

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, OCTOBER 17, 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, Megan Johnson, Nathan Chirban, Matt Fridley, Carolyn Bolin, Jaired Hall, Rob Kessinger, Terry Higgins, Lister Florence, Victoria Steen and Tina Balch.

Council Members Absent: Stanley Mayberry

Department Directors in Attendance via Zoom Videoconferencing: - None

Department Directors and Other City Officials in Physical Attendance: City Planner Tom Coots, City Engineer Darin Pryor, Environmental Services Director Brady Wilson, Police Chief Sean Fagan, Assistant Fire Chief Jeff Breen, and City Counselor Carolyn Buschjost.

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

I. PUBLIC HEARINGS –

- A. **Public Hearing and Ordinance** to allow the vacation of a portion of an alley between 11th, 10th, Cedar, and Maple Streets. City Planner Tom Coots stated the applicant would like a fraction of the ally between Cedar and Maple and 10th and 11th to be vacated. The Ally is no longer in use. At 6:32, Mayor Magdits opened the public hearing. Applicant Anne McClay from 407 East 10th Street requested a first and final reading of the ordinance to accommodate for a small structure they are needing to have delivered before acclimate weather. With no other citizen comments, the public hearing was closed at 6:35 pm. City Counselor Carolyn Buschjost read the ordinance for its first reading by title: ORDINANCE 4702: AN ORDINANCE APPROVING THE VACATION OF A PORTION OF AN ALLEY BETWEEN 10TH, 11TH, CEDAR, AND MAPLE STREETS. A motion was made by Hall and seconded by Renaud to suspend the rules for a final reading. City Counselor Carolyn Buschjost read the ordinance for its final reading. A motion was made by Chirban and seconded by Kessinger to approve the ordinance. A roll call vote showed the following: Ayes: Chirban, Balch, Bolin, Renaud, Steen, Kessinger, Higgins, Hall, Florence, Fridley, and Johnson. Nays: none. Absent: Mayberry

*** At this point, Mayor Magdits chose to present a proclamation recognizing November 5th as Korean War Veteran’s Day. Andy Davis received the proclamation as a representative of the Veterans of Korean War and the Veteran’s Memorial Park. He invited the public to celebrate “Everyday Hero’s” on November 5th at the Veteran’s Memorial Park.

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II. **OLD BUSINESS** –

A. **Ordinance** amending Chapter 18 of the Rolla City code pertaining to Environmental Service Fees. (Environmental Services Director Brady Wilson) City Counselor Lance Thurman read the ordinance for its final reading by title: ORDINANCE 4703: AN ORDINANCE REPEALING SECTION 18-16 (A), AND SECTION 18-25 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, AND ENACTING NEW SECTIONS IN LIEU THEREOF PERTAINING TO RESIDENTIAL AND COMMERCIAL REFUSE DISPOSAL AND COLLECTION. A motion was made by Bolin and seconded by Kessinger to approve the ordinance. A roll call vote showed: Ayes: Balch, Chirban, Bolin, Renaud, Florence, Kessinger, Higgins, Hall, Johnson, Fridley, and Steen. Nays: none. Absent: Mayberry

B. **Ordinance** approving a License Agreement with GRACE to modify building canopy over City Right of Way. (Public Works Director Steve Hargis) City Counselor Carolyn Buschjost read the ordinance for its final reading by title: ORDINANCE 4704: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE IN BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN LICENSE AGREEMENT WITH THE GREATER ROLLA AREA CHARITABLE ENTERPRISE. A motion was made by Hall and seconded by Johnson to approve ordinance. A roll call vote showed the following: Ayes: Kessinger, Fridley, Steen, Renaud, Chirban, Balch, Johnson, Florence, Higgins, Hall, and Bolin. Nay: none. Absent: Mayberry.

C. **Ordinance** regarding Text Amendment pertaining to Overnight Shelters. (City Planner Tom Coots) A motion was made by Kessinger and seconded by Johnson to change in 42-224 Section 11, in the first paragraph, to change it to read as, “Any Overnight Shelter use, except shelters which meet the definition of a Domestic violence shelter, must adhere to the following requirements, subject to any state or federal regulations. A voice vote showed 11 Ayes, zero Nays, 1 Absent. (Mayberry)

A motion was made by Johnson and seconded by Renaud to change in 42-224 Section 6 to read as, “Overnight Shelters must be located a minimum of 750 feet from any school, playground, or daycare as measured from the closest point of the shelter facility.” This would remove “Unless specifically permitted as a family or youth shelter” and change the distance from 500 feet to 750 feet.

A motion was made by Hall requesting her to withdraw her motion and divide it into two motions and Johnson agreed.

A motion was made by Johnson and seconded by Hall to remove “Unless specifically permitted as a family or youth shelter” from 42-224 #6. A voice vote showed 11 Ayes, zero Nays, 1 Absent (Mayberry).

A motion was made by Johnson and seconded by Kessinger to change the distance from 500 feet to 750 feet in 42-224 #6. A voice vote showed 9 Ayes, 2 Nays (Florence and Hall) and 1 Absent (Mayberry)

A motion was made by Renaud and seconded by Johnson to remove “Overnight Shelters” from 42-192.2 to make it not permitted in the C-C zoning district.

Mayor Magdits cautioned council that this could leave the City potentially vulnerable to legal action.

Mr. Butz stated for the record that CC is the one district that by its definition is both residential and commercial. By making that change, Council would be saying that R3 and C3 are acceptable, subject to conditional use, but not the one district that is a blending of residential and commercial. The conditional use is a way to at least allow

that subject to the scrutiny of the public and review process. Mayor Magdits stated that was a good observation and that this ordinance would not make any changes to what is currently existing but it will lay the ground work for the future. A voice vote showed 9 Ayes, 2 Nays (Hall and Florence), 1 Absent. (Mayberry)

Mr. Butz raised an issue regarding 42-224 #4 with background checks. Originally it was written that shelters had 72 hours to conduct background checks on persons wishing to stay at an overnight shelter. At Council's request, that stipulation has been reduced to one day. The concern raised in the best practices guidelines was to remove obstacles that might keep someone from getting the assistance and help they needed. Someone who has to, by state law, register on the Missouri Sex Offender registry, has 72 hours to do so and that is not unreasonable. The Russell house voiced concerns that they are unable to comply with that requirement due to funding stipulations. Mayor stated Council can put that provision in place but the city has no way to monitor or enforce. City Counselor Buschjost stated that the provision only says that the shelter must check the sex offender registry. It doesn't express expectations as to what to do with the person if they are located on the sex offender registry. Council suggested no changes to this section.

A motion was made by Chirban and seconded by Johnson that "overnight shelters" in C3 Highway Commercial be taken from conditional use to not permitted in 42-177.3 Section 6.

City Administrator John Butz stated for the record that this motion was against the advice of staff for being too restrictive. A roll call vote showed, Ayes: Chirban and Johnson. Nays: Higgins, Bolin, Steen, Renaud, Balch, Kessinger, Florence, Hall, and Fridley. Absent. Mayberry. Motion failed.

A motion was made by Johnson and seconded by Chirban to change 42.194.3 Section 9 to remove overnight shelters in manufacturing to be conditional use as well (M1 and M2). A roll call vote showed Ayes: Balch, Chirban, Bolin, Renaud, Kessinger, Florence, Johnson, Fridley, and Higgins. Nays: Steen, Hall, Absent: Mayberry.

Councilman Chirban brought to attention that "emergency shelters" was still in the ordinance title. City Counselor Buschjost stated that this was an editing error and can be removed.

A motion was made by Hall and seconded by Renaud to change 42-224 #1 and 42-224.1 #1 to read, "No individual or family shall reside in an overnight shelter for more than 30 days without entering into case management to obtain housing. Clients shall not reside on the premises for more than 6 months unless extenuating circumstances are present and documented by the facility. A voice vote showed 11 Ayes, zero Nays, 1 Absent (Mayberry).

City Counselor Carolyn Buschjost read the ordinance for its first reading as amended: AN ORDINANCE AMENDING CHAPTER 42, ARTICLE III OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI REGARDING OVERNIGHT SHELTERS, SOUP KITCHENS, AND TRANSITIONAL HOUSING.

III. NEW BUSINESS –

- A. **Ordinance** to allow a Minor Subdivision to combine two residential lots at 3 Lewis Lane – Frueh Addition. City Planner Tom Coats stated the applicant has purchased the subject property with the intention of redeveloping the property for a multi-family development. City Counselor Carolyn

Buschjost read the ordinance for its first reading by title: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF FRUEH ADDITION.

IV. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion** to approve the purchase of a 2022 F550 Ford Super Duty Chassis. Assistant Fire Chief Jeff Breen stated the City of Rolla Fire and Rescue budgeted \$90,000 to purchase a new 2022 Super Duty Chassis vehicle to replace a 1998 Chevy Air Truck. They have located a F-550 Super Duty Chassis through Honeyman Ford of Seneca Kansas for \$51,240. Even with a custom made bed, emergency lighting and decals, the total cost will remain under budget at \$89,740. A motion was made by Kessinger and seconded by Balch to approve the purchase. A voice vote showed 11 Ayes, zero Nays, and 1 Absent. (Mayberry)

V. CITIZEN COMMUNICATION

- A. Gerome Beck, a non-city resident of South Highway 63, commented on homelessness and the impact that could be made if people would invest into the organizations that were trying to help.

VI. MAYOR/CITY COUNCIL COMMENTS

- A. Councilman Kessinger encouraged drivers on Laurel Drive to slow down.
- B. Councilman Fridley reminded the community that if they, “see something, say something” in regards to suspicious activity. He also spoke on our obligation as a community to care for each other.
- C. Councilwoman Renaud stated she had a great turnout of 12-16 citizens for her Ward 1 gathering.
- D. Councilman Florence reminded the community of the MS&T Homecoming taking place this weekend and complimented the well-attended High School parade. He encouraged everyone to view the community calendar on the Chamber of Commerce website to stay informed of community events.
- E. Councilwoman Higgins expressed her appreciation for the actions of law enforcement which led to the peaceful resolution from a recent standoff a block from where she lives. Police Chief Fagan stated that it took negotiators several hours to talk the subject out of his position.

VII. COMMENTS FOR THE GOOD OF THE ORDER

- A. Mayor Magdits stated that Rachel Guth and the Rolla 66 Summerfest Committee were recognized at the MRPC Annual award banquet for their distinguished service to the public for the last 28 years.
- B. City Administrator John Butz shared an invite to the retirement party of Public Works Director Steve Hargis which is being held at the new Public Works building on Thursday, October 20th from noon to 3:00 pm, with a special presentation at 12:30 to recognize his 46 years of service.

VIII. CLOSED SESSION – Closed Session per RSMo 610.021 – NONE

IX. ADJOURNMENT -

Having no further business, the meeting adjourned at approximately 8:38 p.m.
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR