Date

**COUNTY & CITY TAX RELEASE**

I hereby certify that all property taxes levied by the County of Phelps and the City of Rolla against the real estate described on this plat have been paid in full for 2022 and all prior years.

\_\_\_\_\_  
Faith Barnes  
Collector of Revenue  
Phelps County, Missouri

\_\_\_\_\_  
Date

**PLANNING AND ZONING APPROVAL**

Approved the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the Planning and Zoning Commission of Rolla, Missouri.

\_\_\_\_\_  
Russell Schmidt, Chairman  
Planning and Zoning Commission

\_\_\_\_\_  
Steve Flowers  
Community Development Director

**PRELIMINARY**

**NOTES**

1. Type Urban Accuracy Standards.
2. Parent Title Reference: 2022-5187.
3. Field work performed in June 2023.
4. A current title report has not been furnished to the land surveyor by the client, and no investigation has been conducted as to the present status of easements or other restrictive conditions affecting the subject land.

**DEDICATION**

Whereas, Shawn P. Coverdell, therein called ("DEDICATOR") is the owner of the premises described on this plat, and

Whereas, DEDICATOR desires to subdivide the land as shown on this plat with said subdivision to be named "OZARK TERRACE THIRD ADDITION".

DEDICATOR does hereby dedicate to the public use forever all easements shown upon this plat and subdivides the premises shown on this plat so that all of said premises will now be known as "OZARK TERRACE THIRD ADDITION".

DEDICATOR does further grant to all political subdivisions and public utilities providing utility services to the land described on this plat the right to install and maintain electrical, sanitary sewer, water, storm water, telephone, cable television, and natural gas lines within and along those places which are designated as utility easements on this plat.

In witness whereof, the DEDICATOR has executed this dedication this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

by: \_\_\_\_\_  
Shawn P. Coverdell

State of Missouri }  
County of Phelps } ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Shawn P. Coverdell, to me known to be the person described in and who executed the same as their free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

\_\_\_\_\_  
Notary Public My commission expires

**ACKNOWLEDGMENT OF APPROVAL BY CITY COUNCIL**

This is to acknowledge that the City Council of the City of Rolla, Missouri has by ordinance duly adopted and approved this plat and has authorized the same to be filed for record in the Office of the Recorder of Deeds, Phelps County, Missouri.

\_\_\_\_\_  
Louis J. Magdits, IV  
Mayor, City of Rolla

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lorri Thurman  
City Clerk

\_\_\_\_\_  
Date

**LORTZ SURVEYING**  
P.O. Box 767 • 231 W. Commercial Street Lebanon, Missouri 65536  
Phone 417-991-8115 • www.lortzsveying.com • LS: 2012028494



Survey of Lot 13  
Ozark Terrace Addition  
Rolla, Missouri

Shawn P. Coverdell  
Rolla, Missouri

Drawn by EJL/SJM	Scale 1" = 30'	Survey No.
Checked by EJL	Date 6/16/2023	

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**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT:** Community Development

**ACTION REQUESTED:** Final Reading

**SUBJECT:** Map Amendment (rezoning): A portion of 514 Keeton Rd from the R-1, Single-family district to the R-2, Two-family district

(ZON23-05)

**MEETING DATE: August 7, 2023**

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**Application and Notice:**

Applicant/Owner - Shawn Coverdell  
Public Notice - Letters mailed to property owners within 300 feet; Legal ad in the Phelps County Focus; signage posted on the property; <https://www.rollacity.org/agenda.shtml>

**Background:** The applicant seeks to construct a duplex on the subject property. The applicant has submitted a minor subdivision for concurrent review. Only the northern lot of the subdivision is proposed to be rezoned.

**Property Details:**

Current zoning - R-1, Single-family to be rezoned to R-2, Two-family  
Current use - Vacant/undeveloped  
Proposed use - Two-family  
Land area - About 12,600 Sq. Ft.

**Public Facilities/Improvements:**

Streets - The subject property has frontage on Lions Club Rd, a major arterial road.  
Sidewalks - Sidewalks are not located adjacent to the property. Sidewalks may required at the time of development.  
Utilities - The subject property should have access to all needed public utilities.

**Comprehensive Plan:** The Comprehensive Plan designates the property as being appropriate for Medium/High Density Residential uses.

**Discussion:** The subject property is located adjacent to Lions Club Road, in an area of residential uses, but between commercial lots at the ends of the block. Public Works will allow direct access to Lions Club Rd in this area.

Single-family uses may not be appropriate adjacent to a major roadway. Given the location between commercial uses, it is possible that the strip along Lions Club Road may also be appropriate for commercial uses. However, the adopted Comprehensive Plan indicates that higher density residential uses should be appropriate in this location. Other duplex lots fronting on Lions Club Rd are located about a block away.

**Planning and Zoning Commission Recommendation:**

The Rolla Planning and Zoning Commission conducted a public hearing on July 11, 2023 and voted 5-0 to recommend the City Council approve the request.

**Prepared by:** Tom Coots, City Planner

**Attachments:** Public Notice Letter; Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO APPROVE THE RE-ZONING OF A PORTION OF A PROPERTY ADDRESSED AS 514 KEETON RD FROM THE R-1, SINGLE-FAMILY DISTRICT TO THE R-2, TWO-FAMILY DISTRICT**

**( ZON23-05)**

**WHEREAS**, an application for a rezoning was duly filed with the Community Development Department requesting the property described above be rezoned according to the Basic Zoning Ordinance of the City of Rolla, Missouri, so as to change the class of the real property hereinafter described; and

**WHEREAS**, a public notice was duly published in the Phelps County Focus for this according to law which notice provided that a public hearing would be held at Rolla City Hall, 901 N. Elm, Rolla, Missouri; and

**WHEREAS**, the City of Rolla Planning and Zoning Commission met on July 11, 2023 and recommended the City Council approve the rezoning of the subject property; and

**WHEREAS**, the Rolla City Council, during its July 17, 2023 meeting, conducted a public hearing concerning the proposed rezoning to hear the first reading of the attached ordinance;

**WHEREAS**, after consideration of all the facts, opinions, and evidence offered to the City Council at the hearing by those citizens favoring the said change of zoning and by those citizens opposing said change, the City Council found the proposed rezoning would promote public health, safety, morals and the general welfare of the City of Rolla, Missouri, and would be for the best interest of said City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:**

**SECTION 1:** That the Basic Zoning Ordinance No. 3414, Chapter 42 of the Code of the City of Rolla, Missouri which zoning ordinances adopts zoning regulations, use districts, and a zoning map in accordance with the Comprehensive Plan is hereby amended by changing the zoning classification of the following property situated within the City of Rolla, Missouri, from R-1 (Single-family Residential) to R-2 (Two-family Residential) Zoning described as follows:

Lot 13A, Ozark Terrace Third Addition, Rolla, Phelps County, Missouri

**SECTION 2:** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND  
APPROVED BY THE MAYOR THIS 7<sup>th</sup> DAY OF AUGUST, 2023.**

APPROVED:

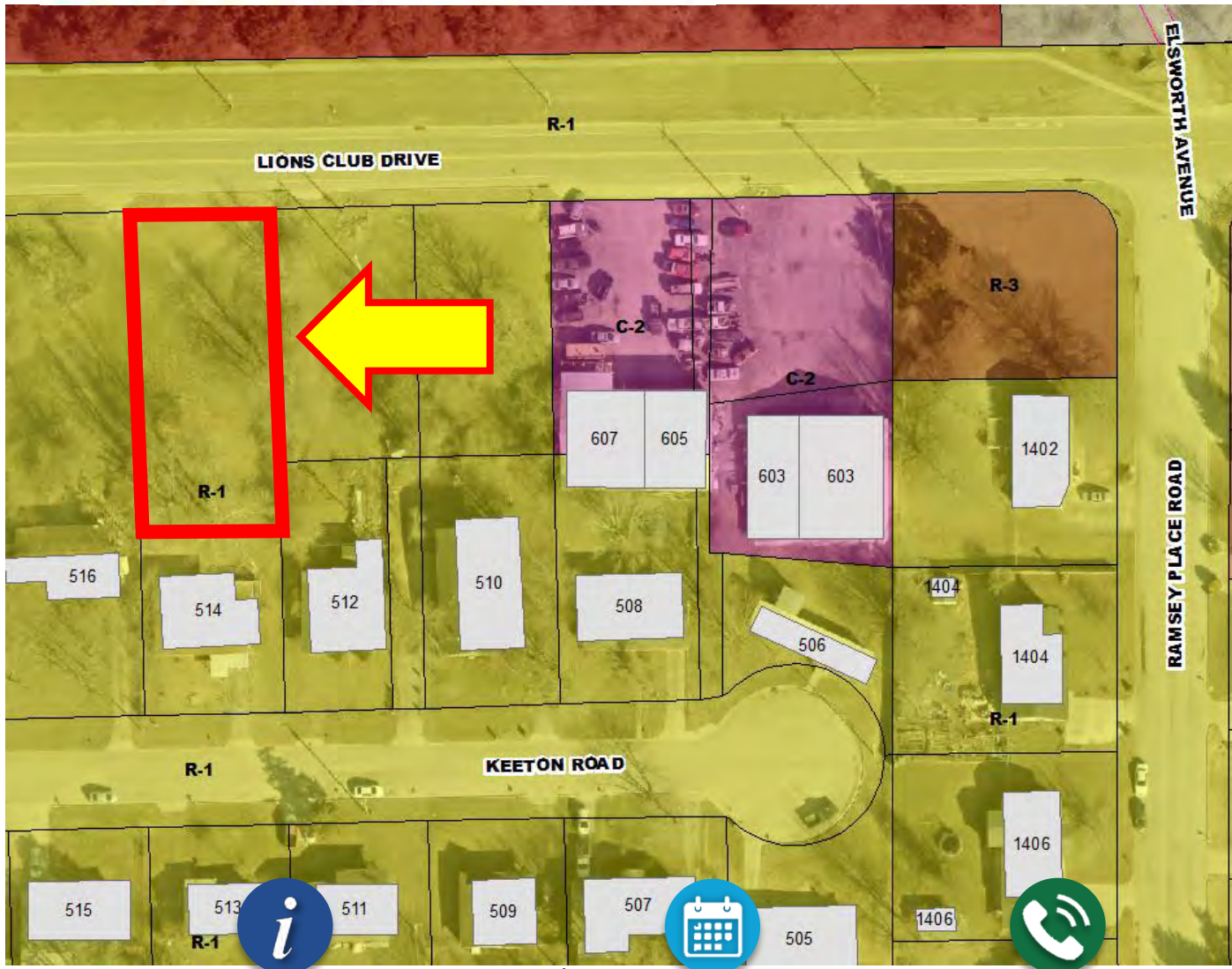
ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



**Project Information:**

Case No: ZON23-05  
 Location: 514 Keeton Rd  
 Applicant: Shawn Coverdell  
 Request:  
 Rezoning from R-1, Single-family Residential to  
 R-2, Two-family Residential

**Public Hearings:**

Planning and Zoning  
 Commission  
 July 11, 2023  
 5:30 PM  
 City Hall: 1<sup>st</sup> Floor  
  
 City Council  
 July 17, 2023  
 6:30 PM  
 City Hall: 1<sup>st</sup> Floor

**For More Information Contact:**

Tom Coots, City Planner  
 tcoots@rollacity.org

(573) 426-6974  
 901 North Elm Street  
 City Hall: 2<sup>nd</sup> Floor  
 8:00 – 5:00 P.M.  
 Monday - Friday

V.B.5



Who and What is the Planning and Zoning Commission?

The Planning and Zoning Commission is an appointed group of citizens from Rolla who are charged with hearing and deciding land use applications, such as zoning and subdivisions. The Commission takes testimony and makes a recommendation to the City Council.

What is a Rezoning (Map Amendment)?

A Rezoning is a request to change the zoning of a property from one zoning district to another. Usually a rezoning would allow for a property to be used differently than in the past, or may allow for development or redevelopment.

What is Zoning?

The City of Rolla has adopted zoning regulations that divide the city into separate areas that allow for specified uses of property. For example, generally only residential uses are allowed in residential zones; commercial uses in commercial zones; etc..

How Will This Impact My Property?

Each case is different. Adjacent properties are more likely to be impacted. Please contact the Community Development Office at (573) 426-6974 if you have any questions.

What If I Have Concerns About the Proposal?

If you have any concerns or comments, please try to attend the meeting. You may learn details about the project at the meeting. You will be given an opportunity to ask questions or make comments.

You do have the right to gather signatures for a petition. If a petition is received by 30% of the land owners (by land area) within 185 feet of the subject property, such request would require approval of 2/3 of the City Councilors. Please contact the Community Development Office for a property owner list.

What If I Cannot Attend the Meeting?

Please try to attend the meeting if you have any questions or concerns. However, if you are unable to attend the meeting, you may provide written comments by letter or email. These comments will be presented to the Board.

What If I Have More Questions?

Please contact the Community Development Office if you have any additional questions.

LEGAL DESCRIPTION

Lot 13A, Ozark Terrace  
Third Addition, Rolla,  
Phelps County, Missouri





**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT:** Community Development

**ACTION REQUESTED:** Final Reading

**SUBJECT:** Text Amendment to Chapter 42, Sections 42.141 Definitions and 42.233.01-42.233.03, pertaining to zoning regulations of Marijuana businesses

(TXT23-01)

**MEETING DATE: August 7, 2023**

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**Application and Notice:**

Applicant - City of Rolla

Public Notice - Legal ad in the Phelps County Focus; <https://www.rollacity.org/agenda.shtml>

**Background:**

Medical Marijuana was approved in Missouri in 2019. The zoning code was amended in 2019 to include medical marijuana uses and delineate zoning districts in which such businesses are allowed. Since that time, two medical marijuana dispensaries opened in Rolla.

Adult Use Marijuana was approved in Missouri in 2022. The state laws allowed for a process for existing medical marijuana dispensaries to be converted into dispensaries which could sell both medical marijuana and adult use marijuana. Both existing dispensaries in Rolla have received the state licenses to allow the conversion and currently sell marijuana and marijuana products as allowed by state law.

The Missouri Department of Health and Senior Services, which is charged with regulation of marijuana businesses, will begin issuing licenses for additional marijuana business locations in October, 2023.

The amendments to the zoning code are intended to modify the codes to essentially treat both medical marijuana businesses and adult use marijuana businesses the same by creating a definition to combine them together.

The state statutes also require that the adult use business separation requirements be measured in a certain way. The proposed amendment clarifies how each is measured in the event that a dispensary that only sells medical marijuana is proposed. The separation distance for adult use marijuana businesses is measured as one can legally walk, rather than a straight line. This makes producing city-wide maps to show where such uses may or may not be located almost impossible. Potential sites will have to be reviewed on a case-by-case basis.

**Discussion:** The proposed amendment would allow for new marijuana businesses to be located in the city much the same as had been allowed for the medical marijuana businesses a few years ago. Additional businesses may be approved by the state later this year. The amendment will clarify where those businesses may locate in the city.

The verbiage from this ordinance has been incorporated into the proposed zoning code draft, which is still under review by City Council.

**Planning and Zoning Commission Recommendation:**

The Rolla Planning and Zoning Commission conducted a public hearing on June 13, 2023 and tabled the discussions to allow additional time to consider the separation distance requirements. At the July 11, 2023 meeting, the Commission voted 5-0 to recommend that the text amendment not be approved by the City Council, with a 1,000 foot separation distance from daycares, churches, and schools following the state statutes.

**Prepared by:** Tom Coots, City Planner

**Attachments:** Proposed Text Amendment; Ordinance



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 42, ARTICLE III OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI REGARDING MARIJUANA USES.

WHEREAS, the City of Rolla acknowledges that the State of Missouri Constitution has been amended based on voter approval to permit ‘Adult Use’ marijuana use and related businesses with some time, place, and manner restrictions to be imposed by local jurisdiction; and

WHEREAS, the Rolla Planning and Zoning Commission did hold a public hearing following the provision of public notice pursuant to Section 42-143 and applicable state statutes; and

WHEREAS, the Rolla City Council did hold a public hearing(s); and

WHEREAS, based on the information received, including comments from the public, reports from city staff, the Rolla City Council did find that the requested action is in the best interest of the city:

**NOW, THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:**

**SECTION 1:** Section 42-141 “Definitions,” is hereby amended to add the following definitions and replace the following existing definitions, as appropriate:

*Marijuana Cultivation Facility:* a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Dispensary Facility, Marijuana Testing Facility, or to a Marijuana-Infused Products Manufacturing Facility.

*Marijuana Dispensary Facility:* A facility licensed by the State of Missouri where Marijuana and/or Marijuana-Infused Products are dispensed for Medical or adult use. Dispensary Facilities may receive transaction orders at the Dispensary directly from the consumer in person, by phone, or via the internet, including from a third party as set forth in Article XIV of the Missouri State Constitution.

*Marijuana-Infused Products Facility:* a facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Marijuana Dispensary Facility, a Marijuana Test Facility, or to another Marijuana-Infused Projects Facility.

*Medical Marijuana:* Marijuana that is available only to a qualified patient under the Missouri State Constitution to receive Medical Marijuana.

*Medical Marijuana Patient:* a person qualifying under the Missouri State Constitution to receive Medical Marijuana.

*Marijuana Testing Facility:* a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

*Marijuana Use* means any facility or premises which is used for a Marijuana Dispensary, Infused Products Facility, or Cultivation Facility.

*Medical Marijuana Use* means any facility or premises which is used for a Dispensary, Infused Products Facility, or Cultivation Facility which only provides services or produces products intended only for Medical Marijuana Patients or the primary caregiver of a Medical Marijuana Patient.

*“Then existing”* (Marijuana Use) means any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the prospective state applicant for a Marijuana Use first notifies the City of Rolla of the applicant's contingent legal right to operate at the proposed location by putting the subject property under contract.

**SECTION 2:** Division 15, Sections 233.01 – 233.03 “Standards for Medical Marijuana Dispensaries”, “Standards for Medical Marijuana Infused-products Facilities”, and “Standards for Medical Marijuana Cultivation Facilities” is hereby repealed and replaced with Section 233 “Marijuana Uses”, to read as follows:

**Sec. 42-233. Marijuana Uses.**

1. General. The following generally applies to Marijuana Uses:
  - a. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Medical Marijuana Use applicant to the nearest building corner of any school, church or regular place of worship as measured in a straight line.
  - b. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Marijuana Use applicant to the nearest building corner of any school, church or regular place of worship as measured by the shortest path between the demarcation points that can be lawfully traveled by foot; or pursuant to guidance provided by the Missouri Department of Health and Senior Services.
  - c. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Marijuana Use facility during regular business hours.
  - d. Display of Licenses Required. The Marijuana Use license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
  
2. Marijuana Dispensaries. No Building shall be constructed, altered or used for a Marijuana Dispensary without complying with the following regulations in this section:
  - a. No Marijuana Dispensary shall be located within 1,000 (one thousand) feet of a “then existing” elementary or secondary school, child daycare center, or church.
  - b. Hours of Operation. All sales or distribution of Marijuana and any other products sold to the public through a Marijuana Dispensary shall take place between the hours of 8:00 a.m. and 8:00 p.m., Monday – Sunday. Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the Marijuana Dispensary may be present in such a facility at any time it is closed to the public.
  - c. Site Plan Review. Any plans for a Marijuana Dispensary shall meet the standard new construction requirements.
  - d. Spacing. No Marijuana Dispensary shall be operated or maintained within 500 (five-hundred) feet of another Marijuana Dispensary except when marijuana sales represent less than 5% of the dollar volume of sales.
  
3. Marijuana-Infused Products Facility. No building shall be constructed, altered or used for a Marijuana-Infused Products Facility without complying with the following regulations:

- a. Distance Requirement. No Marijuana-Infused Products Facility using any shall be located within 1,000 (one thousand) feet of a then existing elementary or secondary school, licensed child day care center, or church.
  - b. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.
  - c. Hours of Operation. All Marijuana-Infused Products Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
  - d. Site Plan Review Required. Any plans for a Marijuana-Infused Products Facility shall meet standard new construction requirements.
4. Marijuana Cultivation Facility. No building shall be constructed, altered or used for a Marijuana Cultivation Facility without complying with the following regulations:
- a. Distance requirement. No Marijuana Cultivation Facility shall be located within 1,000 (one thousand) feet of a then existing elementary or secondary school, state-licensed child daycare center or church.
  - b. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least 10 feet in height, not including the razor wire.
  - c. Hours of Operation. All Marijuana Cultivation Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
  - d. Site Plan Review Required. Any plans for an indoor "Marijuana Cultivation Facility" shall meet the standard new construction requirements of the "Manufacturing District" outlined in this Title. Any outdoor "Marijuana Cultivation Facility" shall meet the standard requirements for any other crop, except as otherwise set forth herein.
  - e. Location. No outdoor "Marijuana Cultivation Facility" shall be permitted within 1,000 (one thousand) feet of a then existing elementary or secondary school, state-licensed child daycare center or church, or within 1,000 (one thousand) feet from any residentially zoned property.

**SECTION 3:** Division 9 "C-2, General Commercial District" is hereby amended to change references to "Medical Marijuana Dispensary Facility" to "Marijuana Dispensary Facility" and "Medical Marijuana Testing Facility" to "Marijuana Testing Facility".

**SECTION 4:** Division 10 "C-3, Highway Commercial District", is hereby amended to change references to "Medical Marijuana-Infused Products Facility" to "Marijuana-Infused Products Facility".

**SECTION 5:** Division 11 "CC, Center City District", is hereby amended to change references to "Medical Marijuana Dispensary" to "Marijuana Dispensary Facility".

**SECTION 6:** Division 12 “M-1 Light Manufacturing District”, is hereby amended to change references to “Medical Marijuana Cultivation Facility” to “Marijuana Cultivation Facility” and “Medical Marijuana-Infused Products Facility” to “Marijuana-Infused Products Facility”.

**SECTION 7:** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

**SECTION 8:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 7<sup>TH</sup> DAY OF AUGUST 2023.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

## Sec 42.454 ~~Medical~~ Marijuana Uses

Definitions. The following definitions apply to the ~~Medical~~ Marijuana Uses section:

*Marijuana or Marihuana:* Cannabis Indica, Cannabis sativa, and Cannabis ruderals, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

*Marijuana-Infused Products:* products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures, and concentrates.

~~*Medical Marijuana Cultivation Facility:* a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a ~~Medical~~ Dispensary Facility, ~~Medical~~ Marijuana Testing Facility, or to a ~~Medical~~ Marijuana-Infused Products Manufacturing Facility.~~

~~*Medical Marijuana Dispensary Facility:* A facility licensed by the State of Missouri where Marijuana and/or Marijuana-Infused Products are dispensed for Medical or adult use. Dispensary Facilities may receive transaction orders at the Dispensary directly from the consumer in person, by phone, or via the internet, including from a third party as set forth in Article XIV of the Missouri State Constitution.~~

~~a facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Projects Manufacturing Facility.~~

~~*Medical Marijuana-Infused Products Facility:* a facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a ~~Medical~~ Marijuana Dispensary Facility, a ~~Medical~~ Marijuana Test Facility, or to another ~~Medical~~ Marijuana-Infused Projects Facility.~~

~~*Medical Marijuana:* Marijuana that is available only to a qualified patient under the Missouri State Constitution to receive Medical Marijuana.~~

~~marijuana that is available only by prescription and used to treat a variety of medical conditions.~~

~~*Medical Marijuana Patient:* a person qualifying under the Missouri State Constitution to receive Medical Marijuana.~~

~~*Medical Marijuana Testing Facility:* a facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.~~

~~*Medical Marijuana Use* means any facility or premises which is used for a ~~Medical~~ Marijuana Dispensary, Infused Products Facility, or Cultivation Facility.~~

Medical Marijuana Use means any facility or premises which is used for a Dispensary, Infused Products Facility, or Cultivation Facility which only provides services or produces products intended only for Medical Marijuana Patients or the primary caregiver of a Medical Marijuana Patient.

"Then existing" means any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the prospective state applicant for a ~~Medical~~ Marijuana Use first notifies the City of Rolla of the applicant's contingent legal right to operate at the proposed location by putting the subject property under contract.

General. The following generally applies to ~~Medical~~ Marijuana Uses:

- a. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Medical Marijuana Use applicant to the nearest building corner of any school, church or regular place of worship as measured in a straight line.
- b. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Marijuana Use applicant to the nearest building corner of any school, church or regular place of worship as measured by the shortest path between the demarcation points that can be lawfully traveled by foot; or pursuant to guidance provided by the Missouri Department of Health and Senior Services.
- c. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any ~~Medical~~ Marijuana Use facility during regular business hours.
- d. Display of Licenses Required. The ~~Medical~~ Marijuana Use license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.

~~Medical~~ Marijuana Dispensaries. No Building shall be constructed, altered or used for a ~~Medical~~ Marijuana Dispensary without complying with the following regulations in this section subchapter:

- 1) No ~~Medical~~ Marijuana Dispensary shall be located within ~~1,000 (one thousand)~~ of a then existing elementary or secondary school, child daycare center, or church. ~~Measurement shall be in a method consistent with the city's existing liquor license measurement standard.~~
- 2) \* "Then existing" shall mean any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the prospective state applicant for a ~~Medical~~ Marijuana Dispensary first notifies the City of Rolla of the applicant's contingent legal right to operate at the proposed location by putting the subject property under contract.
- 3) Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a ~~Medical~~ Marijuana Dispensary building.
- 4) Hours of Operation. All sales or distribution of ~~Medical~~ Marijuana and any other products sold to the public through a ~~Medical~~ Marijuana Dispensary shall take place between the hours of 8:00 a.m. and 8:00 p.m., Monday – Sunday. ~~Medical~~ Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the ~~Medical~~ Marijuana Dispensary may be present in such a facility at any time it is closed to the public.
- 5) Display of License Required. The ~~Medical~~ Marijuana Dispensary license issued by the State of Missouri shall be prominently displayed in a highly visible location, easily seen by patients on the dispensary's sales floor.
- 6) Site Plan Review. Any plans for a ~~Medical~~ Marijuana Dispensary shall meet the standard new construction requirements.

- 7) Spacing. No ~~Medical~~ Marijuana Dispensary shall be operated or maintained within 500 (five-hundred) feet of another ~~Medical~~ Marijuana Dispensary except when marijuana sales represent less than 5% of the dollar volume of ~~sales a state or federally licensed pharmacy.~~

~~Medical~~ Marijuana-Infused Products Facility. No building shall be constructed, altered or used for a ~~Medical~~ Marijuana-Infused Products Facility without complying with the following regulations:

1. Distance Requirement. No ~~Medical~~ Marijuana-Infused Products Facility using any shall be located within 1,000 (one thousand) feet of a then existing elementary or secondary school, licensed child day care center, or church.
2. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.
3. ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana-Infused Products Facility during regular business hours.~~
4. Hours of Operation. All ~~Medical~~ Marijuana-Infused Products Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
5. ~~Display of License Required. The Medical Marijuana-Infused Products Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.~~
6. Site Plan Review Required. Any plans for a ~~Medical~~ Marijuana-Infused Products Facility shall meet standard new construction requirements.

~~Medical~~ Marijuana Cultivation Facility. No building shall be constructed, altered or used for a ~~Medical~~ Marijuana Cultivation Facility without complying with the following regulations:

1. Distance requirement. No ~~Medical~~ Marijuana Cultivation Facility shall be located within 1,000 (one thousand) feet of a then existing elementary or secondary school, state-licensed child daycare center or church.
2. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least 10 feet in height, not including the razor wire.
3. ~~Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility during regular business hours.~~
4. Hours of Operation. All ~~Medical~~ Marijuana Cultivation Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
5. ~~Display of Licenses Required. The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.~~
6. Site Plan Review Required. Any plans for an indoor "~~Medical~~ Marijuana Cultivation Facility" shall meet the standard new construction requirements of the "~~Heavy Manufacturing District~~" outlined in this Title. Any outdoor "~~Medical~~ Marijuana Cultivation Facility" shall meet the standard requirements for any other crop, except as otherwise set forth herein.

7. Location. No outdoor "~~Medical~~ Marijuana Cultivation Facility" shall be permitted within 1,000 (one thousand) feet of a then existing elementary or secondary school, state-licensed child daycare center or church\* or within 1,000' (one thousand feet) from any residentially zoned property.

**DIVISION 9. "C-2" GENERAL RETAIL DISTRICT**

**Sec. 42-189.1. Uses Permitted.**

- (18) ~~Medical~~ Marijuana Dispensary Facility.

**Sec. 42-189.2. Conditional uses that may be permitted by the Planning and Zoning Commission and the City Council in accordance with Section 42-234.**

- (8) ~~Medical~~ Marijuana Testing Facility.

**DIVISION 10. "C-3" HIGHWAY COMMERCIAL DISTRICT**

**Sec. 42-192.2. Conditional Uses.**

In accordance with Division 16 of this Article and with the issuance of a Conditional Use Permit, the following uses are permitted in the C-3 zoning district.

- (10) ~~Medical~~ Marijuana-Infused Products Facility

**DIVISION 11. "CC" CENTER CITY DISTRICT**

**Sec. 42-194.1. Uses Permitted.**

- (4) ~~Medical~~ Marijuana Dispensary Facility.

**DIVISION 12. "M-1" LIGHT MANUFACTURING DISTRICT**

**Sec. 42-196.1 Uses Permitted.**

- (54) ~~Medical~~ Marijuana Cultivation Facility; ~~Medical~~ Marijuana-Infused Products Facility.



CITY OF ROLLA  
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Chief Sean Fagan

ACTION REQUESTED: Final Reading

ITEM/SUBJECT: Marijuana Ordinance

BUDGET APPROPRIATION (IF APPLICABLE): \$ N/A

DATE: August 7, 2023

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Commentary:

We are amending our current marijuana ordinance to match Missouri State Law.

Recommendation:

Final reading of the proposed ordinance change.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 30-16 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO MARIJUANA POSSESSION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

**Section 1:** That Section 30-16. Marijuana – Possession, of the General Ordinances of the City of Rolla, Missouri, known as the Code of the City of Rolla, Missouri, pertaining to marijuana possession, is hereby amended to read as follows:

**Sec. 30-16. Marijuana - Possession.**

(a) It is unlawful for any person under the age of 21 to have in their possession or under his control marijuana in any quantity, or to have in their possession drug paraphernalia commonly used for the consumption and/or manufacturing of marijuana.

(b) For the purposes of this Section, "marijuana" means all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis, Ruderalis and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from stalks (except the resin extracted therefrom), fiber, oil or cake or the pound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

(c) For the purposes of this Section, "drug paraphernalia" means all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance.

(d) Any person who violates the provisions of this Section is guilty of a civil infraction and, upon conviction, shall be punished by a fine not to exceed \$100.

**Section 2:** That this ordinance shall be in full force and effect from and after the date of its passage and approval.

Ordinance No. \_\_\_\_\_  
Page 2

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND  
APPROVED BY THE MAYOR THIS 7<sup>th</sup> DAY OF AUGUST 2023.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

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**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT:** Community Development

**ACTION REQUESTED:** First Reading

**SUBJECT:** Re-adoption and revisions 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 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

**MEETING DATE:** June 19, 2023

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**Application and Notice:**

Applicant - City of Rolla

Public Notice - Legal ad in the Phelps County Focus; <https://www.rollacity.org/agenda.shtml>

**Background:**

The City Council conducted a public hearing at the June 5, 2023 and June 19, 2023 City Council meetings. At the July 17, 2023 meeting, the Council postponed the first reading of the ordinance to allow for additional time to consider the ordinance, particularly in relation to how the ordinance would impact the overnight shelter regulations.

The ordinance and final version of the proposed Zoning and Subdivision Regulations and the proposed Official Zoning Map are presented for adoption by the City Council. The text of the proposed Zoning and Subdivision Regulations has been revised to include modifications needed from the recent proposed amendments for adult-use marijuana uses and the direction received from City Council regarding overnight shelters.

**Planning and Zoning Commission:**

The Planning and Zoning Commission held a public hearings on December 13, 2022, January 10, 2023, March 14, 2023, and April 11, 2023. The Commission heard input from several citizens. At the May 9, 2023 meeting the Commission voted 6-0 to find the proposed changes to the zoning code and zoning map are necessary and recommend the City Council approve the proposed zoning code and map.

**Discussion:**

The Zoning and Subdivision Code should periodically be reviewed and revised. Since the current ordinance was adopted more than 30 years ago, with a major review over 20 years ago, another major review and update is long overdue.

Most of the revisions are housekeeping/administrative corrections. Some proposed changes, especially to the zoning district regulations themselves, are more visible.

The effort to revise the zoning and subdivision regulations (and any other ordinances related to land use and zoning) is intended to:

- Bring more order to the ordinance
- Correct errors, typos, conflicts, and unnecessary requirements
- Address issues which have caused the need for repeated variances or unnecessary approvals
- Ease the processes for gaining approvals
- Achieve/ensure compliance with state laws
- Address deficiencies in the ordinance which have caused issues in the community

**Prepared by:**

Tom Coots, City Planner

**Attachments:**

Ordinance; Proposed Zoning and Subdivision Regulations August 2023; Proposed Official Zoning Map; Supplement to the Proposed Zoning Codes

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 42, OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE PLANNING AND ZONING CODE, BY REPEALING THE CHAPTER IN ITS ENTIRETY, AND ENACTING IN LIEU THEREOF A NEW CHAPTER, ZONING AND SUBDIVISION REGULATIONS; AND REPEALING IN ITS ENTIRETY CHAPTER 29, EXPLICIT SEXUAL MATERIALS DISPLAY, SEXUALLY ORIENTED BUSINESS; AND REPEALING IN ITS ENTIRETY CHAPTER 39, TRAILERS AND MOBILE HOMES; AND REPEALING IN ITS ENTIRETY CHAPTER 40, URBAN RENEWAL; AND AMENDING CHAPTER 15, STORMWATER AND FLOOD CONTROL; AND AMENDING CHAPTER 20, HOUSING; AND AMENDING CHAPTER 28, NUISANCES; AND AMENDING CHAPTER 41, WEAPONS; AND RE-ADOPTING THE OFFICIAL ZONING MAP.

WHEREAS, changes to the zoning code and city ordinances are needed to ensure well-planned growth and development; and

WHEREAS, the revisions should improve clarity and understanding of the zoning codes by the general public; and

WHEREAS, the revisions should increase flexibility and allow additional development in the city while retaining adequate provisions for preservation of existing properties; and

WHEREAS, the revisions were extensively reviewed by an ad-hoc committee created by the City Council consisting of citizens and representatives from the Board of Adjustment, Planning and Zoning Commission, City Council, and city staff; and

WHEREAS, the public was engaged for review and comment through a variety of means beyond the statutory and city ordinance requirements; and

WHEREAS, the Rolla Planning and Zoning Commission did hold a public hearing(s) following the provision of public notice pursuant to Section 42-143 and applicable state statutes; and

WHEREAS, the Rolla City Council did hold a public hearing(s); and

WHEREAS, based on the information received, including comments from the public, reports from city staff, review of the proceedings of the Planning and Zoning Commission, the Rolla City Council did find that the revisions to the city ordinances are in the best interest of the city:

NOW, THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

**SECTION 1:** Chapter 42 of the City of Rolla Ordinances, known as the Planning and Zoning Code, is hereby amended by repealing Chapter 42 in its entirety, and enacting in lieu thereof, a new Chapter 42, Zoning and Subdivision Regulations. A copy of said new Chapter 42 is designated as EXHIBIT A and is on file in the office of the City Clerk, City Hall, Rolla, Missouri, and the same is hereby adopted and incorporated by reference as if set out at length herein.

**SECTION 2:** The Official Zoning Map, which divides the City of Rolla into zoning districts to control the regulation and restriction of the erection, construction, reconstruction, alteration, or use of buildings, structures, or land within such district; and controls the number, shape, and area of such zoning districts

on the Official Zoning Map; is hereby amended by adopting a new Official Zoning Map, attached to this ordinance as EXHIBIT B.

**SECTION 3:** Chapter 29 of the City of Rolla Ordinances, Explicit Sexual Materials Display, Sexually Oriented Business, is hereby repealed in its entirety.

**SECTION 4:** Chapter 39 of the City of Rolla Ordinances, Trailers and Mobile Homes, is hereby repealed in its entirety.

**SECTION 5:** Chapter 40 of the City of Rolla Ordinances, Urban Renewal, is hereby repealed in its entirety.

**SECTION 6:** Chapter 15 of the City of Rolla Ordinances, Stormwater and Flood Control, Section 15-75, Authority and Scope, is hereby amended to read as follows:

**Sec. 15-75. Authority and Scope.**

- (a) This Chapter shall apply to all proposed development except for that development which meets waiver or variance criteria as outlined in Section 15-80 of this Chapter.
- (b) This Chapter shall apply to all timber harvesting activities, except those timber harvesting operations which are implementing a forest management plan that has been deemed to be in compliance with the regulations of the buffer Ordinance and has received approval from the Missouri Department of Conservation.
- (c) This Chapter shall apply to surface mining operations except that the design standards shall not apply to active surface mining operations that are operating in compliance with an approved state or federal surface mining permit issued by the appropriate governing agency.
- (d) Article V of this Chapter shall not apply to agricultural operations that are covered by an approved Natural Resources Conservation Service (NRCS) conservation plan that includes the application of BMPs.
- (e) Article V of this Chapter shall not apply to streams with a tributary drainage area of less than one hundred (100) acres.
- (f) This Chapter shall apply to all parcels of land, structures, and activities that are causing or contributing to:
  - (1) Pollution, including nonpoint source pollution, of the waters within the City of Rolla;
  - (2) Erosion or sedimentation of stream channels;
  - (3) Degradation of aquatic or riparian habitat.

**SECTION 7:** Chapter 20 of the City of Rolla Ordinances, Housing, Article 1, Property Maintenance Code, is hereby repealed.

**SECTION 8:** Chapter 28 of the City of Rolla Ordinances, Nuisances, is hereby renamed to Chapter 28, Nuisances and Property Maintenance; and is hereby amended to read as follows:

**Sec. 28-1. Maintenance, etc., of nuisances prohibited.**

No person shall cause, maintain or permit, on premises owned or controlled by him, a nuisance, as defined by the laws of this State or by this Chapter.



**Sec. 28-2. Nuisances enumerated.**

The following things are hereby declared to be nuisances; provided, that such listing shall not be deemed exclusive:

- a. Shrubs, hedges and limbs of trees projecting over a sidewalk or street at a height of less than seven (7) feet.
- b. All substances or things which cause an odor disagreeable to the surrounding neighborhood.
- c. Nuisances listed in the adopted International Property Maintenance Code.

**Sec. 28-3 Abatement of Nuisances**

1. If the person notified as provided in this Section shall fail, neglect or refuse to comply with the same within the time specified in such notice, the codes administrator or designated officer shall abate such nuisance upon receiving an order to do so from a court.
2. If the estimated cost of abatement of the nuisance is in excess of \$1,000.00, the codes administrator or designated officer shall report the same to the council of the city. Thereupon the council shall call and have a full and adequate hearing upon the matter, giving the affected parties at least fourteen days written notice of the hearing. At such hearing, any party may be represented by counsel, and all parties shall have an opportunity to be heard.
3. After the hearing, if the evidence supports a finding based upon competent and substantial evidence that a nuisance exists, that the person having an interest was notified, and that the person failed to abate the nuisance, the city council shall issue an order based upon its findings of fact to the codes administrator or its designated officer to proceed to abate the nuisance.

**Sec. 28-4 Liens from Abatements**

If the codes administrator or its designated official causes the nuisance to be abated by the city, the costs of the abatement and a reasonable charge for administering the abatement not less than one hundred dollars, shall be certified to the city clerk who shall cause a special tax bill therefore against the property to be prepared and collected by the Finance Director. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes.

**Sec. 28-5 City council or designated officer to determine when weeds, etc., constitute public nuisance.**

The growth of weeds, brush or rank vegetation shall constitute a public nuisance with the following exceptions:

- a. All lots or parcels or portions thereof not within one hundred (100) feet of any residence or street.
- b. All undeveloped lots, parcels or right-of-way owned by the City of Rolla and dedicated for park and open space use, as bird sanctuaries, riparian corridors, detention basins, or as dedicated but undeveloped public right-of-way.
- c. Undeveloped lots which do not abut development on at least three (3) sides (Including developed streets); however, in such case, areas within five (5) feet of an abutting

residential lot or within ten (10) feet of a street or within five (5) feet from a sidewalk must be maintained free from high weeds and grass.

- d. Undeveloped future phases of subdivisions that have been cleared or “brush hogged” shall be maintained in that condition until further development occurs.

**Sec. 28-6 Weeds, etc., over ten inches in height declared nuisance per se.**

The growth of weeds, brush or other rank vegetation in excess of ten (10) inches in height is declared to be a public nuisance, per se, detrimental to the health, safety and welfare of the public.

**Sec. 28-7 Notice to owner to abate weeds, etc.**

The Codes Administrator, or its designated official, must provide notice to any property owner of a property on which a nuisance of weeds, brush, or other vegetation is located. Such notice may be either by mail or by posting notice on the property. Such notice must allow for not less than fifteen (15) days for the property owner to appeal the determination. If the property owner does not appeal the determination, or if the appeal is denied, the property owner must be given an additional five (5) days to correct the violation(s) before the city may abate the violation(s).

**Sec. 28-8 Owner of land liable for cost of cutting weeds.**

If the Codes Administrator or its designated official abates a property by the cutting and removing weeds, brush and other rank vegetation is, the costs of the abatement and a reasonable charge for administering the abatement not less than one-hundred dollars, shall be certified to the City Clerk who shall cause a special tax bill therefore against the property to be prepared and collected by the Finance Director. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes.

**Sec. 28-9. Reserved.**

**Sec. 28-10 2018 International Property Maintenance Code - Adopted.**

That for the purpose of establishing minimum standards governing the condition and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as "International Property Maintenance Code, 2018 Edition" of the City of Rolla, Missouri, and each and all of the regulations of the International Property Maintenance Code, are hereby referred to, adopted and made a part hereof, as if fully set out at length herein.

**Sec. 28-11 Amendments to adopted International Property Maintenance Code.**

101.1 **Title**, City of Rolla, Missouri.

103.5 **Fees**. Delete.

106.4 **Violation Penalties**. Any person who shall violate a provision of this code or shall fail to comply therewith, or with any requirements thereof, shall be guilty of a Misdemeanor, punishable by a fine of not more than \$500.00, or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

111.1 **Applications for appeal.** Any person directly affected by a decision of the code official or a notice or order issues under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within thirty (30) days after the day the decision, notice, or order was served. An application for appeal shall be based on the claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 **Membership of board.** The board of adjustment shall serve as the board of appeals.

111.2.1 – 111.2.5. **Alternate members. Chairman. Disqualification of member. Secretary. Compensation of members.** Delete

111.3 – 111.6. **Notice of meeting. Open hearing. Procedure. Postponed hearing. Board decision. Records and copies. Administration.** Delete

112.4 **Failure to comply.** \$50.00; \$500.00.

302.4 **Weeds.** Ten (10) inches (Add: Premises and exterior property specifically includes adjacent streets. The property owner is required to maintain those areas between the street pavement and the property line.)

304.14 **Insect screens.** (Year round)

602.3 **Heat supply.** (Year round)

602.4 **Occupiable work spaces.** (Year round)

**SECTION 9:** Chapter 41 of the City of Rolla Ordinances, Weapons, Section 41-6, Discharge of bows and arrows and crossbows prohibited within the City Limits of Rolla, Missouri; exceptions, subsection (d), is hereby amended to read as follows:

- (d) The use of longbow, recurve and/or compound bows, or crossbows, and the discharge of broadhead or other hunting arrows or bolts is permitted within Rolla's City Limits for the purpose of taking game as regulated by the Missouri Department of Conservation and with the written permission of the property owner. Hunting using bows and arrows or crossbows shall only be permitted on land three (3) acres in size or larger, and subject to the provisions of subsection 41-6 (b).

**SECTION 10:** The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted the ordinance and exhibits hereto attached and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one section or sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 11:** This ordinance shall be in full force and effect from and after the date of its passage and approval.

**SECTION 12:** For a period of six (6) months after the passage and approval, the Community Development Director is authorized to issue building permits and allow uses of land which were permitted by city ordinance prior to adoption of this ordinance; with the provision that all portions of the review of said permit or approval be consistent with the previous codes. Such review and approval shall be at the request of the applicant and with the agreement of the Community Development Director. Any decision pertaining to this section of the ordinance may be appealed to the Board of Adjustment.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AND APPROVED BY THE MAYOR THIS 21<sup>ST</sup> DAY OF AUGUST, 2023.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

# Supplement to the Proposed Zoning Code

## Changes from previous draft

### Section 200 Zoning Districts

#### Sec 42.203 Zoning Use Definitions

The following definitions apply for land uses in this section and chapter. The Community Development Director is empowered to determine how particular uses of land are classified. The Board of Adjustment may hear and decide Appeals to determine if a definition is intended to be applied to a particular use of property.

*Marijuana Cultivation Facility:* A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Dispensary Facility, Marijuana Testing Facility, or to a Marijuana-Infused Products Manufacturing Facility.

*Marijuana Dispensary Facility:* A facility licensed by the State of Missouri where Marijuana and/or Marijuana-Infused Products are dispensed for Medical or adult use. Dispensary Facilities may receive transaction orders at the Dispensary directly from the consumer in person, by phone, or via the internet, including from a third party as set forth in Article XIV of the Missouri State Constitution.

*Marijuana-Infused Products Facility:* A facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Marijuana Dispensary Facility, a Marijuana Test Facility, or to another Marijuana-Infused Projects Facility.

*Marijuana Testing Facility:* A facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

#### Sec 42.213 U-R, Urban-Residential District

1. The following uses are permitted “by-right” in the U-R, Urban-Residential District:
  - a. Detached Single-family Dwellings
  - b. Two-family (Duplex) dwellings
  - c. Townhouses
  - d. Multi-family dwelling, up to four (4) units per lot
  - e. Churches and other places of worship
  - f. Residential group homes
  - g. Family child care homes
  - h. Adult day care home
  - i. Community Center
  - j. Civic and Social Organizations (no on-site alcohol sales)

#### Sec 42.222 C-2, General Commercial District

1. The following uses are permitted “by-right” in the C-2, General Commercial District:
  - a. Commercial Use
  - b. Industrial Use up to 15,000 square feet and conducted within a building
  - c. Churches and other places of worship

- d. Seasonal Sales
  - e. Temporary Use
  - f. Mixed-residential Use up to two units per lot
  - g. Marijuana Dispensary Facility
  - h. Parking Lots and Garages
  - i. Sexually-oriented Business as permitted by Section 42.423
2. The following uses are permitted with approval of a Conditional Use Permit in the C-2, General Commercial District:
- a. All other Industrial Uses, if the scale and intensity can be demonstrated to be compatible with surrounding uses
  - b. Marijuana Testing Facility
  - c. Marijuana-Infused Products Facility
  - d. Multi-family up to twenty-six (26) units per acre
  - e. Mixed-residential Use (more than two (2) units per lot)
  - f. Soup Kitchens
  - g. ~~Overnight Shelter~~
  - h. Amusement and Recreation Use
  - i. Any other use not listed in any district

**Sec 42.223 C-C, Center-City Commercial District**

1. The following uses are permitted “by-right” in the C-C, Center-City Commercial District:
- a. Commercial Use
  - b. Marijuana Dispensary Facility.
  - c. Churches and religious institutions
  - d. Townhouses
  - e. Detached Single-family Dwelling
  - f. Two-family (Duplex) Dwelling
  - g. Mixed-residential Use
  - h. Parking Lots and Garages
2. The following uses are permitted with approval of a Conditional Use Permit in the C-C, Center-City Commercial District:
- a. Industrial or Outdoor Use, if the scale and intensity can be demonstrated to be compatible with surrounding uses and conducted within a building
  - b. Multi-family
  - c. Fraternity/Sorority House
  - d. Temporary Use
  - e. Marijuana Testing Facility
  - f. Marijuana Infused Products Facility
  - g. Transitional Housing
  - h. Soup Kitchens

**Sec 42.224 M, Manufacturing District**

1. The following uses are permitted “by-right” in the M, Manufacturing District:
- a. Industrial Uses
  - b. Commercial Uses
  - c. Marijuana Cultivation Facility.

- d. Marijuana-Infused Products Facility.
- e. Marijuana Testing Facility
- f. Temporary Use
- g. Parking Lots and Garages
- h. Sexually-oriented Business as permitted by Section 42.423

## Section 400 Special Regulations

### Sec 42.454 Medical Marijuana Uses

1. Definitions. The following definitions apply to the Medical Marijuana Uses section:

Marijuana Cultivation Facility: A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Dispensary Facility, Marijuana Testing Facility, or to a Marijuana-Infused Products Manufacturing Facility.

Marijuana Dispensary Facility: A facility licensed by the State of Missouri where Marijuana and/or Marijuana-Infused Products are dispensed for Medical or adult use. Dispensary Facilities may receive transaction orders at the Dispensary directly from the consumer in person, by phone, or via the internet, including from a third party as set forth in Article XIV of the Missouri State Constitution.

Marijuana-Infused Products Facility: A facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Marijuana Dispensary Facility, a Marijuana Test Facility, or to another Marijuana-Infused Projects Facility.

Medical Marijuana: Marijuana that is available only to a qualified patient under the Missouri State Constitution to receive Medical Marijuana.

Medical Marijuana Patient: A person qualifying under the Missouri State Constitution to receive Medical Marijuana.

Marijuana Testing Facility: A facility certified by the State of Missouri, to acquire, test, certify, and transport marijuana.

Marijuana Use: Any facility or premises which is used for a Marijuana Dispensary, Infused Products Facility, or Cultivation Facility.

Medical Marijuana Use: Any facility or premises which is used for a Dispensary, Infused Products Facility, or Cultivation Facility which only provides services or produces products intended only for Medical Marijuana Patients or the primary caregiver of a Medical Marijuana Patient.

"Then existing" (Marijuana Use): Any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the prospective state applicant for a Marijuana Use first notifies the City of Rolla of the applicant's contingent legal right to operate at the proposed location by putting the subject property under contract.

1. General. The following generally applies to Marijuana Uses:
  - a. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Medical Marijuana Use applicant to the nearest building corner of any school, church or regular place of worship as measured in a straight line.
  - b. In determining compliance with the measured separation, the distance shall be determined by the nearest building corner of the Marijuana Use applicant to the nearest building corner of any school, church or regular place of worship as measured by the shortest path between the demarcation points that can be lawfully traveled by foot; or pursuant to guidance provided by the Missouri Department of Health and Senior Services.
  - c. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Marijuana Use facility during regular business hours.
  - d. Display of Licenses Required. The Marijuana Use license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
  
1. Marijuana Dispensaries. No Building shall be constructed, altered or used for a Marijuana Dispensary without complying with the following regulations in this section:
  - a. No Marijuana Dispensary shall be located within 1,000 (one thousand) feet of a “then existing” elementary or secondary school, child daycare center, or church.
  - b. Hours of Operation. All sales or distribution of Marijuana and any other products sold to the public through a Marijuana Dispensary shall take place between the hours of 8:00 a.m. and 8:00 p.m., Monday – Sunday. Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the Marijuana Dispensary may be present in such a facility at any time it is closed to the public.
  - c. Site Plan Review. Any plans for a Marijuana Dispensary shall meet the standard new construction requirements.
  - d. Spacing. No Marijuana Dispensary shall be operated or maintained within 500 (five-hundred) feet of another Marijuana Dispensary except when marijuana sales represent less than 5% of the dollar volume of sales.
  
1. Marijuana-Infused Products Facility. No building shall be constructed, altered or used for a Marijuana-Infused Products Facility without complying with the following regulations:
  - a. Distance Requirement. No Marijuana-Infused Products Facility using any shall be located within 1,000 (one thousand) feet of a then existing elementary or secondary school, licensed child day care center, or church.
  - b. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.
  - c. Hours of Operation. All Marijuana-Infused Products Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
  - d. Site Plan Review Required. Any plans for a Marijuana-Infused Products Facility shall meet standard new construction requirements.
  
4. Marijuana Cultivation Facility. No building shall be constructed, altered or used for a Marijuana Cultivation Facility without complying with the following regulations:



- e. Distance requirement. No Marijuana Cultivation Facility shall be located within 1,000 (one thousand) feet of a then existing elementary or secondary school, state-licensed child daycare center or church.
- f. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least 10 feet in height, not including the razor wire.
- g. Hours of Operation. All Marijuana Cultivation Facilities shall be closed to the public, between the hours of 10:00 p.m. and 8:00 a.m. No persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- h. Site Plan Review Required. Any plans for an indoor "Marijuana Cultivation Facility" shall meet the standard new construction requirements of the "Manufacturing District" outlined in this Title. Any outdoor "Marijuana Cultivation Facility" shall meet the standard requirements for any other crop, except as otherwise set forth herein.
- i. Location. No outdoor "Marijuana Cultivation Facility" shall be permitted within 1,000 (one thousand) feet of a then existing elementary or secondary school, state-licensed child daycare center or church, or within 1,000 (one thousand) feet from any residentially zoned property.

## Section 700 Appendix

### Sec 42.710 Zoning Use Table

The following table is for reference only. Any errors, omission, or conflicts will be interpreted by deferring to the text of the zoning code.

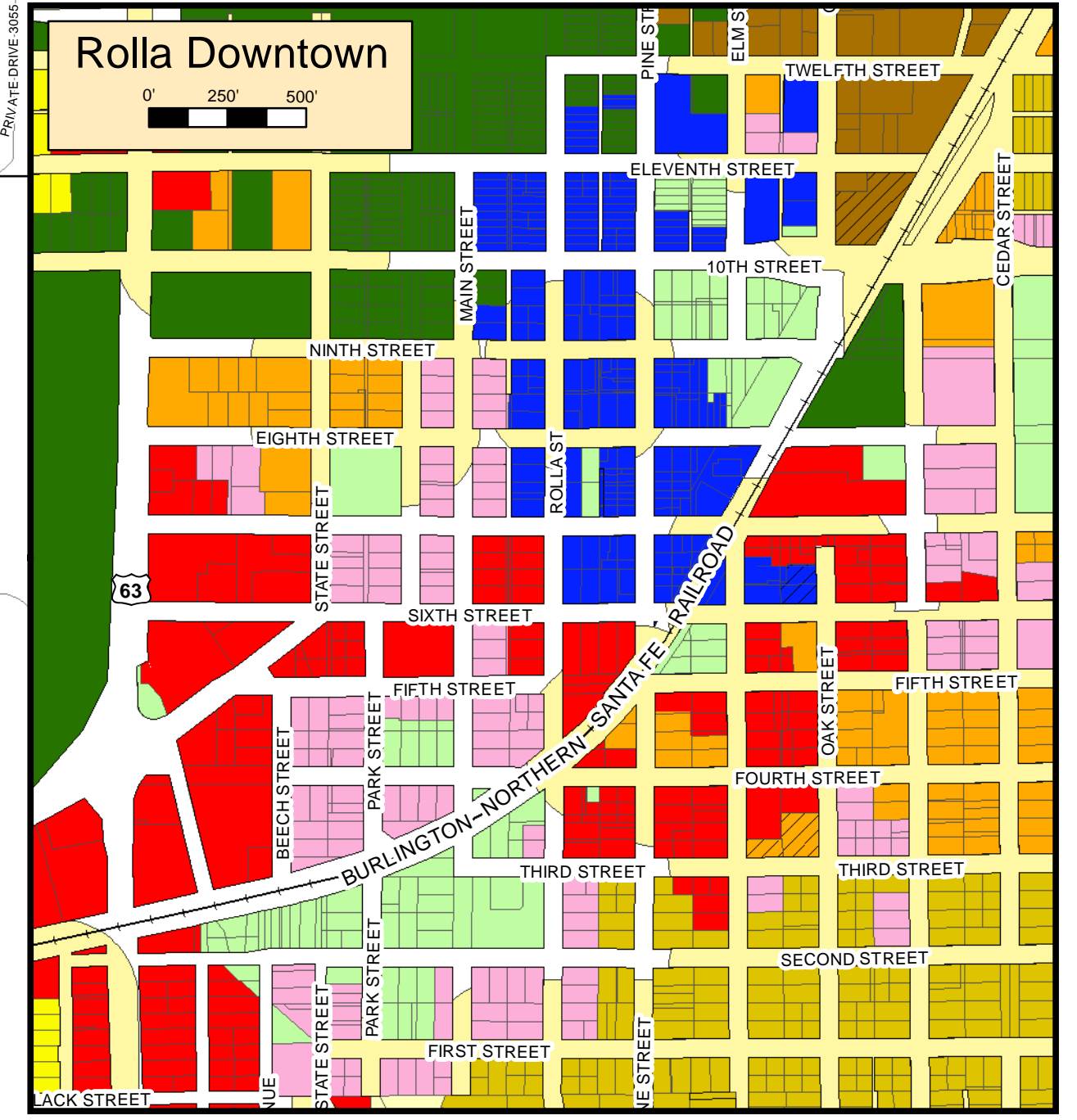
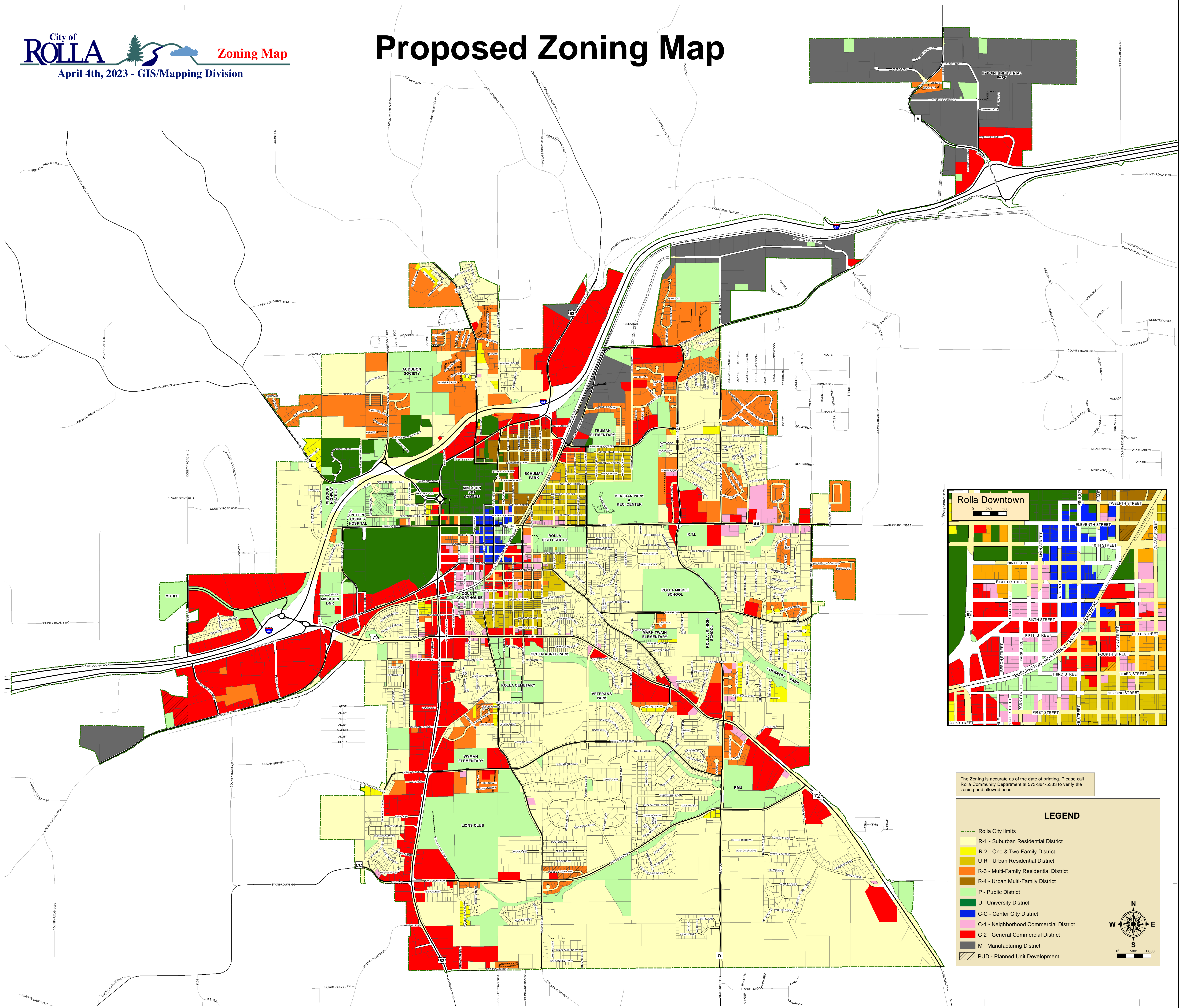
P – Permitted C – Conditional Use X – Not Permitted \* - w/ restrictions  
 - (Commercial Use)

	R-1	R-2	U-R	R-3	R-4	C-1	C-2	C-C	M
<b>Residential Uses</b>									
Detached Single-family Dwelling	P	P	P	P	P	X	X	P	X
Residential Group Home	P	P	P	P	P	X	X	X	X
Modular Home	P	P	P	P	P	X	X	X	X
Mobile Home	X	X	X	X	X	X	X	X	X
Manufactured Home	X	X	X	X*	X	X	X	X	X
Residential-design Manufactured Home	P	P	P	P	P	X	X	P	X
Manufactured Home Park	X	X	X	C	X	X	X	X	X
Two-family (Duplex) Dwelling	X	P	P	P	P	X	X	P	X
Townhouse	X	C	P	P	P	X	X	P	X
Multi-family	X	X	P*	P*	P	X	C*	C	X
Overnight Shelter	X	X	X	C	C	X	X	X	C
Transitional Housing	X	X	X	C	C	X	X	C	X
Fraternity/Sorority House	X	C	X	P	P	X	X	C	X
Rooming and Boarding Houses	X	X	X	P	P	X	X	X	X
Family Child Care Home	P	P	P	P	P	X	X	X	X
Adult Day Care Home	P	P	P	P	P	X	X	X	X
Community Center	P	P	P	P	P	-	-	-	-

Nursing Home	C	C	X	P	X	-	-	-	-
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X
	<b>R-1</b>	<b>R-2</b>	<b>U-R</b>	<b>R-3</b>	<b>R-4</b>	<b>C-1</b>	<b>C-2</b>	<b>C-C</b>	<b>M</b>
<b>Commercial Uses</b>									
Commercial Use	X	X	C*	C	C	P*	P	P	P
Industrial Use	X	X	X	X	X	X	P*	C	P
Agriculture Business Use	C	X	X	X	X	-	-	-	-
Amusement and Recreation Use	X	X	X	X	X	X	C	X	X
Civic and Social Organizations	X	X	P*	P*	P	-	-	-	-
Child Care Center	X	X	X	P	P	P	P	P	P
Churches and Places of Worship	P*	P	P	P	P	P	P	P	X
Marijuana Dispensary	X	X	X	X	X	X	P	P	X
Marijuana Testing Facility	X	X	X	X	X	X	C	C	P
Marijuana-infused Products Facility	X	X	X	X	X	X	X	C	P
Marijuana Cultivation Facility	X	X	X	X	X	X	X	X	P
Mixed-residential Use	X	X	C*	C	P*	P*	P*	P	X
Medical Use	C	C	C	C	C	-	-	-	-
Parking Lots and Garages	X	X	X	P	P	X	P	P	P
Seasonal Sales	X	X	X	X	C	C	P	P	P
Sexually-oriented Business	X	X	X	X	X	X	P*	P*	P*
Soup Kitchen	X	X	X	X	X	X	C	C	X
Temporary Use	C	X	X	X	X	C	P	C	P



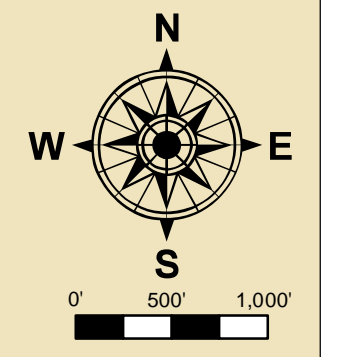
# Proposed Zoning Map



The Zoning is accurate as of the date of printing. Please call Rolla Community Department at 573-364-5333 to verify the zoning and allowed uses.

**LEGEND**

- Rolla City limits
- R-1 - Suburban Residential District
- R-2 - One & Two Family District
- U-R - Urban Residential District
- R-3 - Multi-Family Residential District
- R-4 - Urban Multi-Family District
- P - Public District
- U - University District
- C-C - Center City District
- C-1 - Neighborhood Commercial District
- C-2 - General Commercial District
- M - Manufacturing District
- PUD - Planned Unit Development





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CITY OF ROLLA  
CITY COUNCIL AGENDA

DEPARTMENT HEAD: City Administrator John Butz

ACTION REQUESTED: Discussion

ITEM/SUBJECT: Obscenity Ordinance

TOTAL BUDGET APPROPRIATION: NA

DATE: July 17th, 2023

\*\*\*\*\*

COMMENTARY:

On June 19<sup>th</sup>, City Council heard considerable feedback from community representatives expressing both support and objection to the June 10<sup>th</sup> Pride Event held at the public Bandshell. City Council asked Staff to review the 2006 ordinance adopted in Chesterfield, MO to establish an obscenity ordinance and one that particularly addresses minors exposure to same.

RSMO Chapter 573 lays out Missouri’s laws pertaining to pornography and obscenity and some specific references to prohibition on the public exposure to minors. There is nothing in Missouri law, and in Chesterfield’s ordinance for that matter, that would prohibit minors from participating in “drag shows”. However the content of what could take place at such public venues could be a violation of state law. Rolla has adopted regulations regulating “sexually oriented businesses” but does not per se have an “obscenity ordinance”. Instead any violation of pornography/obscenity would pursue State law where penalty violations are generally more significant than municipal infractions or ordinance violations.

Legal Counsel will elaborate further on this matter for Council discussion.

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Sample Ordinance – Public Display of Obscene material  
(based on City Chesterfield)

WHEREAS, there is a need to control sexually provocative, photography, performances, written, printed and published materials that depict obscene materials; and

WHEREAS, There exists the need to prevent commercial exposure of minors to sexually provocative written, photographic, printed, or published materials as these are hereafter defined and which are hereby declared to be harmful to minors; and

WHEREAS, It is in the best interest of the health, welfare, and safety of the citizens of this city and state, and especially of minors within the city and state, that commercial dissemination of such sexually provocative written, photographic, printed, or published materials deemed harmful to minors be restricted to persons at least 17 years old; or if available to minors under the age of 17 years, that the availability of such materials be restricted to sources within established and recognized schools, religious institutions, museums, medical clinics and physicians, hospitals, public libraries, the minor's home, or government sponsored organizations; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

**SECTION 1:** Definitions:

- a) **HARMFUL TO MINORS:** The quality of any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
  - i. predominately appeals to the prurient, shameful, or morbid interest of minors in sex; and
  - ii. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors; and
  - iii. taken as a whole, excepting a cover, which shall stand alone, lacks serious literary, artistic, political or scientific value.
- b) **KNOWINGLY:** Having a general knowledge of, or reason to know, or a belief or ground for belief, which warrants further inspection or inquiry or both:
  - i. the character and content of any material which is reasonably susceptible of examination by the defendant; and
  - ii. the age of the minor, provided however that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

- c) **MINOR:** Any person under the age of 17 years.
- d) **NUDITY:** The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.
- e) **OBSCENE:** Any material or performance is obscene, if:
  - i. the average person, applying contemporary adult community standards, would find that, taken as a whole, the material or performance appeals to the prurient interest in sex; and
  - ii. the average person, applying contemporary adult community standards, would find that, taken as a whole, the material or performance depicts, describes or portrays in a patently offensive way, human sexual intercourse, sodomy, bestiality, oral copulation, masturbation, urinary and defecatory functions, sadism, masochism, sado-masochistic abuse, lewd exhibition of the genitals or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone, or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification; and
  - iii. the reasonable person, when taking the material or performance as a whole, would find that it lacks serious social, literary, artistic, political or scientific value.
- f) **PERFORMANCE:** Any play, motion picture, dance or other exhibition performed before an audience.
- g) **SEXUAL CONDUCT:** Includes any of the following depicted sexual conduct:
  - i. Any act of sexual intercourse, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between human being and an animal.
  - ii. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound or otherwise physically restricted on the part of one so clothed.
  - iii. Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ
  - iv. Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same sex or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.



- v. Published or printed material depicting an act of sexual assault where physical violence or drugs are employed to overcome the will of or achieve the consent of a person to an act of sexual conduct and the effects or results of the violence or drugs are shown.

h) **SEXUAL EXCITEMENT:** The condition of human male or female genitals when in a state of sexual stimulation or arousal.

## **SECTION 2:**

Public display of obscene sexual material or an obscene performance is unlawful. A person is guilty of the public display of obscene sexual material or an obscene performance when, with knowledge of its character and content, he displays or permits to be displayed in or on any window, showcase, newsstand, display rack, stage, performance area, public space, wall, door, billboard, display board, viewing screen, moving picture screen, marquee or similar place, in such a manner that the display is easily visible from or in any: public street, sidewalk or thoroughfare; transportation facility; or any place accessible to members of the public and including but not limited to schools, bars, restaurants, clubs, places of amusement, parks and playgrounds but excluding rooms or rooms \_ however may be displayed in a manner that would make the material easily visible from a public street, sidewalk or thoroughfare; any performance, pictorial, three-dimensional or other visual representation of a person or a portion of the human body that is obscene, and that:

- i. depicts nudity, or actual or simulated sexual conduct; or
- ii. depicts or appears to depict nudity, or actual or simulated sexual conduct, with the area of the male or female subject's unclothed or apparently unclothed genitals, pubic area or buttocks, or of the female subject's unclothed or apparently unclothed breast, unless obscured by a covering or mark placed or printed on or in front of the material displayed, or obscured or altered in any other manner.

## **SECTION 3:**

It is unlawful for any person commercially and knowingly to exhibit, display, sell, offer to sell, give away, circulate, distribute, or attempt to distribute any material which is harmful to minors in its content in any place where minors are or may be present or allowed to be present and where minors are able to view such materials unless each item of such material is at all times kept in a sealed wrapper.

- i. It is also unlawful for any person commercially and knowingly to exhibit, display, sell, offer to sell, give away, circulate, distribute, or attempt to distribute any material whose cover, covers or packaging, standing alone, is harmful to minors, in any place where minors are or may be present or allowed to be present and where minors are able to view such material unless each item of such materials is blocked from view by an opaque cover. The requirement of opaque cover shall be deemed satisfied concerning such material if those

portions of the cover, covers or packaging containing such materials harmful to minors is blocked from view by an opaque cover.

- ii. The provisions of this section shall not apply to distribution or attempt to distribute by the exhibition, display, sale, offer of sale, circulation, giving away of material harmful to minors where such material is sold, exhibited, displayed, offered for sale, given away, circulated, distributed, or attempted to be distributed under circumstances where minors are not present, not allowed to be present or are not able to view such materials or the cover, covers, or packaging of such material. Any business may comply with the requirements of this clause by physically segregating such material in a manner so as to physically prohibit the access to and view of the material by minors, by prominently posting at the entrance(s) to such restricted area, "Adults Only- You must be 17 to enter," and by enforcing said restriction.
- iii. All acts of distribution or attempt to distribute by the exhibition, display, sale, offer of sale, circulation, giving away of material harmful to minors where such material is sold, exhibited, displayed, offered for sale, given away, circulated, distributed, or attempted to be distributed under circumstances where minors are not present, not allowed to be present or are not able to view such materials or the cover, covers, or packaging of such material shall take place only in such areas as are permitted pursuant to Chapter 17, Article VII.

#### **SECTION 4:**

The following are exempt from criminal or other action hereunder:

- i. Recognized and established schools, religious institutions, museums, medical clinics and physicians, hospitals, public libraries, governmental agencies or quasi-governmental sponsored organizations, and persons acting in their capacity as employees or agents of such organization. For the purpose of this section, "recognized and established" shall mean an organization or agency having a full time faculty and diversified curriculum in the case of a school; a religious institution affiliated with a national or regional denomination; a licensed physician or psychiatrist or clinic of licensed physicians or psychiatrists; and in all other exempt organizations shall refer only to income tax exempted organizations which are supported in whole or in part by tax funds or which receive at least one third of their support from publicly donated funds.
- ii. Individuals in a parental relationship with the minor.

#### **SECTION 5:**

Violation of Section 2, public display of obscene sexual material or an obscene performance, shall be punishable by a fine of not less than Five Dollars (\$5.00) and not more than One Thousand Dollars (\$1,000.00) or by imprisonment for a period of not to exceed three (3) months or by both such fine and imprisonment. Each day of such public display of obscene material or an obscene performance may be considered as separate offenses.

Violation of Section 3 shall be punishable by a fine of not less than Five Dollars (\$5.00) and not more than One Thousand Dollars (\$1,000.00) or by imprisonment for a period of not to exceed three (3) months or by both such fine and imprisonment. Each sale or distribution may be considered as separate offenses.

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## Missouri Statutes: Pornography and Related Offenses

There are many related and inter-related statutes that deal with the issues of pornography, obscenity, sexual conduct, minors, etc but a sampling of some provides the legal framework in Missouri (but not all-inclusive):

**573.010. Definitions.** — As used in this chapter the following terms shall mean:

(1) "**Adult cabaret**", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;

(4) "**Child pornography**":

(a) Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or

c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. "**Identifiable minor**" means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term identifiable minor shall not be construed to require proof of the actual identity of the identifiable minor;

(6) "**Explicit sexual material**", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(7) "**Furnish**", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;

(11) "**Obscene**", any material or performance if, taken as a whole:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

(b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and

(c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;

(14) "**Pornographic for minors**", any material or performance if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(19) "**Semi-nude**" or "**state of semi-nudity**", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;

(20) "**Sexual conduct**", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

(21) "**Sexually explicit conduct**", actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person;

**573.020. Promoting obscenity in the first degree — penalty.** — 1. A person commits the offense of promoting obscenity in the first degree if, knowing of its content and character, such person:

(1) Wholesale promotes or possesses with the purpose to wholesale promote any obscene material; or

(2) Wholesale promotes for minors or possesses with the purpose to wholesale promote for minors any material pornographic for minors; or

(3) Promotes, wholesale promotes or possesses with the purpose to wholesale promote for minors material that is pornographic for minors via computer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. The offense of promoting obscenity in the first degree is a class E felony.

3. As used in this section, "**wholesale promote**" means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution.

**573.030. Promoting obscenity in the second degree — penalties.** — 1. A person commits the offense of promoting pornography for minors or obscenity in the second degree if, knowing of its content and character, he or she:

(1) Promotes or possesses with the purpose to promote any obscene material for pecuniary gain; or

(2) Produces, presents, directs or participates in any obscene performance for pecuniary gain; or

(3) Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or

(4) Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or

(5) Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. The offense of promoting pornography for minors or obscenity in the second degree is a class A misdemeanor unless the person has been found guilty of an offense pursuant to this section committed at a different time, in which case it is a class E felony.

**573.060. Public display of explicit sexual material — penalties.** — 1. A person commits the offense of public display of explicit sexual material if he or she recklessly:

(1) Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public; or

(2) Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence.

2. The offense of public display of explicit sexual material is a class A misdemeanor unless the person has been found guilty of an offense under this section committed at a different time, in which case it is a class E felony.

3. For purposes of this section, each day there is a violation of this section shall constitute a separate offense.

**573.509. Adult cabaret, persons less than nineteen years of age prohibited from dancing, penalty.** — 1. No person less than nineteen years of age shall dance in an adult cabaret, nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.

**573.540. No state preemption on regulation — consistency with state law required for local law.** — 1. Nothing in sections [573.525 to 573.537](#) shall be construed as preempting or preventing any political subdivision of this state from maintaining, enacting, or enforcing any local ordinance, rule, regulation, resolution, or similar law concerning the regulation of sexually oriented businesses or similar adult oriented businesses which is stricter than but not inconsistent with the provisions of sections [573.525 to 573.537](#).

2. Political subdivisions of this state are specifically authorized to maintain, enact, and enforce local ordinances, rules, regulations, resolutions, or other similar laws concerning the regulation of sexually oriented businesses or similar adult-oriented businesses which are the same as or stricter than but not inconsistent with the provisions of sections [573.525 to 573.537](#).

{Note: RSMo Ch. 566 deals with a series of laws pertaining to sexual offenses (i.e. rape, sexual abuse, child molestation, sexual offenders) but likely beyond the issues raised in Rolla}



**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: Darin Pryor**

**ACTION REQUESTED: Ordinance First Reading**

**ITEM/SUBJECT: Section 27-92 No Parking**

**BUDGET APPROPRIATION (IF APPLICABLE) - DATE: 8/7/2023**

\*\*\*\*\*

**COMMENTARY:**

**Lions Club Drive has a bike lane from Route 63 to Ramsey Place. Staff recommends removing the parking in this area.**

**Staff recommends the first reading of an ordinance to remove the parking on Lions Club Drive from Route 63 to Ramsey Place.**

**ITEM NO. VI.A.1**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 27-92 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CITY CODE OF ROLLA, MISSOURI, RELATING TO PARKING.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

**Section 1:** That Section 27-92 of the Code of the City of Rolla, Missouri, pertaining to parking is hereby amended as follows:

**Sec. 27-92 Parking Prohibited – On certain streets or parts of streets.**

It shall be unlawful for any person to cause or permit any motor vehicle registered in his/her name to be unlawfully parked as set out in this section.

**Lions Club Drive**, on either side, from the intersection of Bishop Avenue (U.S. Highway 63) to the intersection of Highway 72, except nineteen hundred and sixty feet on the south side east of the intersection of Bishop Avenue (U.S. Highway 63).

**Section 2:** This ordinance will be full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 21st DAY OF August, 2023.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY COUNSELOR

VI.A.2



Location Map



View From Bishop Ave at Lions Club Drive Looking East

## Section 27-92 Parking Prohibited – On certain streets or parts of streets



Lions Club Drive, on either side, from the intersection of Bishop Avenue (U.S. Highway 63) to the intersection of Highway 72, except an area on the south side, east from the intersection of Ramsey Place Road to a point six hundred feet east of the intersection of Ramsey Place Road.





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**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: Darin Pryor**

**ACTION REQUESTED: Ordinance First Reading**

**ITEM/SUBJECT: Section 27-89 Stop Intersections**

**BUDGET APPROPRIATION (IF APPLICABLE) - DATE: 8/7/2023**

\*\*\*\*\*

**COMMENTARY:**

The traffic signal equipment at the intersection of State and 10<sup>th</sup> Streets was at the end of its useful life. The traffic volumes at that intersection did not meet warrants for a traffic signal. In coordination with Missouri S&T the traffic signal was removed and replaced with a push button activated pedestrian crossing.

Staff recommends the first reading of an ordinance to add a stop condition on State Street at the 10<sup>th</sup> Street intersection.

**ITEM NO. VI.B.1**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 27-89 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CITY CODE OF ROLLA, MISSOURI, AND ENACTING AN AMENDED SECTION 27-89 RELATING TO STOP INTERSECTIONS AT STATE STREET.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

**Section 1:** That Section 27-89, Stop intersections - Enumerated generally, of the General Ordinances of the City of Rolla, Missouri, known as the City Code of Rolla, Missouri is hereby amended as follows:

**Sec. 27-89. Stop intersections - Enumerated generally.**

The driver of a vehicle shall cause his vehicle to come to a full and complete stop before entering the intersections named below, and he shall then proceed cautiously, yielding the right of way to any pedestrian within any crosswalk adjacent to the intersection and to any vehicle either in the intersection or approaching so closely thereto, when not required to stop, as to constitute an immediate hazard. At those intersections labeled "Yield," the driver of a vehicle shall yield the right of way to any vehicle in either the intersection or approaching so closely thereto, when not required to stop, as to constitute an immediate hazard.

**State Street**, at Second Street, at Sixth Street (north side has two per one-way street), at Eighth Street (north side has two per one-way street), at Tenth Street, at Eleventh Street.

**Section 2:** That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 21st DAY OF AUGUST, 2023.

APPROVED

ATTEST:

\_\_\_\_\_  
MAYOR

Ordinance No. \_\_\_\_\_

Page 2 of 2

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CITY CLERK

APPROVED AS TO FORM:

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CITY COUNSELOR



View From 10th/State Looking South

### Section 27-89 Stop Intersections

Add: State Street at Tenth Street





**CITY OF ROLLA  
CITY COUNCIL AGENDA**

**DEPARTMENT HEAD: Darin Pryor**

**ACTION REQUESTED: Ordinance First Reading**

**ITEM/SUBJECT: Section 27-2 One-Way Traffic**

**BUDGET APPROPRIATION (IF APPLICABLE) - DATE: 8/7/2023**

\*\*\*\*\*

**COMMENTARY:**

**The reconstruction of Elm Street from Route 63 to 12<sup>th</sup> Street is nearly completed. Elm Street from 14<sup>th</sup> Street to 12<sup>th</sup> Street was widened during this project to allow two-way traffic.**

**Staff recommends the first reading of an ordinance to remove the one-way traffic designation on Elm Street from 14<sup>th</sup> to 12<sup>th</sup>.**

**ITEM NO. VI.C.1**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 27-2 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CITY CODE OF ROLLA, MISSOURI RELATING TO ONE WAY TRAFFIC.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI AS FOLLOWS:

**Section 1:** That Section 27-2 One-way traffic designated on certain streets is hereby repealed and a new Section 27-2 is enacted in lieu thereof as follows:

**Sec. 27-2. One-way traffic designated on certain streets.**

All motor vehicles, and all other vehicles, including bicycles, carts and wagons, driven, operated or propelled on, over and along certain designated streets in the city, shall be driven, operated or propelled in one direction only, as follows:

**Fourth Street**, between the intersection of Rolla Street and Pine Street in an easterly direction only.

**Twelfth Street**, between the intersection of Twelfth Street and Pine Street and the intersection of Twelfth Street and Rolla Street, in a westerly direction only.

**Elm Street**, from the intersection of Tenth Street to the intersection of Ninth Street, in a southerly direction only.

~~**Elm Street**, between the intersection of Elm Street and Twelfth Street and the intersection of Elm Street and Fourteenth Street, in a southerly direction only.~~

**Park Street**, between the intersection of Park Street and Sixth Street and the intersection of Park Street and Ninth Street, in a northerly direction only.

**Pine Street**, between the intersection of Pine Street and Sixth Street and the intersection of Pine Street and Twelfth Street, in a northerly direction only.

**Rolla Street**, between the intersection of Rolla Street and Sixth Street and the intersection of Rolla Street and Twelfth Street, in a southerly direction only.

**State Street**, between the intersection of State Street and Sixth Street and the intersection of State Street and Ninth Street, in a southerly direction only.

(Ord. 3902, §2)

**Section 2:** That this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 21st DAY OF AUGUST, 2023.

APPROVED:

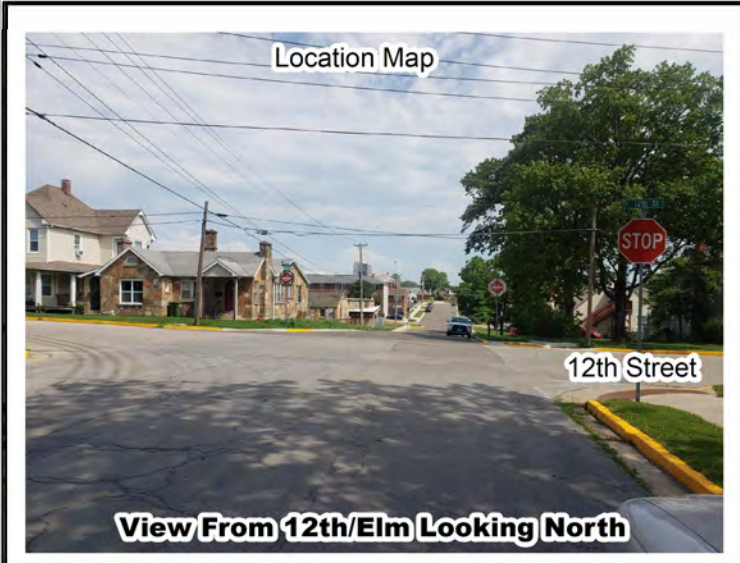
ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

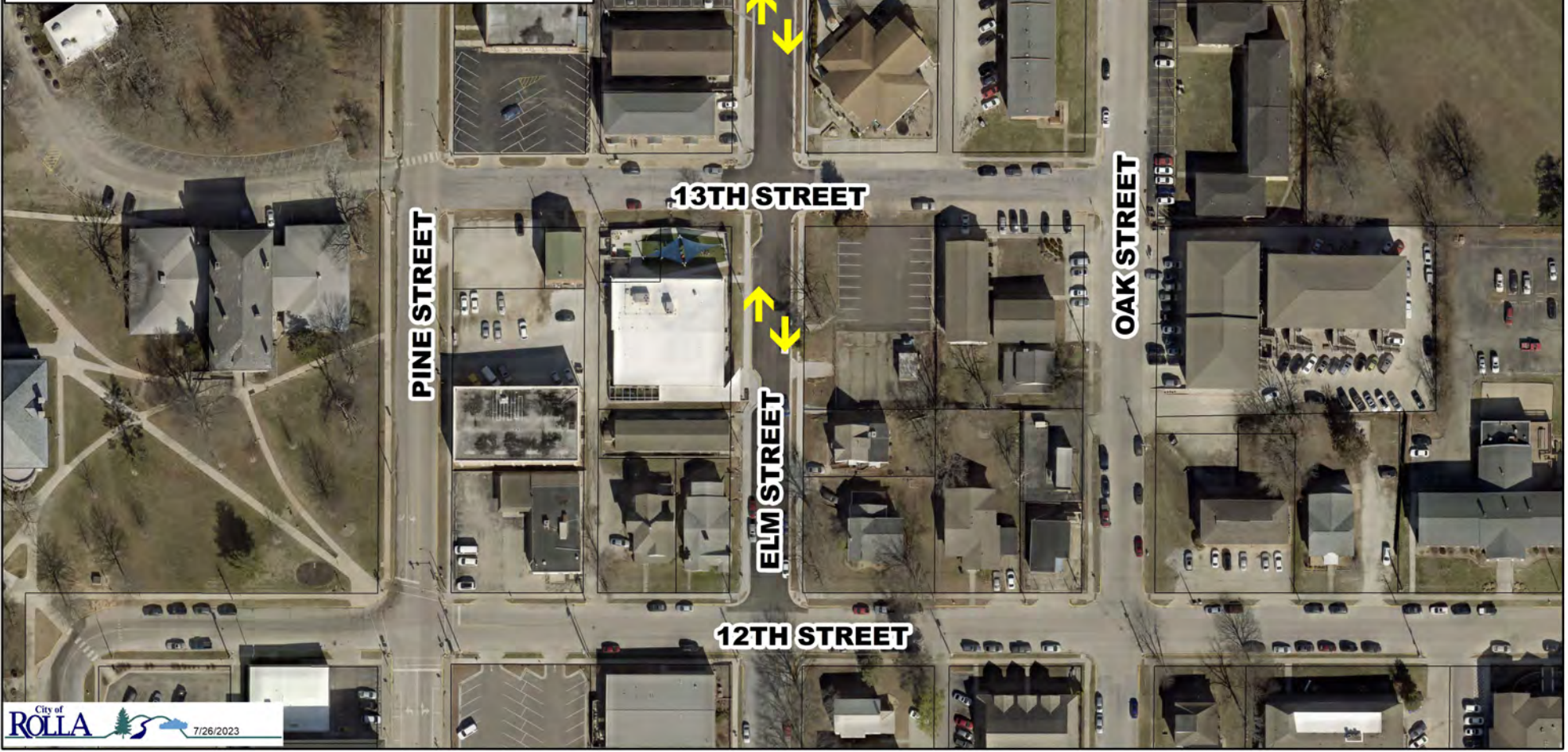
APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



### Section 27-2 One Way Traffic

Remove: Elm Street between 12th Street and 14th Street





CITY OF ROLLA  
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Floyd Jernigan, Parks & Recreation Director  
ACTION REQUESTED: Resolution  
ITEM/SUBJECT: Chymiak Family Foundation Pickleball Complex grant award

TOTAL BUDGET APPROPRIATION: \$250k matching funds DATE: August 7, 2023

\*\*\*\*\*

COMMENTARY:

The City received notice of the award by the Chymiak Family Foundation for a \$250,000 grant with a City match of \$250,000. Under the proposal, the final design and solicitation for construction services are to commence no later than December 1, 2023, with a completion date no later than October 31, 2024

This grant allows for the replacement of the existing three pickleball courts and construction of three new pickleball courts, with fencing, shade structure, and expanded parking areas.

The existing three pickleball courts were temporary renovations in 2020 of the former tennis court at Green Acres. These courts have seen steady usage since that time. The Central Ozark Pickleball Club that serves Rolla has 55 members, 20 of whom joined in the last year. Statewide, 63 city parks departments now have pickleball courts.

The Rolla Parks & Recreation Department hosts a summer pickleball league and expects this to expand further with the additional courts. Having six courts will also provide the opportunity for tournament play (six considered minimum number). We anticipate hosting lessons for those new to the sport.

Other locations for this complex were considered but were eliminated due primarily to cost and noise in comparison to Green Acres.

Recommendation: Motion to approve Resolution authorizing the Mayor to sign the Chymiak Family Foundation matching gift agreement.



ITEM NO. \_\_\_\_\_ VI.D.2

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE CHYMIK FAMILY FOUNDATION REGARDING A MATCHING GIFT AGREEMENT.

Whereas, the City of Rolla, Missouri developed the first of three new Pickleball courts in Green Acres Park in 2020 with tremendous success and utilization.

Whereas, Pickleball has become one of the greatest growing recreational activities in the country and that is certainly the case in Rolla, Missouri.

Whereas, Ken and Susan Chymiak pledge to match local park funds, dollar for dollar up to \$250,000 to establish a new Pickleball Complex in Rolla, Missouri,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AS FOLLOWS:

Section 1: That the Mayor of the City of Rolla, Missouri be and is hereby authorized and directed to execute on behalf of the City of Rolla, Missouri a Memorandum of Understanding between the City of Rolla and The Chymiak Family Foundation regarding a matching gift agreement. A copy of said Memorandum of Understanding is attached hereto and marked "Exhibit A."

PASSED BY THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AND APPROVED BY THE MAYOR THIS 7TH DAY OF AUGUST 2023.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

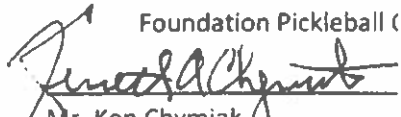

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY COUNSELOR

### MATCHING GIFT AGREEMENT

- ❖ The City of Rolla, Missouri developed the first of three new pickleball courts in Green Acres Park in 2020 with tremendous success and utilization. Pickleball has become one of the fastest growing recreational activities in the Country and that is certainly the case in Rolla, Missouri. The Central Ozark Pickleball Club was formed to promote the sport of pickleball in Rolla and the surrounding area and consists of active members.
- ❖ Ken and Susan Chymiak pledge to match local park funds, dollar for dollar up to \$250,000, to establish a new Pickleball Complex in Rolla, Missouri.
- ❖ Final design and solicitation for construction services shall commence no later than December 1, 2023. Construction of the Pickleball Complex shall be completed no later than October 31, 2024.
- ❖ The Chymiak Family Foundation will deposit a check for \$250,000 to the City of Rolla in escrow prior to the execution of construction contracts for the Pickleball Complex which proceeds shall be deposited in an interest bearing account to be retained by City. Should the total project cost be less than \$500,000 the City shall return any proceeds remaining from escrow (50% of total project cost). Should the total project cost more than \$500,000 the City shall be responsible for any additional costs.
- ❖ Development and construction of the Pickleball Complex located in Green Acres Park in Rolla, MO, (displayed as Exhibit A) shall include: renovation of the existing 3 pickleball courts, construction of 3 new pickleball courts with fencing, canopy/shade structure, and expanded parking areas.
- ❖ The Chymiak Family Foundation donation will be promoted through marketing advertisement and social media through the City of Rolla and the Rolla Parks Department.

❖ Upon completion of the Foundation Pickleball (	Upon completion of the project the Pickleball Complex shall be named the "Chymiak Foundation Complex", appropriate public	Family Pickleball including signage.
 Mr. Ken Chymiak <u>July 24, 2023</u> Date	 Mrs. Susan Chymiak <u>July 24, 2023</u> Date	

Louis J. Magdits IV, Mayor

VI.D.4



GREEN ACRES DRIVE

# EXHIBIT A

## PROPOSED PICKLE BALL COURT GREEN ACRES PARK



11X17 SCALE: 1" = 80'

BASKET BALL COURT  
TO BE RELOCATED

PROPOSED  
PICKLE BALL  
PARKING  
1,820 SQ.FT.

PROPOSED  
PICKLE BALL  
PARKING  
1,000 SQ.FT.

ACORN TRAIL

BENCH TO BE  
RELOCATED

PROPOSED CONCRETE  
SIDEWALK 667 SQ.FT.

ACORN TRAIL  
TO BE RELOCATED

PROPOSED CONCRETE  
SIDEWALK 675 SQ.FT.

TYPICAL PARK BENCHS

ENTIRE COURTS TO BE FENCED  
WITH 6' WINDSCREEN AND NORTH  
SIDE OF COURT ALSO TO BE  
FENCED WITH SOUND DEADENING  
AND WINDSCREEN. ALSO REGULAR  
4' FENCING BETWEEN EACH COURT.  
SHADE AREA TO BE SERVED WITH  
ELECTRIC SERVICE AND PARK BENCHES

PROPOSED PICKLE BALL  
PARKING  
820 SQ.FT.

SOUTHVIEW DRIVE





# GREEN ACRES PARK

N



11X17 SCALE: 1" = 80'

PROPOSED PICKLE BALL PARKING  
1,820 SQ. FT.

PROPOSED PICKLE BALL PARKING  
10,980 SQ. FT.

ACORN TRAIL

BENCH TO BE RELOCATED

PROPOSED 40'X64' PICKLE BALL COURT

PROPOSED 40'X64' PICKLE BALL COURT

PROPOSED 40'X64' PICKLE BALL COURT

PROPOSED 40'X64' PICKLE BALL COURT

PROPOSED 40'X64' PICKLE BALL COURT

PROPOSED 40'X64' PICKLE BALL COURT

PROPOSED 20' SHADE AREA

PROPOSED CONCRETE SIDEWALK 675 SQ. FT.

TYPICAL PARK BENCH

ENTIRE COURTS TO BE FENCED WITH 6' WINDSCREEN AND NORTH SIDE OF COURT ALSO TO BE FENCED WITH SOUND DEADENING AND WINDSCREEN. ALSO REGULAR 4' FENCING BETWEEN EACH COURT. SHADE AREA TO BE SERVED WITH ELECTRIC SERVICE AND PARK BENCHES





# Cities Gird to Meet Pickleball Demand

By Andy Berg

Pickleball's popularity is growing at an extraordinary clip and the numbers simply demand the lead. According to the latest participation report from the Sports & Fitness Industry Association, the total number of pickleball participants in the United States rose from 4,815,000 in 2021 to 8,045,000 in 2022, an increase of 85.7 percent year over year. From 2017 to 2022, participation rates averaged an increase of 26.4 percent annually. It's hard to say that pickleball is currently experiencing an upward participatory trajectory unparalleled by any other sport in which humans in this country participate.

In light of those numbers, imagine you're the director of a parks and recreation department for a small to mid-sized municipality, and you're trying to accommodate the "fastest growing sport in America." Not only do you need to provide enough court space

for pickleballers, but you also need to assure an equally dedicated and passionate base of enthusiasts — namely tennis players who might feel threatened by the freshly laid lines on their courts — that they are not being forgotten in favor of their pickleballing counterparts. And then there's the noise associated with pickle ball, which can hit a potentially deafening 70 decibels — just slightly less than the 75 decibels of a vacuum cleaner at 100 feet away — potentially angering residents who live nearby.

It's a dynamic with which parks departments across the country have become quite familiar as they seek to support a burgeoning new sport that is helping to keep a broad demographic — from youths to teens to seniors — active and healthy. Here's a look at how a couple of communities are trying to do just that.

V.I.D.7



“As the sport gains in popularity, the pickleball community is eager to have as many places to play as it can.”

### Unprecedented demand

Pickleballers have a true passion for their sport of choice, and they're not afraid to let city officials know it. In both Asheville, N.C., and Albuquerque, N.M., groups of pickleball players have banded together, creating an effective lobby for more resources.

“As the sport gains in popularity, the pickleball community is eager to have as many places to play as it can,” says Dave Simon, director of Parks and Recreation for the City of Albuquerque. “They want top-notch facilities, and they're increasingly an organized constituency.”

While Simon, who is a pickleball player himself, says he doesn't need a “herd of pickleball players beating down his door” to know that Albuquerque should add facilities, the group's advocacy for the sport has prompted action from officials. The city formulated a plan a few years ago to add pickleball courts over time, and Simon says the sport's youthful energy has convinced many that it's the right thing to do.

Albuquerque is currently in the process of adding 48 new pickleball courts. One facility at Manzano Mesa Park will be expanded with 15 more pickleball courts, lighting, shade and a restroom, at an estimated cost of \$3.5 million. The second major project, at Ventana Ranch Park, is set to receive eight dedicated pickleball courts, adding to the existing four dual-striped tennis courts (which accommodate eight pickleball courts), lighting, shade structures and a program building. That expansion is estimated at \$1.5 million and should break ground later this year. Albuquerque is also investing in smaller projects that will ensure increased accessibility to pickleball courts across the city.

“It's like this youthful early adopting energy in pickleball that's kind of driving that,” says Simon. “Whereas sports such as tennis are mature, very mature, and there are strong and established tennis organizations and constituencies, there's not as much dynamic, new energy compared to pickleball right now.”

About 1,500 miles east of Albuquerque, Wayne Simmons, program and operations manager for the City of Asheville (N.C.) Parks and Recreation Department, is seeing a similar energy surround the sport of pickleball in his city. “Our local USA Pickleball ambassadors were early adopters of the PlayTime Scheduler for Pickleball app as a way of forming meetup groups and planning things like, ‘We're going to play at this park and play at this time, do you have a net?’ And as of yesterday, they've seen somewhere around 3,600 people signed up for this region,” explains Simmons. “So there are a lot of people who are interested, there are a lot of folks who are playing daily, which, as all my colleagues across the country are seeing, creates just capacity issues on our courts.”

Asheville currently has 11 free public outdoor tennis courts, all of which have been dual-lined for pickleball, which translates to 22 free outdoor pickleball courts. The city also has six indoor pickleball courts — three at each of Asheville's indoor community centers. There are also a number of private facilities in the area that have dedicated pickleball spaces.

The pickleball community in Asheville organized organically, without city support, using the PlayTime app as a platform to do so. “The way that business model is set up is through local advocates



VI.D.8



across the country who sign up as administrators and get courts listed within their region,” Simmons says. “The two administrators in our area happened to be our two USAP ambassadors for Buckman and Henderson counties.”

Obviously, these groups can't just show up to a city board meeting and demand more courts. They need to present an informed argument for why it makes sense for the city to invest in the sport of pickleball, which is where USAP hopes to lend a helping hand.

Carl Schmits, managing director of equipment standards and facilities development for USA Pickleball, says the rise of the sport has meant a “wild ride” for those supporting the game, noting that USAP is doing everything it can to help secure resources for players across the country. “There are a number of different functions we fulfill in the whole development pipeline — initially, of course, convincing municipalities that this is the right direction,” says Schmits. “Many of the influencers — ambassadors or others who are trying to rally those municipalities into action — need data, and so we help with demographics. We have economic impact information to help them put together these presentations initially. Once the municipality is interested in moving forward, we actually work very closely with them on the facility’s design, because there are a number of details you want to pay attention to — everything down to color selections, spacing around the courts is very important, fencing layouts to provide a separation between the courts but not make the place look like a cattle pen, right?”

USAP doesn't stop there. Once the ribbon is cut on a facility, the organization can also offer assistance on other matters of day-to-day operations.

“We can assist with programming, and of course we have ambassadors to help organize clubs, or to ensure people know that there’s a facility there. We also promote these facilities online in our Places 2 Play app — so when people are looking for a place to play when they drop into a city, they know that there’s a 24-court facility where they can mix into a game.”

### Quiet down!

By nature, hitting a plastic ball with a wooden paddle off a hard court tends to generate a good deal of noise. That can be an annoyance for neighboring residents.

“The noise is an issue, but I don’t think it’s a huge issue,” says Simon. “We put up with all kinds of distractions, large and small, in major urban areas. I would always ask somebody, what would they prefer? Would they prefer a little pickleball next to them or a carwash?”

Simon says Albuquerque has tried to locate its courts in places where there are buffers, while also restricting playing hours. “For example, in one of our major pickleball complexes, we have left some courts without lights so that the edge of the court

## THREE CITIES, THREE ACCOMMODATION MODES

Carl Schmits, managing director of equipment standards and facilities development for USA Pickleball, says he’s currently working with over \$200 million in projects, which are currently in various stages of planning and funding, and with launch dates anywhere from 2023 to 2025. He explained how three different communities in the upper Midwest have chosen to expand their pickleball facilities in a way that is conducive to hosting large-scale events.

### GREENFIELD BUILD

“A great example would be in Wichita, Kan., where there is a significant-sized facility that is well down the planning path and funding path. They had the land and the resources to build. The plan is to do it in three phases, with a core of courts to be built initially, and then they’ll add in two additional phases — one of those including indoor courts to address the winter months, as well. And then they’ll add some capacity on the outdoor courts so that, in the end, they may have around 28 courts total, which is ideal for a large regional event.”

### EXPAND

“We worked very closely with Evansville, Ind., on expansion of an existing facility, working with the deputy mayor there and planners, as well as those in the Convention Visitors Bureau. They have an existing racquet facility, which has, I think, 12 tennis courts, and the plan there is to build in two phases — 24 pickleball courts for the first phase, which is all outdoors, and then the second phase will include covered competition courts, which would put them in a position to host some very large events.”

### REFURBISH

“A great example of refurbishing existing facilities is what the city of Grand Rapids (Mich.) did. Today, they boast an extraordinarily busy 22-court complex. It’s operated by a vibrant club, and it’s well aligned to the city. And they hold one of the largest, if not the largest, independent sanctioned pro-am events in the sport. They have over 1,000 registrants, with still a month to go. And they’ll host a number of the top pros there, in this case, in an environment where there’s two pro leagues. So, this is one of the last remaining independents that can host a large event that’s still popular enough to attract the top of the sport. And this facility was built on entirely converted tennis courts and an ice rink in Grand Rapids at Belknap Park.”

complex closest to the houses, those courts do not have lights. Therefore, they won’t be utilized at night, when it’s quieter, and people are home and sound travels a little farther. And while I know there are some adjacency impacts, by and large I think I’d still rather live near a park than a long way away from one.”

In Asheville, Simmons says it took cooperation with both the pickleball and tennis communities to find common ground with residents living near one of the city’s busiest pickleball complexes.

“It was one of the first ones that we had renovated in the past couple of years. Not a lot of parking, very popular with both tennis and pickleball players within the community. And it’s kind of in a historic area, so the residents have some limitations on really what they can do to upgrade



or retrofit their homes to be more sound-resistant,” Simmons says. “Through our process, working with the tennis association and our newly formed pickleball association, we actually had support from both sports to create a schedule that prohibits play before 8 a.m. and after 9 p.m. to try to reduce the impact on neighbors who are trying to get some rest. While it hasn’t been a perfect situation — there are always a few individuals who don’t want to comply — overall, the neighbors are telling me that they have seen improvement, so I think we’re heading in the right direction.”

Schmits says that part of the sound problems that many communities are dealing with stem from the fact that many parks leaders are converting two-court tennis pods that were popular back in the ’70s and ’80s. Those courts were obvious targets for conversion, but many of them had fallen into tennis disuse as recreational play tapered off and more serious players moved to clubs and indoor play.

“In the areas with typical sound ordinance allowances, the challenge is that along with that lack of use those parks went very quiet,” says Schmits. “Because, again, the amount of outdoor tennis play by lower-level players, by just residents, has reduced greatly over the last couple of decades. Now you introduced — after this conversion to six, eight pickleball courts — a popular, high-density and sometimes boisterous activity in that same space. The relative difference between that and what it was before — even if the new noise level is within your local ordinances — it can be an issue for neighbors who have grown accustomed to the quiet.”

The following battle between municipalities with full rights to activate that area and usually a few residential complaints creates a friction that, frankly, most municipal leaders would rather avoid.”

As a result, USAP tries to identify larger-scale facilities that address more of a regional approach, but he admits that some municipalities may not have the resources or space to build a larger complex and will have to continue to find ways to compromise and mitigate the noise.

### Destination play

Asheville may just be trying to accommodate local demand, but Simon in Albuquerque says his city has the climate and resources to attract pickleball players from across the country. While he admits the city of about 600,000 residents may not immediately be able to compete with destination cities in Florida, California and Arizona, he does think the sunny climes of New Mexico have something to offer.

“A sun-soaked city like ours, we have enormous capacity to host pickleball events, and pickleball travelers in New Mexico,” Simon says. “And so, of course, we want to have the welcome mat out for pickleball players who want to do destination travel, just like people do destination travel for cycling, or running or tennis. And I think the combination of all these things makes it just a wonderful city to live in for outdoor sports and recreation. Pickleball is a fantastic fit for our city and state, and we’re excited to help meet the demand for facilities here.”



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CITY OF ROLLA  
CITY COUNCIL AGENDA

DEPARTMENT HEAD: Chief Sean Fagan

ACTION REQUESTED: Motion

ITEM/SUBJECT: Central Communications Vehicle

BUDGET APPROPRIATION: \$35,000

DATE: August 7, 2023

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Commentary:

On July 11, we began shopping for a new vehicle for our Communications Division. Although purchased through the City of Rolla, the vehicle is paid for by the Phelps County Emergency Services Board (PCESB) through reimbursement. Communications Chief Stacey Smith requested a vehicle which would be able to haul several people for training, but also would be useful for routine, daily driving. It was decided that a minivan would be optimal for this purpose.

We contacted the following Chrysler Dealerships and asked them to price a new Chrysler Pacifica Touring L AWD with the safety sphere and interior protection package: Ed Morse Chrysler, Behlmann Chrysler, Taylor Dodge, Landmark Dodge, Lou Fusz Chrysler, and Laura Chrysler. We received five bids:

Dealership	Make/Model	Price Per Car
Taylor Dodge Rolla, MO	2023 Chrysler Pacifica Touring L AWD	\$44,698
Taylor Dodge Rolla, MO	2024 Chrysler Pacifica Touring L AWD	\$44,425
Laura Chrysler Sullivan MO	2024 Chrysler Pacifica Touring L AWD	\$44,948
Ed Morse Chrysler St. Robert, MO	2024 Chrysler Pacifica Touring L AWD	\$47,217
Landmark Chrysler Independence MO	2024 Chrysler Pacifica Touring L AWD	\$46,248

Taylor Dodge was able to locate the exact vehicle we requested in a 2023 model and is able to make a dealer trade for it, which means we could take possession of it immediately. Our other option would be to place an order for a 2024 model, which would take approximately 12-14 weeks for delivery. The interior protection package is not available to order on the 2024, which equates to \$600 when evaluating these prices.

The PCESB has approved the increase to the original budgeted amount to cover the purchase price.

Recommendation:

It is staff recommendation that Council approve a motion to purchase a 2023 Chrysler Pacifica Touring L AWD from Taylor Dodge for a total cost of \$44,698.

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