

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, AUGUST 7TH, 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, Megan Johnson, Nathan Chirban, Lister Florence, Matt Fridley, Jaired Hall, Rob Kessinger, Kevin Greven, Stanley Mayberry, Victoria Steen, Tina Balch,

Council Members Absent: Terry Higgins

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, Interim Environmental Services Director Roger Pankey, Public Works Director Darin Pryor, and City Counselor Carolyn Buschjost.

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

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Workshop – July 10th, 2023
2. City Council Meeting – July 17th, 2023

A motion was made by Johnson and seconded by Kessinger to accept the minutes. A voice vote showed 10 Ayes, zero Nays, 2 Absent (Hall and Higgins)

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 6th, 2023
- i. Park Advisory Commission Minutes – May 25th, 2023

August 7th, 2023

- j. P&Z Commission Minutes for June 13th, 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) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4746: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF OZARK TERRACE, 3RD ADDITION. A motion was made by Chirban and seconded by Johnson to approve the subdivision. A roll call vote showed the following: Ayes: Johnson, Fridley, Steen, Vroman, Chirban, Balch, Greven, Kessinger, Florence, and Mayberry. Nay: none. Absent: Higgins and Hall.
- 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) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4747: 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. A motion was made by Geven and seconded by Kessinger. A roll call vote showed the following: Ayes: Mayberry, Chirban, Greven, Vroman, Steen, Kessinger, Balch, Johnson, Fridley, and Florence. Nays: none. Absent: Higgins and Hall.
- 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) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4748: AN ORDINANCE AMENDING CHAPTER 42, ARTICLE III OF THE CITY OF ROLLA ORDINANCES OF THE CITY OF ROLLA, MISSOURI REGARDING MARIJUANA USES. A motion was made by Vroman and seconded by Johnson to approve the ordinance. A roll call vote showed the following: Ayes: Vroman, Florence, Steen, Greven, Chirban, Fridley, Johnson, Kessinger, Mayberry, and Balch. Nays: none. Absent: Higgins and Hall.
- D. **Ordinance** amending current marijuana ordinance to match Missouri State Law. (Chief Fagan) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4749: 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. A motion was made by Vroman and seconded by Chirban to approve the ordinance. A roll call vote showed the following: Fridley, Kessinger, Greven, Vroman, Steen, Mayberry, Chirban, Balch, Johnson, and Florence. Nays: none. Absent: Higgins and Hall.

E. **Ordinance** adopting final version of proposed Chapter 42 – Planning and Zoning. (City Planner Tom Coats) City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: 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, STORM WATER 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.

F. **Discussion** on Obscenity – State Law Review.

(Note: Councilman Hall joined at approximately 7:24)

City Counselor Carolyn Buschjost explained to council that Legal Work Product was a discussion allowed under closed session. Regarding council’s desire to define obscenity, Counselor Buschjost stated that council was not in a position to redefine terms of art. There was discussion about whether an ordinance could be made to define sexually oriented performances. Counselor Buschjost stated this wasn’t allowed by Municipalities. Sexual performance is part of the state statute and cannot be redefined.

A motion was made by Johnson and seconded by Steen to take the Chesterfield ordinance to the next meeting as a first reading. A roll call vote showed the following: Ayes: Steen, Balch, Johnson, Kessinger. Nays: Greven, Fridley, Mayberry, Chirban, Florence, Hall, and Vroman. Absent: Higgins.

After further discussion, a motion was made by Fridley and seconded by Florence to recreate a resolution recognizing state statute chapter 573 as being meaningful and important to follow and to address what happened in June as being lewd and obscene. A roll call vote showed the following: Ayes: Balch, Mayberry, Chirban, Greven, Vroman, Florence, Kessinger, Hall, Johnson, Fridley, and Steen. Nays: None. Absent: Higgins.

After even further discussion, a motion was made by Chirban and seconded by Johnson to investigate state statute chapter 573 as being adopted as a city ordinance. A roll call vote showed the following: Ayes: Kessinger, Steen, Vroman, Chirban, Balch, Johnson, Florence, Hall, and Greven. Nays: Fridley and Mayberry. Absent: Higgins.

VI. NEW BUSINESS –

- A. **Ordinance** to remove parking on Lions Club Drive from Route 63 to Ramsey Place. PW Director Darin Pryor recommended that parking be removed from the bike lane in this area. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: 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.
- B. **Ordinance** to add a stop condition on State Street at the 10th Street intersection. PW Director Darin Pryor explained that the traffic signal at that intersection was at the end of its life and the traffic volumes at that intersection did not meet warrants for a traffic signal. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: 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.
- C. **Ordinance** to remove the one-way traffic designation on Elm Street from 14th Street to 12th Street. PW Director Darin Pryor explained that this would remove the one way traffic designation on Elm Street from 14th to 12th Street. The street had recently been widened to allow for two way traffic. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: 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.
- D. **Resolution** to authorize the Mayor to sign the Chymiak Family Foundation matching donation pertaining to new pickleball courts. Parks Director Floyd Jernigan explained to Council that the agreement would provide \$250,000 with a city match of \$250,000. If approved, the courts must be complete by October 31, 2024. Randy and Laura Stoll spoke on the rising popularity of pickleball across the United States and how the new courts will meet requirements to host regional tournaments. City Counselor Carolyn Buschjost read the resolution for one reading, by title: RESOLUTION 2024: 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. A motion was made by Kessinger and seconded by Greven to approve the agreement. A voice vote showed 11 Ayes, zero Nays, and 1 Absent (Higgins).

VII. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Motion** to award bid for the purchase of a 2023 Chrysler Pacifica to Taylor Dodge on behalf of the Phelps County Emergency Service Board (PCESB). (Chief Fagan) A motion was made by

Johnson and seconded by Vroman to allow the purchase of the 2023 Chrysler Pacifica from Taylor Dodge for \$44,698, to be paid for by the Phelps County Emergency Services Board. A voice vote showed 11 Ayes, zero Nays, and 1 Absent (Higgins).

VIII. CITIZEN COMMUNICATION

- A. Pastor David Dukes spoke regarding drugs, the homeless, and encouraged everyone to work together as a community.
- B. Max Pfeifer in support of LGBTQ+ Rolla and Drag in the Rolla community and shared how the Pride event and drag show made him feel celebrated and supported
- C. Bethany Louise commented on bringing objective opinions regarding the state law and facts that govern what can and cannot be done by city council.
- D. Pastor Terrance Cates spoke on protecting children and how state law did not protect the children at the drag event last June. He made mention of a petition but one was not submitted to the City Clerk.
- E. Gerome Beck spoke on the missed opportunity to bring the community together in love.
- F. Pastor Ron stated the Pride event wasn't the issue it was things that happened at the drag event.
- G. Melissa Jones Youth Pastor – Talked about respecting boundaries without hate and suggested evaluating the permit process on events.
- H. Christopher Cates – Talked about opinions vs fact and stated that just because a law wasn't broken doesn't mean there isn't case for concern.
- I. Pastor Adam Block – Spoke on the Diffusion of Innovations Theory and urged Council to take whatever time they needed find a solution to protect children.
- J. Pastor Darin Facin responded regarding statements made by Council during the meeting and stated no matter how long it takes to come up with a solution, it's worth it to protect children. He suggested evaluating the vetting system on events.
- K. Nicoya Benton City resident and social worker – Spoke on obscenity being subjective. She encouraged Council to listen to Legal Counsel regarding the state laws that are proven to protect citizen rights.

IX. MAYOR/CITY COUNCIL COMMENTS

- A. Councilman Chirban stated he was happy to see the Ransdall building razed.
- B. Fire Chief Breen shared with Council that the transmitter for the storm sirens has been repaired and is now working again. He encouraged citizens to sign-up on for the Everbridge notification system.
- C. Councilwoman Johnson congratulated Caleb Pelc on being awarded his Eagle Scout award.
- D. Councilman Kessinger thanked the citizens for coming and participating in the meeting.
- E. Councilman Florence congratulated Councilwoman Johnson on earning her certification as Certified Municipal Official.

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

At 9:49 pm a motion was made by Johnson and seconded by Chirban to go into closed session. A roll call vote showed the following: Ayes: Fridley, Kessinger, Greven, Vroman, Steen, Mayberry, Chirban, Balch, Johnson, Hall, and Florence. Nays: none. Absent: Higgins

At approximately 10:50 pm, Council returned from Closed session where issues of Contract Negotiations, Real Estate, and Legal Work Product were discussed with no final action.

XII. ADJOURNMENT -

Having no further business, the meeting adjourned at approximately 10:50 p.m.
Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR