

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, DECEMBER 20TH, 2021; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET**

Presiding: Mayor Louis J. Magdits IV

Council Members in Attendance via Zoom Videoconferencing: Deanne Lyons and Moriah Renaud

Council Members in Physical Attendance: Terry Higgins, Megan Johnson, Ann Murphey, Matt Fridley, Lister Florence, Carrolyn Bolin, Robert Kessinger, Stanley Mayberry, and Victoria Steen.

Council Members Absent: Jody Eberly

Department Directors in Attendance via Zoom Videoconferencing: Finance Director Steffanie Rogers

Department Directors and Other City Officials in Physical Attendance: City Administrator John Butz, City Planner Tom Coots, Community Development Director Steve Flowers, Public Works Director Steve Hargis, City Engineer Darin Pryor, Environmental Services Director Brady Wilson, Police Chief Sean Fagan and City Counselor Carolyn Buschjost.

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

I. PUBLIC HEARINGS

- A. **Public Hearing and Ordinance:** Request to rezone 4120 and 4122 State Hwy V from the R-2, Two-family district to the M-2, Heavy Manufacturing district. (ZON21-13) (City Planner Tom Coots) The applicant (Rolla Community Development Corporation, RCDC) intends to purchase the property and then market the property for industrial development. Mayor Magdits opened the Public Hearing at 6:33 pm. Matt Williams, a representative with RCDC, spoke in favor of the rezoning and the intentions of RCDC regarding the property. With no other comments, the hearing was closed at 6:35pm. City Counselor Carolyn Buschjost read the proposed ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE RE-ZONING OF 4120 AND 4122 STATE HWY V FROM THE R-2, TWO-FAMILY DISTRICT TO THE M-2, HEAVY MANUFACTURING DISTRICT. (ZON21-13)
- B. **Public Hearing and Ordinance:** Request to rezone 602 N. Cedar; 407 E. 6th; and 603 N Walnut from the R-3, Multifamily district and the C-2, General Retail district to the C-1, Neighborhood Commercial district (ZON21-12) (City Planner Tom Coots) The applicant William Moorkamp of WGM Rentals, LLC intends to redevelop the property for a professional office space and use. If approved by Council, the rezoning would bring the entire property under one zoning district. Mayor Magdits opened the Public Hearing at 6:38pm. William Moorkamp introduced himself to Council and made himself available for

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questions. With no other comments, the hearing was closed at 6:41pm. City Counselor Carolyn Buschjost read the proposed ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE RE-ZONING OF 602 N CEDAR; 407 E 6TH; AND 603 N WALNUT FROM THE R-3, MULTI-FAMILY AND C-2, GENERAL RETAIL DISTRICTS TO THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. (ZON21-12)

II. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – NONE

III. OLD BUSINESS

- A. **Ordinance/Resolution** for the approval or denial of a Conditional Use Permit (CUP) for wireless communications facility. (City Planner Tom Coots) Councilperson Fridley made a motion and Councilperson Kessinger seconded, to approve the resolution denying the Conditional Use Permit. City Counselor Carolyn Buschjost read the Resolution for one reading by title: RESOLUTION 1998: A RESOLUTION TO APPROVE FINDINGS OF FACT AND CONCLUSIONS OF LAW TO DENY AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A 95' MONOLITHIC CELL TOWER LOCATED AT 1900 N. OLD SAINT JAMES ROAD AS REQUESTED BY COLLECTIVE SOLUTIONS LLC IN ACCORDANCE WITH ROLLA CITY CODE CHAPTER 42, DIVISION 22, SUBDIVISION IIA WIRELESS COMMUNICATIONS FACILITIES CODE. There was short discussion before Councilperson Fridley “called for the question” and urged Council to proceed to a vote. A roll call vote revealed the following results: Ayes: Mayberry, Bolin, Renaud, Florence, Kessinger, Johnson, Fridley, and Steen. Nays: Lyons, Murphey, and Higgins. Absent: Eberly. The resolution passed, denying the CUP.
- B. **Ordinance** repealing Sec. 7-26 of the Rolla City Code and enacting a new 7-26 relating to Cemetery Burial Permit Fees. (Parks Director Floyd Jernigan) City Counselor Carolyn Buschjost read the proposed ordinance for its final reading, by title: ORDINANCE 4658: AN ORDINANCE REPEALING SECTION 7-26 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 7-26 RELATING TO CEMETERY BURIAL PERMIT FEES. A motion was made by Bolin and seconded by Johnson to approve fee increase. A roll call vote revealed the following: Ayes: Kessinger, Fridley, Steen, Renaud, Mayberry, Murphey, Johnson, Florence, Higgins, and Bolin. Nays: Lyons. Absent: Eberly.
- C. **Ordinance** allowing the Mayor to enter into an agreement with B&B Building Systems for a salt storage building purchase. (Public Works Director Steve Hargis) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4659: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND B&B SYSTEMS TO CONSTRUCT A BRITESPAN BUILDING. A motion was made by Murphey and seconded by Bolin to approve the agreement. A roll call vote revealed the following: Ayes: Florence, Johnson, Murphey, Fridley, Renaud, Steen, Mayberry, Higgins, Lyons, Bolin and Kessinger. Nays: zero. Absent: Eberly.
- D. **Ordinance** to vacate a sanitary sewer easement on lots 168, 177, and 178 of the College Hills Subdivision. (City Engineer Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4660: AN ORDINANCE VACATING AN EXISTING SEWER EASEMENT IN THE COLLEGE HILLS SUBDIVISION. A motion was made by Kessinger and seconded by Bolin to pass the ordinance as written. A roll call vote showed the following: Ayes: Higgins,

Bolin, Steen, Renaud, Mayberry, Murphey, Lyons, Johnson, Kessinger, Florence, and Fridley. Nays: None. Absent: Eberly.

IV. NEW BUSINESS

- A. **Ordinance** to approve the minor subdivision final plat of Subway Subdivision No. 2. (SUB21-08) (City Planner Tom Coots) The applicant (Sue Banholzer of Banholzer Investments, Inc) intends to develop the lot south of the Subway. Moving the lot line would increase the developable area. City Counselor Carolyn Buschjost read the proposed ordinance for its first reading by title: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF SUBWAY SUBDIVISION NO 2. (SUB 21-08)
- B. **Resolution** to participate in the Global Opioid Settlement. (City Administrator John Butz) The State of Missouri joined a class action suit against opioid manufactures and distributors. Rolla may perhaps receive a small portion of the settlement. Missouri's final allocation is determined by the number of Missouri public entities that sign on. The Resolution would approve the joining of the Global Opioid Settlement Agreement. City Counselor Carolyn Buschjost read the Resolution for one reading, by title: RESOLUTION 1999: A RESOLUTION AUTHORIZING THE CITY OF ROLLA, MISSOURI TO PARTICIPATE IN THE GLOBAL OPIOID SETTLEMENT AGREEMENT AS NEGOTIATED BETWEEN THE STATES AND THE OPIOID MANUFACTURER JANSSEN (JOHNSON & JOHNSON) AND OPIOID DISTRIBUTORS MCKESSON, CARDINAL HEALTH AND AMERISOURCE BERGEN AND POTENTIALLY OTHER MANUFACTURERS OR DISTRIBUTORS. A motion was made by Fridley and seconded by Kessinger to approve the resolution. A roll call votes revealed the following: Ayes: Johnson, Fridley, Steen, Renaud, Higgins, Murphey, Lyons, Bolin, Kessinger, Florence, and Mayberry. Nays: none. Absent: Eberly.
- C. **Ordinance** to authorize an agreement with the Missouri Highway and Transportation Commission for a State Block Grant to replace the beacon at the Rolla National Airport. (City Engineer Darin Pryor) City Counselor Carolyn Buschjost read the Ordinance for its first reading, by title: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A STATE BLOCK AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION.
- D. **Motion** to accept sanitary sewer easement from Premier Apartments, LLC for an existing sanitary sewer main at 1206 Bardsley Road. (City Engineer Darin Pryor) This is for an existing sanitary sewer main at 1206 Bardsley Road in which the City does not have record of obtaining an easement. A motion was made by Bolin and seconded by Murphey to accept the easement. A voice vote revealed 11 Ayes and 1 absent.

V. CLAIMS and/or FISCAL TRANSACTIONS

- A. **Award** of bid to Gerstner Electric, Inc. for University Drive Lighting and **Ordinance** authorizing the Mayor to enter into the contract with same. (Darin Pryor City Engineer) While the City is managing Project #359, the MRTDD and Missouri S&T are responsible for funding same. A motion was made by Johnson and seconded by Higgins to award the bid to Gerstner Electric. A voice vote revealed 11 Ayes and 1 absent. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: ORDINANCE 4661, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND GERSTNER ELECTRIC, INC. FOR UNIVERSITY DRIVE LIGHTING, PROJECT #359. A motion was made by Bolin and seconded

by Kessinger to suspend the rules and proceed with the final reading. A voice vote revealed 11 Ayes and 1 absent. City Counselor Carolyn Buschjost read the ordinance for its final reading. A motion was made by Bolin and seconded by Murphey to pass the ordinance. A roll call vote revealed the following: Ayes: Bolin, Higgins, Steen, Fridley, Mayberry, Murphey, Lyons, Johnson, Kessinger, Florence, and Renaud. Nays: none. Absent Eberly.

- B. **Ordinance** to approve Change Orders 4 and 5 for Project 359 – University Drive Realignment. (Darin Pryor City Engineer) Change order #4 (\$269,778.29) - Missouri S&T has requested to add sandblasting of the truck apron and median islands to the current contract with Donald Maggi Inc. A sub-contractor from the Kansas City area will install the decorative apron. Missouri S&T has also requested a redesign of the highway lighting on the project for enhanced lighting. Change order #5 (\$260,898.00) would be for Donald Maggi to install the conduits for the electrical circuits. 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 CHANGE ORDER BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI INC, FOR UNIVERISTY DRIVE REALIGNMENT, PROJECT #359.

VI. CITIZEN COMMUNICATION

VII. MAYOR/CITY COUNCIL COMMENTS

- A. Councilman Fridley clarified for citizens the inaccurate information relayed by Deputy County Clerk Peter Cook.
- B. Councilman Fridley advised he was contacted regarding homeless individuals sleeping in the Post Office with concern for the safety of citizens and employees of the Post Office. Chief Fagan stated this was the first he had heard of the issue and would address concerns with the Post Master.
- C. Councilman Fridley reminded citizens that the closing date for Candidate filing is Tuesday, December 28th at 5pm, correcting what was previously posted in the media.

VIII. COMMENTS FOR THE GOOD OF THE ORDER

- A. Local Municipal Election Filing Deadline is Tuesday, December 28th, 5:00pm. This was previously addressed by Councilman Fridley.
- B. Merry Christmas and a Happy New Year! Mayor Magdits wished all a Merry Christmas.

IX. CLOSED SESSION - Closed Session Pursuant to RSMO 610.021 (2) for the discussion of real estate.

- A. A motion was made by Johnson and seconded by Higgins to adjourn into closed session. A roll call vote revealed the following: Ayes: Lyons, Mayberry, Murphey, Bolin, Renaud, Florence, Kessinger, Higgins, Johnson, Fridley, and Steen. Nays: None. Absent: Eberly.
At 7:41, Council returned from Closed Session where one item of real estate was discussed. No action was taken.

X. ADJOURNMENT

Having no further business, the meeting adjourned at approximately 7:42 pm
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR