

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, APRIL 3rd, 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: Moriah Renaud, Terry Higgins, Megan Johnson, Nathan Chirban, Lister Florence, Matt Fridley, Jaired Hall, Rob Kessinger, Stanley Mayberry, Victoria Steen and Tina Balch

Council Members Absent: None

Council Ward Vacancy: Ward 5 - Carrolyn Bolin

Department Directors and Other City Officials in Physical Attendance: PW Director Darin Pryor, Police Chief Sean Fagan, Fire Chief Jeff Breen, Community Development Director Steve Flowers, Finance Director Steffanie Rogers, City Planner Tom Coots, Parks Director Floyd Jernigan, City Counselor Lance Thurman 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. CONSENT AGENDA

- A. Consider Approval of the City Council Minutes of:
1. City Council Meeting – March 6, 2023
 2. Closed Session Minutes – March 6, 2023
 3. City Council Meeting – March 20th, 2023
 4. Closed Session Minutes – March 20th, 2023

A motion was made by Johnson and seconded by Higgins to approve the minutes. A voice vote showed 11 Ayes, zero Nays, zero Absent.

II. PUBLIC HEARINGS –

- A. **Public Hearing and Ordinance** for the Annexation and Assignment of Zoning: A portion of 13063 Old Wire Outer Rd into the corporate limits of the City of Rolla and assigning a zoning of C-2, General Retail. (City Planner Tom Coots) The applicant seeks to voluntarily be annexed into the city limits to allow for access to utilities necessary for development of the property. At 6:34 the Mayor opened the public hearing. Mike Woessner, 1703 N. Bishop, spoke as a representative for James W. Hayes Trust and explained the applicants desires to build an Extended Stay Marriot Hotel. They were not able to get to be heard by Planning and Zoning in February after their application because they were unable to have a quorum. Due to this delay, Mr. Woessner requested consideration for a first and final reading. With no

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other citizens to speak for or against the proposal, the Mayor closed the public hearing around 6:39. City Counselor Lance Thurman read the ordinance for its first reading; by title: ORDINANCE 4726: AN ORDINANCE TO APPROVE THE ANNEXATION OF A PORTION OF 13063 OLD WIRE OUTER RD. INTO THE CORPORATE LIMITS OF THE CITY OF ROLLA AND ASSIGNING ZONING OF SAID PROPERTY AS THE C-2, GENERAL RETAIL DISTRICT. A motion was made by Fridley and seconded by Kessinger to suspend the rules for a final reading. A voice vote showed 11 Ayes, zero Nays, none Absent. City Counselor Lance Thurman read the ordinance for its final reading. A motion was made by Higgins and seconded by Fridley to approve the annexation and zoning assignment. A roll call vote showed: Ayes: Balch, Mayberry, Chirban, Renaud, Florence, Kessinger, Higgins, Hall, Johnson, Fridley, and Steen. Nays: none. Absent: none.

- B. **Public Hearing and Ordinance** for the rezoning of 605 W 7th and 605/607 N. State from the C-2, General Retail district to the C-3, Highway Commercial district. (City Planner Tom Coots) The applicant seeks to rezone the subject property to allow for additional potential commercial uses allowed in the C-3 district. At 6:44 the Mayor opened the public hearing. Mike Woessner, 1703 N. Bishop spoke as representative for Denny La Bantsching. He explained that the applicant has missed out on a couple tax paying type businesses that wanted to relocate to their property but the current zoning assignment wouldn't allow their needs. Due to the application being delayed by in February due to lack of a quorum, Mr. Woessner requested consideration for a first and final reading. With no further citizens to speak for or against the proposal, the Mayor closed the hearing at 6:48. City Counselor Lance Thurman read the ordinance for its first reading; by title: ORDINANCE 4727: AN ORDINANCE TO APPROVE THE RE-ZONING OF 605 W 7TH STREET AND 605/607 N. STATE STREET FROM THE C-2, GENERAL RETAIL DISTRICT TO THE C-3 HIGHWAY COMMERCIAL DISTRICT. A motion was made by Johnson and seconded by Renaud to suspend the rules for final reading. A voice vote showed 11 Ayes, zero Nays, and none Absent. A motion was made by Higgins and seconded by Chirban to approve the rezoning. A roll call vote showed: Ayes: Kessinger, Fridley, Steen, Renaud, Mayberry, Chirban, Balch, Johnson, Florence, Higgins, and Hall. Nays: none. Absent: none.

III. REPORT OF MAYOR and COUNCIL/REPORTS OF BOARDS AND COMMISSIONS/CITY DEPARTMENTS

- a. Environmental Services Department Monthly Report – February 2023
- b. Building Codes monthly report – February 2023
- c. Police Department Monthly Report – January 2023
- d. Animal Control Division Report – January 2023
- e. Board of Public Works Minutes & Financial Statistics for February 28, 2023
- f. The Centre Income Statement ending February 2023
- g. Municipal Court Summary Reporting for February 2023
- h. P&Z Commission Minutes for January 10th & February 28th, 2023
- i. City of Rolla Financial Report ending February 28th, 2023

Some discussion was had over the financial reports for the Centre reflecting a shortfall between revenue and expenses.

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – None

V. OLD BUSINESS –

- C. **Ordinance** for the rezoning of 1203 S. Bishop from the C-2, General Retail district to the C-3, Highway Commercial district. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading; by title: ORDINANCE 4728: AN ORDINANCE TO APPROVE THE RE-ZONING OF 1203 BISHOP AVE FROM THE C-2, GENERAL RETAIL DISTRICT TO THE C-3, HIGHWAY

COMMERCIAL DISTRICT. A motion was made by Higgins and seconded by Renaud to approve the re-zoning. A roll call vote showed the following: Ayes: Florence, Johnson, Chirban, Fridley, Renaud, Steen, Mayberry, Higgins, Hall, Balch, and Kessinger. Nays: zero. Absent: none.

- A. **Ordinance** for the rezoning of 1708 Ashwood Dr. from the R-1, Single-family district to the R-2, Two-family district. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading; by title: ORDINANCE 4729: AN ORDINANCE TO APPROVE THE RE-ZONING OF 1708 ASHWOOD DR. FROM THE R-1, SINGLE-FAMILY DISTRICT TO THE R-2, TWO-FAMILY DISTRICT. A motion was made by Higgins and seconded by Johnson to approve the re-zoning. A roll call vote showed the following: Ayes: Higgins, Steen, Renaud, Mayberry, Chirban, Balch, Johnson, Kessinger, Florence, Hall, and Fridley. Nays: zero. Absent: none.
- B. **Ordinance** to approve the Minor Subdivision to reorganize 3 commercial lots and create 1 additional commercial lot at 2339,3409, and 3419 N. Bishop. (City Planner Tom Coots) City Counselor Lance Thurman read the ordinance for its final reading; by title: ORDINANCE 4730: AN ORDINANCE TO APPROVE THE MINOR SUBDIVISION FINAL PLAT OF RCP PLAT NO. 2. A motion was made by Chirban and seconded by Johnson to approve the Minor Subdivision. A roll call vote showed: Ayes: Mayberry, Balch, Chirban, Renaud Steen, Kessinger, Florence, Hall, Johnson, Fridley, and Higgins. Nays: zero. Absent: none.
- C. **Ordinance** authorizing the Mayor to enter into the Missouri Highways and Transportation Commission Transportation Alternatives Funds Agreement. (PW Director Darin Pryor) City Counselor Lance Thurman read the ordinance for its final reading; by title: ORDINANCE 4731: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN TRANSPORTATION ALTERNATIVE FUNS PROGRAM AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR THE REPLACEMENT OF APPROXIMATELY 76 ADA CURB RAMPS. A motion was made by Johnson and seconded by Higgins to approve the funding agreement. A roll call vote showed the following: Ayes: Johnson, Fridley, Steen, Renaud, Higgins, Chirban, Balch, Kessinger, Florence, Hall, and Mayberry. Nays: none. Absent: none.
- D. **Ordinance** authorizing an agreement with Skyscraper Marine, LLC dba Tubbs & Son Construction for the demolition of the Ransdall Building – Project 561 and of same. (PW Director Darin Pryor) City Counselor Lance Thurman read the ordinance for its final reading; by title: ORDINANCE 4732: AN ORDINANCE AUTHORIZING TH MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND SKYSCRAPER MARINE, LLC DBA TUBBS & SON CONSTRUCTION LLC. A motion was made by Higgins and seconded by Johnson to approve the ordinance. A roll call vote showed: Ayes: Hall, Mayberry, Chirban, Renaud, Steen, Kessinger, Higgins, Balch, Johnson, Fridley, and Florence

VI. NEW BUSINESS –

- A. **Resolution** to award bid to Federal Signal Safety Corporation for the purchase of a storm siren and communications equipment. (Fire Chief Jeff Breen) City Counselor Lance Thurman read the resolution for one reading; by title: RESOLUTION 2020: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN SALES AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND FEDERAL SIGNAL SAFETY CORPORATION FOR ONE EMERGENCY STORM SIREN. A motion was made by Kessinger and seconded by Balch to approve the purchase through Federal Signal Safety Corporation for \$26,055.96. A voice vote showed 11 Ayes. 1 Nay. None absent.

B. **Ordinance** to repeal and replace Section 27-89 of the City of Rolla code concerning stop intersection. (PW Director Darin Pryor) After a comprehensive review of Section 27-89 of the City Code regarding stop intersections it is necessary to update the code to match what is in the field. City Counselor read the ordinance for its first reading: AN ORDINANCE REPEALING SECTION 27-89 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 27-89 IN LIEU THEREOF RELATING TO STOP INTERSECTION.

C. **Ordinance** to change the stop condition to a stop on Powell Ave. at 13th. (PW Director Darin Pryor) This would remove the current stop signs on 13th street traffic at Powell Ave. and add two stop signs on Powell at the same intersection. City Counselor Lance Thurman read the ordinance for its first reading: AN ORDINANCE AMENDING SECTION 27-89 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, PERTAINING TO STOP INTERSECTION.

D. **Ordinance** to restrict parking on a section of Fairburn Drive. (PW Director Darin Pryor) After reviewing the sight distance on Fairburn Drive it is recommended to restrict parking on a section of Fairburn Drive. City Counselor Lance Thurman read the ordinance for its first reading: AN ORDINANCE AMENDING SECTION 27-92 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO PARKING.

VII. CLAIMS and/or FISCAL TRANSACTIONS –

A. **Award of bid** to Insituform Technologies for Project 559 2023 Sewer Lining and **Ordinance** authorizing agreement with same. (PW Director Darin Pryor) This project will line just under 1.5 miles of sanitary sewer in various locations throughout the city. A motion was made by Johnson and seconded by Renaud to award the bid to Insituform Technologies for \$296,441.40. A voice vote showed 11 Ayes, zero Nays. City Councilman Lance Thurman read the ordinance for its first reading: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CONTRACT AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND INSITUFORM TECHNOLOGIES USA, LLC.

VIII. CITIZEN COMMUNICATION

- A. Gerome Beck-13850 S. US Highway 63: Thanked Council for their efforts towards resolving homelessness.
- B. Jody Eberly-496 Countryside: Urged Council to not interfere with The Mission in their efforts to serve the homeless and help people get back on their feet.
- C. David Dukes-310 Becca: Mr. Dukes felt that it is was hypocritical for the city to make laws for others while not abiding by same with reference to trash left in Schuman Park. He also encouraged Council members to get to know homeless Individuals in Rolla.
- D. Cheryl Shannon-1803 Sandstone: Spoke in favor of the mission who is currently helping a family member get back on his feet.

IX. MAYOR/CITY COUNCIL COMMENTS

- A. Mayor Magdits reminded everyone to vote at the April 4, 2023 General Municipal Election.
- B. Councilwoman Balch reminded everyone of the next food distribution on Wednesday from 10:00-12:00 at the Phelps County Dream Center.

C. Councilman Florence encouraged everyone to watch the Fine Linen production of The Pirates of Penzance.

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

XI. **CLOSED SESSION** –

Closed Session per RSMo 610.021- (1) Legal (3) Real Estate

At 7:33 a motion was made by Johnson and seconded by Kessinger to go into closed session. A roll call vote showed the following: Ayes: Chirban, Balch, Mayberry, Renaud, Steen, Kessinger, Higgins, Hall, Florence, Fridley, and Johnson. Nays: none. Absent: none

At 9:24 Council returned from closed session where a discussion of real estate legal advice occurred with no final action.

XII. **ADJOURNMENT** -

Having no further business, the meeting adjourned at approximately 9:26 p.m.
Minutes respectfully submitted by City Clerk Lorri Thurman.

CITY CLERK

MAYOR