

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 21st, 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, Finance Director Steffanie Rogers, Park's Director Floyd Jernigan, Interim Environmental Services Director Roger Pankey, Public Works Director Darin Pryor, Centre Recreation Director Marci Fairbanks and City Counselor Carolyn Buschjost.

Mayor Louis J. Magdits called the meeting to order at approximately 5:30 p.m. and asked Councilman Joshua Vroman to lead in the Pledge of Allegiance.

I. (5:30) CLOSED SESSION – Closed Session RSMo 610-021 Subsection (1) Legal Actions, litigation and Atty/Client communications and work product.

At 5:36 a motion was made by Johnson and seconded by Higgins enter into closed session. A roll call vote showed the following: Ayes: Johnson, Chirban, Fridley, Vroman, Steen, Higgins, Hall, Balch, Greven, Kessinger. Nays: zero. Absent: Florence and Mayberry.

Note: Councilman Florence entered the meeting at 5:37 pm and at 6:26 pm Councilman Mayberry entered.

At 6:33 Counsel returned from closed session where legal issues, including contracts, litigation, Atty/Client Communications and legal work product were discussed, no final action taken. There was one final action taken regarding legal counsel. It was announced that earlier today (August 21, 2023), the law firm appointed as counselors for the City of Rolla, did hand deliver a letter of resignation to the City Administrator and the Mayor, with effective date of December 31, 2023.

August 21st, 2023

II. PUBLIC HEARINGS –

- A. **Public Hearing and Ordinance** to consider Setting 2023 Tax Rate. (Finance Director Steffanie Rogers) The public hearing was opened at 6:41 pm. There were none that spoke regarding the issue and the hearing was closed at 6:41 pm. City Counselor Carolyn Buschjost read the ordinance for its first reading by title: ORDINANCE 4750: AN ORDINANCE FIXING THE TAX LEVY FOR GENERAL REVENUE, LIBRARY AND PARK BY THE CITY OF ROLLA, MISSOURI, FOR THE YEAR 2023. A motion was made by Vroman and seconded by Johnson to suspend the rules for a final reading. A voice vote showed 12 Ayes, zero Nays, and none Absent. City Counselor Carolyn Buschjost read the ordinance for its final reading. A motion was made by Higgins and seconded by Chirban to approve the tax rates. A roll call vote showed the following: Ayes: Hall, Mayberry, Chirban, Greven, Vroman, Steen, Kessinger, Higgins, Balch, Johnson, Fridley, Florence. Nays: zero. Absent none.
- B. **Public Hearing and Ordinance** to rezone 708 N Main Street from C-1, Neighborhood Commercial district to the C-3, Highway Commercial district. (Comm Dev Director Steve Flowers) The applicant seeks to rezone the property in order to allow for the applicant to pursue a request for a conditional use permit for an overnight shelter use. This was voted against by P&Z 0-5. The public hearing was opened for comment at 6:48 pm. Dale Wands (city resident) spoke against the downtown shelter and asked that Council accept the denial by P&Z. Joanne Stiritz (County Resident) spoke against the homeless shelter in commercial areas and downtown district and asked that council vote as P&Z did. Bryce Crowley, legal counsel for the Mission stated that this request was due to the letter provided by Council in order to attempt an amicable understanding. He asked that Council follow through and pass the request. David Duke (310 Becca) Spoke in favor of the Mission and urged council to love first. Melissa Jones, youth pastor at the Church of the Nazarene asked Council to consider where the patrons of the Mission will go if they were to close their doors. Gerome Beck (county resident) spoke on the need for partnerships and innovation to improve the homeless issue. Lonna Sowers (city resident) spoke on how giving of a community Rolla is and how it is the damages and the expense involved that has the downtown businesses concerned. Wayne Langston, local generational business owner, spoke on how the Mission does not meet the requirement for C-3 zoning. Dale Wands reminded everyone that you can still help the homeless regardless of the location of the Mission. Felicia Richards, Mission board member, stated that 42% of the Rolla community is under 200% poverty level and stated 2% of the patrons have been veterans, 6% domestic abuse victims, and 36% living in unlivable housing conditions. She asked where these people were to go if the Mission closed their doors. She also pointed out that the Mission has attempted to purchase other properties in Rolla, only to be denied by council.
- Pastor Richard Krenning, stated that the ordinance seems direct and clear that the Mission doesn't fit and asked council to uphold the P&Z vote.

Josh Ratliff, local business owner, stated the local businesses are unfairly demonized and to find a compromise.

At 7:30 pm with no further speaker, the public hearing was closed. City Counselor Carolyn Buschjost read the ordinance for its first reading by title: AN ORDINANCE TO APPROVE THE RE-ZONING OF PROPERTY ADDRESSED AS 708 N MAIN STREET FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE C-3, HIGHWAY COMMERCIAL DISTRICT.

III. **ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS** –

- A. Celebration of Nations – Jeff Sandquist; Motion to approve street closings September 23rd for the parade. (PW Director Darin Pryor) Jeff Sandquist talked to council about the Celebration of Nation and explained the new parade route which will take place on September 23rd. PW Director Darin Pryor further explained the needed street closings. A motion was made by Johnson and seconded by Balch. A voice vote showed 12 Ayes, zero Nays, and none absent.
- B. RMU General Manager Rodney Bourne reviewed the 3rd Quarter Financial Report. Council was updated on current and upcoming water, electric, and fiber projects. Total net loss year-to-date through the 3rd quarter of 2023 is (\$45,432), a loss largely due to an increase in wholesale cost and an increased in MWh purchased.

IV. **OLD BUSINESS** –

- A. **Ordinance** adopting final version of proposed Chapter 42 – Planning and Zoning. (Comm Dev Director Steve Flowers) A motion was made by Vroman and seconded by Balch to postpone the final reading until December 18th. After further discussion Balch withdrew her motion and Vroman amended his motion to postpone the final reading until October 2nd. Motion seconded by Steen. A roll call vote showed the following: Ayes: Chirban, Balch, Vroman, Steen, Kessinger, Higgins, Hall, and Johnson. Nays: Mayberry, Greven, Fridley. Abstain: Florence. Absent: none.
- B. **Discussion/Resolution** on RSMo 573 pertaining to Pornography and Related Offenses. (City Administrator John Butz) Fridley asked that the proposed resolution be reworded to not emphasize the actions of law enforcement. Counselor Buschjost talked about removing “provocative” from the resolution as it is not defined in chapter 573. Including a term that is not specifically defined in state statute allows for an open-ended interpretation and is not advised by counsel. Counselor Buschjost asked to be allowed to attempt a rewrite of the proposed resolution after looking more closely at chapter 573 and the Chesterfield ordinance. The expressed intent by Council regarding the resolution was stated that anyone who uses public property within the community, follow the law. Chief Fagan stated that he had been reading RSMo Chapter 573, and remains of the opinion that nothing that he observed at the June Pride/drag event, broke the law and outside of a direct violation of conduct, it will be difficult to

determine what is obscene as opinions vary greatly. Hall recommended a whereas statement stating the community and council both view the over sexualization of children as being inappropriate. Counselor Buschjost will bring a resolution revision to the September 5th Council meeting.

- C. **Ordinance** to remove parking on Lions Club Drive from Route 63 to Ramsey Place. (PW Director Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4751: 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. A motion was made by Chirban and seconded by Johnson to approve the ordinance. A roll call vote showed: Ayes: Balch, Mayberry, Chirban, Greven, Vroman, Florence, Kesisnger, Higgins, Hall, Johnson, Fridley, and Steen. Nays: none. Absent: none.
- D. **Ordinance** to add a stop condition on State Street at the 10th Street intersection. (PW Director Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4752: 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. A motion was made by Johnson and seconded by Vroman to approve the ordinance. A roll call vote showed the following: Ayes: Kessinger, Fridley, Steen, Vroman, Mayberry, Chirban, Balch, Johnson, Florence, Higgins, Hall, and Greven. Nays: None. Absent: none.
- E. **Ordinance** to remove the one-way traffic designation on Elm Street from 14th Street to 12th Street. (PW Director Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4753: 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. A motion was made by Kessinger and seconded by Higgins to approve the ordinance. A roll call vote showed the following: Ayes: Florence, Johnson, Chirban, Fridley, Vroman, Steen, Mayberry, Higgins, hall, Balch, Greven, and Kessinger. Nays: none. Absent: none.

V. **NEW BUSINESS** –

- A. **Ordinance** to approve Service Agreement between the City of Rolla and the Phelps County Landfill Board. (Finance Director Steffanie Rogers) This contract will continue the 25+ year working relationship for fiscal and management services between the City of Rolla and the Phelps County Landfill Board, to expire September 30, 2026. City Counselor Carolyn Buschjost read the ordinance for its first reading by title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE PHELPS COUNTY LANDFILL BOARD.
- B. **Resolution** to authorize the application for TAP Grant funding for the construction of approximately 77 ADA compliant curb ramps. (PW Director Darin Pryor) City Counselor Carolyn Buschjost read the resolution for one reading by title: RESOLUTION 2025: A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR THE 2023 TRANSPORTATION ALTERNATIVES PROGRAM. A motion was made by Johnson and seconded by Vroman to

approve the resolution. A voice vote showed 12 Ayes, zero Nays, none absent.

- C. **Ordinance** to approve an Archer-Elgin professional services agreement Task Order #2. (PW Director Darin Pryor) This agreement provides professional services in the design, bidding, and construction engineering of a redundant sewer force main serving the HyPoint industrial park.. City Counselor Carolyn Buschjost read the ordinance for its first reading by title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C., DBA ARCHER-ELGIN FOR HYPOINT FORCE MAIN IMPROVEMENTS – TASK ORDER #2.
- D. **Ordinance** to approve an Archer-Elgin professional services agreement Task Order #3. (PW Director Darin Pryor) This agreement provides professional services to prepare an engineering report to explore the alternatives to serve existing and future development east of the current wastewater service area. An MOU with funding partners is being prepared for Council consideration. City Counselor Carolyn Buschjost read the ordinance for its first reading by title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C., DBA ARCHER-ELGIN FOR HIGHWAY V EAST FACILITY PLAN – TASK ORDER #3.

VI. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion** to award bid for the purchase of a 2023 zero turning mower. (Parks Director Floyd Jernigan) A motion was made by Vroman and seconded by Greven to approve the purchase of a 2023 zero turning radius diesel mower from Wayde’s Equipment for \$18,564.27. A voice vote showed 12 Ayes, zero Nays, none absent.
- B. **Motion** to award health insurance excess coverage. (Finance Director Steffanie Rogers) A motion was made by Greven and seconded by Johnson to renew Health Insurance Excess Coverage to Sunlife and to maintain the current deductible of \$75,000. A voice vote showed 12 Ayes, zero Nays, none Absent.
- C. **Motion** to allow the unbudgeted purchase of a 2019 Crafc0 Sealer from United Rental. (PW Director Darin Pryor) With the buy-out of ChaseCo by United Rentals, the crack sealer previously rented by the city from ChaseCo is being surplusd and has been offered to the City of Rolla for \$40,000. A motion was made by Vroman and seconded by Higgins to approve the purchase. A voice vote showed 12 Ayes, zero Nays, none Absent.

VII. CITIZEN COMMUNICATION

- A. Karen Harris encouraged council to adopt an ordinance banning minors from drag shows.
- B. Jonathan Kimball spoke about following state laws regarding obscenity, the rights of the people on public property and the protected first amendment right.
- C. Reginald Brigham regarding civil rights and the issue behind, “just doing something” and “the way things were before”.
- D. Melissa Jones requested an across the board ordinance to protect mental health of children regardless of sexual orientation.
- E. David Dukes asked where people would go if the Mission were to close and addressed the myth about the homeless and crime.
- F. Pastor Ron Sluder reminded everyone of the petition that had been given to Council expressing a desire for a call to action. He also repeated that he has no issue with the Pride Event, other than the drag event with children present.
- G. Gerome Beck talked about accusations of child abuse.
- H. Adam Balk encouraged council to continue reading RSMo 573 and having discussions regarding protecting the children.
- I. Lyndsey Bagnall spoke on having respectful conversations with the leadership of the LGBTQ organization.

VIII. **MAYOR/CITY COUNCIL COMMENTS**

- A. **Motion** to appoint Josh Vroman as Council Representative to the Airport Committee for a 2 year term expiring August 2025. A motion was made by Kessinger and seconded by Chirban to approve the appointment. A voice vote showed 12 Ayes, zero Nays, and none absent.
- B. **Discussion** on 2008 Resolution adoption guidelines of conduct for Council Meetings. Councilwoman Johnson made a motion that was seconded by Chirban to amend Resolution 1670 to include all elected officials. A voice vote revealed approximately 2 Ayes, and 10 Nays with the Nays as majority. None were absent.

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

- A. City Administrator Butz shared with Council Missouri Good Neighbor Week September 28th – October 4th.
- B. Councilwoman Johnson announced that August 21st was National Fentanyl Awareness day.
- C. Councilman Kessinger reminded all that school starts August 22nd.
- D. Councilman Florence thanked citizens for their participation in the meeting.

X. **CLOSED SESSION** –

- A. Closed Session per RSMo 610.021- (1) Legal Work Product

At 10:10 a motion was made by Vroman and seconded by Higgins to go into closed session. A roll call vote showed the following: Ayes: Florence, Johnson, Chirban, Vroman, Steen, Mayberry, Higgins, Hall, Balch, Greven, and Kessinger. Nays: none. Absent: Fridley

At 11:28 pm council returned from closed session where matters of legal work product/litigation and negotiations were discussed with no final action taken.

XI. ADJOURNMENT -

Having no further business, the meeting adjourned at approximately 11:29 p.m.
Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR