

**ROLLA CITY COUNCIL MEETING MINUTES  
MONDAY APRIL 18TH, 2022; 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:** None

**Council Members in Physical Attendance:** Moriah Renaud, Terry Higgins, Megan Johnson, Ann Murphey, Matt Fridley, Lister Florence, Jody Eberly, Robert Kessinger, Stanley Mayberry, Victoria Steen, and Deanne Lyons.

**Council Members Absent:** Carrolyn Bolin

**Newly Elected Council in Attendance:** Nathan Chirban, Jaired Hall and Tina Balch

**Department Directors in Attendance via Zoom Videoconferencing:** - None

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

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

Mayor Magdits announced a change in the agenda to allow Zachary Buchheit with Stinson Law Firm the opportunity to speak regarding the ordinance for the CUP for Collective Solutions since there was confusion at the last meeting and he felt he missed his opportunity. Since Council would be voting on the final reading of the ordinance, the Mayor felt it was appropriate to allow him 3 minutes to speak and then Council would adjourn into closed session to discuss a legal matter.

Mr. Buchheit stated his client was SBA Communication who owns a cell tower in Shuman Park. His main concern is that he feels this new ordinance was significantly different from the original ordinance submitted in December 2021 and felt that it deserved its own public hearing and public notice. Mayor Magdits stated that this issue had been going on for 6 months and had multiple public hearings during the course of those 6 months.

April 18th, 2022

**CLOSED SESSION** – Closed session pursuant to RSMO. 610.021 (1) to discuss legal work product

At 6:35 pm, a motion was made by Renaud and seconded by Higgins to go into closed session. A roll call vote showed the following: Ayes: Johnson, Fridley, Steen, Renaud, Higgins, Murphey, Lyons, Kessinger, Florence, Eberly, and Mayberry. Nays: none. Absent: Bolin.

At 7:00 pm, Council returned to open session. City Counselor Carolyn Buschjost stated that Council had entered into closed session to discuss a legal matter in which no final action was taken.

## **I. OLD BUSINESS**

- A. Presentation on Fiscal Year 2021 Independent Audit. (Finance Director Steffanie Rogers)  
Michael Keenan of Cochran Head Vick & Co presented his overview of the fiscal year 2021 independent audit in which no significant finding was found. A motion was made by Johnson and seconded by Murphey to accept the results of the audit. A voice vote showed 11 Ayes, zero Nays, and 1 Absent.
- B. **Ordinance** entering into an agreement with Donald Maggi Inc. for Project #515-Elm Street Improvements. (City Engineer Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4675: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND DONALD MAGGI INC. A motion was made by Kessinger and seconded by Eberly to allow the Mayor to enter into an agreement with Donald Maggi Inc. for \$402,959.24. A roll call vote revealed the following: Ayes: Fridley, Kessinger, Higgins, Renaud, Steen, Mayberry, Murphey, Lyons, Johnson, Eberly, and Florence. Nays: none. Absent: Bolin.
- C. **Motion** approving sold surplus assets through GovDeals and Purple Wave for April 2021 through April 2022. (City Administrator John Butz) A list of surplus items sold over the last year via GovDeals was presented to council for approval. A motion was made by Johnson and seconded by Renaud to approve the list of surplus items sold. A voice voted showed 11 Ayes, Zero Nays and 1 Absent (Bolin).
- D. **Ordinance** to allow a minor Subdivision Final Plat to reorganize three commercial lots into two lots. (City Planner Tom Coots) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4676, AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF JORDAN SUBDIVISION #2. A motion was made by Eberly and seconded by Murphey to approve the subdivision. A roll call vote showed the following: Ayes: Murphey, Lyons, Mayberry, Renaud, Steen, Kessinger, Higgins, Eberly, Florence, Fridley, and Johnson. Nays: none. Absent: Bolin.
- E. **Ordinance** to reconsider approval of the CUP for Collective Solutions (cell tower) (City Administrator John Butz) City Counselor Carolyn Buschjost read the ordinance for its final reading: by title: ORDINANCE 4677: AN ORDINANCE TO APPROVE FINDINGS OF FACT AND CONCLUSIONS OF LAW ON 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 CITY CODE SECTION 42-402 AND APPROVE APPLICATION FOR CONDITIONAL USE PERMIT WITH CONDITIONS. A motion was made by Murphey and seconded by Fridley to approve the ordinance. A roll call voted showed the following: Ayes: Higgins, Fridley, Mayberry, Murphey, Lyons, Kessinger, Florence, Eberly, and Renaud. Nays: Steen, and Johnson. Absent: Bolin.

**II. CONSENT AGENDA**

- A. **Motion** accepting the April 5<sup>th</sup>, 2022 Certified Election Results (City Administrator John Butz) Approval is needed for the April 5<sup>th</sup> election, certified by the Phelps County Clerk’s office. There was also a recount of the close election of Ward 1 in which the original results did not change. A motion was made by Johnson and seconded by Fridley to accept the election results. A voice vote showed 11 Ayes, zero Nays, and 1 Absent (Bolin).

**III. ELECTED OFFICIALS SWEARING-IN CEREMONY**

A. **Comments/Recognitions of Outgoing Councilmembers:**

- i. Ward 2 Councilwoman Ann Murphey
- ii. Ward 4 Councilwoman Jodi Eberly
- iii. Ward 6 Councilperson Deanne Lyons

B. **Swearing-In of Newly Elected Officials:**

- i. Ward 1 Councilwoman Terry Higgins
- ii. Ward 2 Councilman Nathan Chirban
- iii. Ward 3 Councilman Lister Florence
- iv. Ward 4 Councilman Jaired Hall
- v. Ward 5 Councilwoman Carrolyn Bolin
- vi. Ward 6 Councilwoman Tina Balch
- vii. Mayor Louis J. Magdits IV
- viii. Municipal Judge James T. Crump
- ix. City Prosecutor Bradley Neckermann

Mayor Magdits recognized the three outgoing Councilmembers for their service to the Citizens of Rolla and presented them with a certificate. Councilwoman Eberly spoke a few words on behalf of all three Councilmembers.

City Clerk Lorri Thurman swore-in 5 of the Councilmembers as well as the Mayor. Carrolyn Bolin was absent. Judge Crump and City PA Neckermann were sworn in at an earlier date in the City Clerk’s office.

**IV. PUBLIC HEARINGS –**

- A. To allow a minor subdivision final plat to combine several lots into three lots; vacate portions of the rights-of-way of Spring Ave, 13<sup>th</sup> St, and an alley between Spring Ave, 13<sup>th</sup> St, 14<sup>th</sup> St and Poole Ave; and dedicate the right-of-way for Tim Bradley Way. (City Planner Tom Coots) This plat will reorganize the entire area of the new road currently under construction, which will replace University Drive as the entry to the University area from I-44. The plat will also formally name the new roadway “Tim Bradley Way”. At 7:35 pm Mayor Magdits opened the public hearing. There were no citizens who spoke neither for nor against the reorganization and the public hearing was closed at 7:36 pm. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF BRADLEY ADDITION AND VACATING A PORTION OF SPRING AVENUE, 13<sup>TH</sup> STREET, AND AN ALLEY.

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

## **VI. NEW BUSINESS**

- A. **Motion** allowing the temporary closure of 10<sup>th</sup> Street for the Rolla High School Graduation. (Public Works Director Steve Hargis) This request is to close 10<sup>th</sup> Street from Cedar to Holloway from 7:30 pm to 9:30 pm on Friday, May 13<sup>th</sup> for the Rolla High School Outdoor Graduation Ceremony. A motion was made by Kessinger and seconded by Higgins to allow the closure. A voice vote showed 11 Ayes, Zero Nays, and 1 Absent.
- B. **Ordinance** allowing a minor subdivision final plat to reorganize two residential lots. (City Planner Tom Coots) The applicant is requesting the lot lines revert back to how they were before a previous request of theirs in 2015. City Counselor Carolyn Buschjost read the ordinance for its first reading: by title: ORDINANCE 4678: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT REPLAT OF LOTS 2 AND 3, HAPPY JACK'S. A motion was made by Steen and seconded by Kessinger to suspend the rules for final reading. A voice vote showed 11 Ayes, Zero Nays, and 1 Absent. City Counselor Carolyn Buschjost read the ordinance for its final reading. A motion was made by Fridley and seconded by Higgins to approve the ordinance. A roll call vote showed the following: Ayes: Higgins, Steen, Renaud, Mayberry, Chirban, Balch, Johnson, Kessinger, Florence, Hall, and Fridley. Nays: zero. Absent: Bolin.

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

- A. **Award** of bid to Pierce Asphalt for Project 544 – Phase I Asphalt Improvements and Ordinance to enter into agreement with same. (City Engineer Darin Pryor) This bid was for Phase I overlays in several section of roads in the areas of Elm, 14<sup>th</sup> and McCutchen Streets, as well as the Public Works Building and Yard. A motion was made by Steen and seconded by Higgins to award the bid to Pierce Asphalt for \$256,239.83. City Counselor Carolyn Buschjost read the ordinance for its first reading: by title: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT LLC.
- B. **Award** of bid to Pierce Asphalt for Project 545 – Phase II Asphalt Improvements and Ordinance to enter into an agreement with same. (City Engineer Darin Pryor) This bid was for Phase II overlays in several section of roads in the areas of Soest, Sycamore, McCutchen, and 18<sup>th</sup> Street. A motion was made by Johnson and seconded by Renaud to award the bid to Pierce Asphalt for \$342,215.91. City Counselor Carolyn Buschjost read the ordinance for its first reading: by title: AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND PIERCE ASPHALT LLC.

## **VIII. CITIZEN COMMUNICATION**

- A. Attorney Zachary Buchheit with Stinson spoke again regarding the CUP ordinance and how he believed a public hearing was due. City Counselor Carolyn Buschjost advised Mr. Buchheit that the public hearing requirement was tied to the application of the CUP and not the ordinance and that the city had several public hearings regarding the matter.

**IX. MAYOR/CITY COUNCIL COMMENTS**

- A. Appointment of Monty Jordan to the P & Z Commission for a 4 year term starting May 1<sup>st</sup> (Term expires May 2026). A motion was made to accept the appointment by Fridley and seconded by Kessinger. A voice vote showed 11 Ayes, Zero Nays, and 1 Absent.
- B. Appointment by Council of Mayor Pro-Tem for 1 year term. A motion was made by Johnson and seconded by Kessinger to appoint Councilman Florence as Pro-Tem (Term expires April 2023). A voice vote showed 11 Ayes, Zero Nays, and 1 Absent.
- C. Appointment of Kristi Fleischhauer to the Library Board for first term (Term expires May 2025). A motion was made by Johnson and seconded by Fridley to allow the appointment. A voice vote showed 11 Ayes, Zero Nays, and 1 Absent.
- D. Proclamation for Arbor Day, Friday, April 29<sup>th</sup>, 2022. Mayor Magdits read a Proclamation recognizing April 29<sup>th</sup> as Arbor Day, one of four requirements for the City of Rolla to remain as a “Tree City USA”.
- E. Proclamation for Local Government Week, May 1-7<sup>th</sup>, 2022. Mayor Magdits read a Proclamation recognizing Local Government Week and thanked all the employees and those that volunteer their time to the City of Rolla.
- F. Councilman Fridley commented on the low voter turnout of the April 5<sup>th</sup> election and encouraged citizens to get informed and go vote.
- G. Councilman Kessinger commented on the ribbon cutting of the Phelps County Dream Center on Tuesday, April 19<sup>th</sup> at 2:00 pm. They have been a community distribution service for 23 years.

**X. COMMENTS FOR THE GOOD OF THE ORDER** – None

**XI. CLOSED SESSION** – Closed session pursuant to RSMO. 610.021 (1) to discuss legal work product

At 8:05 pm, a motion was made by Johnson and seconded by Higgins to go into closed session. A roll call voted showed the following: Ayes: Higgins, Steen, Fridley, Mayberry, Chirban, Balch, Johnson, Kessinger, Florence, Hall, And Renaud. Nays: none Absent: Bolin

At 9:06 pm, Council returned to open session. City Counselor Carolyn Buschjost stated that Council had entered into closed session to discuss a legal matter in which no final action was taken.

**XII. ADJOURNMENT**

Having no further business, the meeting adjourned at approximately 9:06 pm  
Minutes respectfully submitted by City Clerk Lorri Thurman.

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CITY CLERK

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MAYOR