

**ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 5TH, 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, Terry Higgins, Megan Johnson, Nathan Chirban, Lister Florence, Matt Fridley, Jaired Hall, Rob Kessinger, Kevin Greven, Stanley Mayberry, Victoria Steen, Tina Balch,

Council Members Absent: None

Department Directors and Other City Officials in Physical Attendance: Police Chief Sean Fagan, Fire Chief Jeff Breen, Finance Director Steffanie Rogers, Park's Director Floyd Jernigan, Interim Environmental Services Director Roger Pankey, Public Works Director Darin Pryor, City Planner Tom Coots and City Counselor Carolyn Buschjost.

Mayor Louis J. Magdits called the meeting to order at approximately 5:30 p.m. and asked Councilwoman Terry Higgins to lead in the Pledge of Allegiance.

I. CONSENT AGENDA

A. Consider Approval of the City Council Minutes of:

1. City Council Minutes – August 7th 2023
2. Closed Session City Council Minutes – August 7th, 2023
3. City Council Minutes – August 22nd, 2023
4. Closed Session City Council Minutes – August 22nd 2023

A motion was made by Johnson and seconded by Higgins to approve the minutes. A voice votes showed 12 Ayes, zero Nays, none Absent.

II. PUBLIC HEARINGS – **Public Hearing and Ordinance** approving the FY 2024 Budget and 2024 Sewer Fees. (City Administrator John Butz) The spending plan of \$37,915,446 is offset with projected revenues of \$35,905,885 plus retained earnings from previous years. The total deficit of \$2,009,561 is covered from revenues received in prior years from TDD funds from the Pine Street project, Round 3 of ARPA funds (revenues received in FY 2022), and Animal Shelter funds. The public hearing was opened at 6:34 pm including the proposed sewer fee increase from \$6.25 to \$6.75/1,000 gallons of water. There were no public comments and so the public hearing was closed at 6:35 pm. City Counselor Carolyn Buschjost read the ordinance for its first reading by title: AN ORDINANCE ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2023 AND APPROPRIATING FUNDS PURSUANT THERETO.

September 5th, 2023

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

- a. Environmental Services Department Monthly Report – July 2023
- b. Police Department Monthly Report – July 2023
- c. Animal Control Division Report – July 2023
- d. RMU Board of Public Works Minutes for July 6, 2023
- e. The Centre Income Statement ending July 2023
- f. Park Advisory Commission Minutes – July 26th, 2023
- g. P&Z Commission Minutes for July 11th & August 14, 2023
- h. City of Rolla Financial Report ending May 2023

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – NONE

V. OLD BUSINESS –

- A. **Discussion/Resolution** on RSMo 573 pertaining to Pornography and Related Offenses. (City Administrator John Butz) City Counselor Carolyn Buschjost read the resolution for one reading, by title: RESOLUTION 2026: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLA, MISSOURI, AFFIRMING ITS SUPPORT FOR FULL ENFORCEMENT OF ANY VIOLATIONS REGARDING OBSCENE OR PORNOGRAPHIC MATERIALS, PERFORMANCES AND OTHER RELATED OFFENSES AS DEFINED IN THE REVISED STATUTES OF THE STATE OF MISSOURI (RSMo 573). A motion was made by Fridley and seconded by Kessinger to approve the resolution. A voice vote showed 12 Ayes, zero Nays, and zero Absent.

The Mayor asked for clarification on how Council would like to proceed and commented that he felt a conversation with organizers of LGBTQ+ event would go a long way in solving any issues with future events. Mr. Butz stated that he and Parks Director Jernigan had a meeting recently regarding the next event in 2024 and concerns regarding the June 2023 event were discussed. A few Council members expressed that they felt the Resolution was sufficient and no further ordinance was needed while others felt the resolution was not enough.-

A motion was made by Vroman to see if an individual can have a performance, display, or dance that is intended to seek to arouse or excite the sexual desires of the entertainer, other entertainers, or patrons in a public park. Vroman stated this wording was pulled from Chapter 29-2 (c) of the Rolla City Code regarding adult entertainment and the purpose of the motion is to see (according to existing Rolla City Code) when the actions within a performance could reach the level of a sexually oriented business and where it would be allowed. Vroman stated again, a motion for legal to look into chapter 29 of the Rolla City Code to see if a person can perform display or dance to seek to arouse or excite the sexual desires of the entertainer, other entertainers, or patrons in a public park. Stating if a performance reaches the level of sexual oriented performance that is when action can be taken. The motion was seconded by Kessinger. A voice vote showed 11 Ayes, 1 Nay (Fridley), and zero absent. Councilman Hall stated he didn't feel this was something that legal counsel needed to rush to present for the September 18th meeting which several councilmembers verbally concurred.

- B. **Ordinance** to approve Service Agreement between the City of Rolla and the Phelps County Landfill Board. (Finance Director Steffanie Rogers) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4754: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A TECHNICAL ASSISTANCE CONTRACT BETWEEN THE CITY OF ROLLA, MISSOURI, AND THE PHELPS COUNTY LANDFILL BOARD. A motion was made by Vroman and seconded by Johnson to approve the agreement. A roll call votes showed the following: Ayes: Hall, Mayberry, Chirban, Greven, Vroman, Steen, Kessinger, Higgins, Balch, Johnson, Fridley and Florence. Zero Nays. Absent: none.
- C. **Ordinance** to approve an Archer-Elgin professional services agreement Task Order #2. (PW Director Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4755: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C., DBA ARCHER-ELGIN FOR HYPOINT FORCE MAIN IMPROVEMENTS – TASK ORDER #2. A motion was made by Chirban and seconded by Johnson to approve the ordinance. A roll call vote showed the following: Ayes: Vroman, Florence, Steen, Greven, Higgins, Chirban, Fridley, Johnson, Kessinger, Mayberry, Hall and Balch. Nays: none. Absent: none.
- D. **Ordinance** to approve an Archer-Elgin professional services agreement Task Order #3. (PW Director Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its final reading, by title: ORDINANCE 4756: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AGREEMENT BETWEEN THE CITY OF ROLLA, MISSOURI AND CM ARCHER GROUP, P.C., DBA ARCHER-ELGIN FOR HIGHWAY V EAST FACILITY PLAN – TASK ORDER #3. A motion was made by Vroman and seconded by Balch to approve the ordinance. A roll call vote showed the following: Ayes: Fridley, Kessinger, Higgins, Greven, Vroman, Steen, Mayberry, Chirban, Balch, Johnson Hall, and Florence. Nays: none. Absent none.
- E. **Ordinance** approving the rezoning from C-1 Neighborhood Commercial district to the C-3, Highway Commercial district at 708 N. Main Street. (City Planner Tom Coots) **Final Reading Request to postpone** The Mayor announced that legal counsel for the applicant requested to postpone the final reading until the next September 18th City Council meeting.

VI. NEW BUSINESS –

- A. **Ordinance** to approve the increase in sewer rates for FY 2023-2024. (PW Director Darin Pryor) City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 35 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CODE OF THE CITY OF ROLLA, MISSOURI, RELATING TO SEWERS AND WATER.
- B. **Motion** to approve the street closing for the October 31st Boo Palooza. (PW Director Darin Pryor) A motion was made by Vroman and seconded by Johnson to approve the street closings. A voice vote showed 12 Ayes, Zero Nays, None Absent.

- C. **Ordinance** to amend the Rolla City Code to remove the southerly direction only parking designation on Elm Street between 12th and 14th Street. (PW Director Darin Pryor) With the removal of the one-way traffic on Elm Street that was approved by Council on August 21st, the City Code now needs amended to remove the southerly direction only parking designation. City Counselor Carolyn Buschjost read the ordinance for its first reading, by title: AN ORDINANCE AMENDING SECTION 27-114 OF THE GENERAL ORDINANCES OF THE CITY OF ROLLA, MISSOURI, KNOWN AS THE CITY CODE OF ROLLA, MISSOURI RELATING TO ONE WAY TRAFFIC
- D. **Motion** to approve street closings for the 44th Annual Arts and Crafts Festival, Saturday, October 7th, 2023. A motion was made by Higgins and seconded by Johnson to allow the street closings. A voice vote showed 12 Ayes, zero Nays, none Absent.

VII. CLAIMS and/or FISCAL TRANSACTIONS –

- A. **Award** of bid and **Ordinance** authorizing the contract with Independent Steel and Machine LLC for Airport Door Repairs. (PW Director Darin Pryor) Bids were received to replace 8 damaged airport hangar doors. A motion to award the bid to Independent Steel and Machine LLC for \$158,768 for bi-fold doors was made by Vroman and seconded by Johnson. A voice vote showed 12 Ayes, zero Nays, zero Absent. 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 INDEPENDENT STEEL AND MACHINE, LLC.
- B. **Motion** to approve change order to obtain 3rd Automated trash truck. (Env Services Int. Director Roger Pankey) The Mack Truck vendor is now unable to supply chassis for the 2nd and 3rd automated trucks that were ordered in October of 2021 and September of 2022. By switching to a Battle chassis, the two trucks can now be made available in 3-4 months. The 3rd truck, initially quoted at \$402,083, is now \$412,592. The 2nd truck is \$53,623 more than when quoted in 2021 which will need council approval. A motion was made by Johnson and seconded by Vroman to approve the purchase. A voice vote showed 12 Ayes, zero Nays, none Absent.

VIII. CITIZEN COMMUNICATION

- A. Travis Watkins-11371 CR 3000: Stated he saw nothing at the Pride event except children and families enjoying the day in a safe place.
- B. Mark Murphey-1801 Independence: Read definitions for pornography, drag, and strip shows and stated he didn't see anything that met those definitions at the Pride event.
- C. Terrace Cates- Talked about children being targeted at the drag event and the need for setting boundaries to protect children.
- D. Melissa Jones-Church of Nazarene: Thanked Council for thoughtful conversations and for explaining that RSMo Chapter 573 isn't going to be able to provide the outcome that is desired. She suggested creating a better/stronger vetting/application process.
- E. David Dukes – 310 Becca: Spoke on concerns regarding court reform.
- F. Dale Wands: Asked for clarification on the procedures for postponement of the final reading for the rezoning of 708 N. Main Street.
- G. Lynn Soleta – 12575 Elk Prairie: Shared her opinion that with P&Z's recommendation for the denial of the rezoning of 708 N. Main Street, that the postponement appears suspicious.
- H. Gerome Beck: Spoke on the hypocrisy of accusers regarding the June 10th drag performance.

IX. MAYOR/CITY COUNCIL COMMENTS

- A. Councilman thanked RMU and emergency responders for the recent power outage and the prompt restoration.
- B. Councilman Kessinger asked if the rough on ramp at Highway 72/Southview and Walnut could be assessed. PW Director Darin Pryor stated that was MODOT's property and that it has been complained about before but he will pass the concerns.

X. COMMENTS FOR THE GOOD OF THE ORDER - none

XI. CLOSED SESSION –

- A. Closed Session per RSMo 610.021- (2) Real Estate (1) Legal

At 8:35 pm a motion was made by Johnson and second by Vroman to go into closed session. A roll call votes showed: Ayes: Hall, Mayberry, Chirban, Greven, Vroman, Steen, Kessinger, Higgins Balch, Johnson Fridley Florence. Nay: none. Absent: none.

At 9:34 Council returned from closed session where a matters of real estate and a legal issue were discussed. There was no final action.

XII. ADJOURNMENT –

Having no further business, the meeting adjourned at approximately 9:35 p.m.
Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR