

ROLLA CITY COUNCIL MEETING MINUTES
MONDAY, JANUARY 6TH, 2025; 6:30 P.M.
ROLLA CITY HALL COUNCIL CHAMBERS
901 NORTH ELM STREET

Presiding: Mayor Louis J. Magdits IV

Council Members in Physical Attendance: Mattias Penner, Joshua Vroman, Megan Johnson, Nathan Chirban, Matt Fridley, William Hahn, Kevin Greven, Rob Kessinger, Keven Greven, Victoria Steen and Tina Balch

Council Members Absent: Stanley Mayberry (resigned 09/03/24) and Steve Jackson

Department Directors and Other City Officials in Physical Attendance: Public Works Director Darin Pryor, Fire Chief Jeff Breen, Police Chief Sean Fagan, Parks Director Floyd Jernigan, Comm. Dev. Director Dawn Bell, Finance Director Steffanie Rogers, Recreation Centre Interim Director Josh Stephens and City Counselor Nathan Nickolaus.

Mayor Magdits called the meeting to order at approximately 5:30 p.m. and asked Councilman Vroman to lead in the Pledge of Allegiance.

*Moment of silence for the passing of Retired Communications Chief Paula Volkmer.

I. CONSENT AGENDA –

- A. Consider Approval of the City Council Minutes of:
1. City Council Minutes – December 2nd, 2024
 2. City Council Minutes – December 16th, 2024

A motion was made by Johnson and seconded by Fridley to approve the minutes. A voice vote showed 10 Ayes, zero Nays, and Jackson Absent.

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

- a) Building Codes monthly report – November 2024
- b) Environmental Services Department Monthly Report November 2024
- c) Police Department Monthly Report – November 2024
- d) Animal Control Division Report – November 2024
- e) Rolla Municipal Court summary – November 2024
- f) The Centre Income Statement ending November 2024
- g) P&Z Commission Minutes for December 10th, 2024
- h) Parks Advisory Minutes from November 25th, 2024

III. PUBLIC HEARINGS – None

IV. ACKNOWLEDGMENTS and SPECIAL PRESENTATIONS – None

V. OLD BUSINESS –

- A. **Ordinance** to approve the annexation and assignment of zoning to 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 Commercial. (Comm. Dev. Director Dawn Bell) City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: ORDINANCE 4837: 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 COMMERCIAL DISTRICT. A motion was made by Chirban and seconded by Hahn to approve the ordinance. A roll call vote showed: Ayes: Penner, Greven, Steen, Vroman, Chirban, Balch, Johnson, Kessinger, Hahn, and Fridley. Nays: none. Absent: Jackson.
- B. **Ordinance** to approve the vacation of alleys in Cowan’s Addition to city of Rolla generally bounded by Hwy 72, Spilman Ave, Walker Ave, and Strobach Street. (Comm. Dev. Director Dawn Bell) Due to concerns by neighbors and a recommendation to deny the vacation from P&Z, staff indicated the alley right-of-way can be addressed in a future development of the property. City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: AN ORDINANCE APPROVING THE VACATION OF AN ALLEY IN COWAN’S ADDITION TO THE CITY OF ROLLA, GENERALLY BOUNDED BY HWY 72, SPILMAN AVENUE, WALKER AVENUE, AND STROBACH STREET. A motion was made by Greven and seconded by Vroman to approve. A roll call vote showed: Ayes: none. Nays: Balch, Chirban, Greven, Vroman, Steen, Kessinger, Hahn, Johnson, Fridley, and Penner. Absent: Jackson. MOTION FAILED.
- C. **Ordinance** to approve the vacation of alleys in Cowan’s Addition to City of Rolla generally bounded by Black Street, Spilman Ave, Walker Ave, and the railroad ROW. (Comm. Dev. Director Dawn Bell) City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: ORDINANCE 4838: AN ORDINANCE APPROVING THE VACATION OF AN ALLEY IN COWAN’S ADDITION TO THE CITY OF ROLLA, GENERALLY BOUNDED BY BLACK STREET, SPILMAN AVENUE, WALKER AVENUE, AND THE RAILROAD ROW. A motion was made by Chirban and seconded by Johnson to approve the ordinance. A roll call vote showed: Ayes: Johnson, Fridley, Steen, Vroman, Penner, Chirban, Balch, Greven, Kessinger, and Hahn. Nays: none. Absent: Jackson.
- D. **Ordinance** to approve text amendment to Section 42.313 General Requirements (Parking). (Comm. Dev. Director Dawn Bell) City Counselor Nathan Nickolaus read the ordinance for its final reading, by title: ORDINANCE 4839: AN ORDINANCE AMENDING CHAPTER 42, PLANNING AND ZONING, ARTICLE III GENERAL PROVISIONS, SECTION 42-313 GENERAL REQUIREMENTS PERTAINING TO PARKING. A motion was made by Johnson and seconded by Chirban to approve the ordinance. A roll call vote showed the following: Ayes: Hahn, Chirban, Greven, Steen, Kessinger, Penner, Balch, Johnson, and Fridley. Nays: Vroman. Absent: Jackson.

VI. NEW BUSINESS –

- A. Discussion on Ordinance declaring Rolla as a “Sanctuary City for the Unborn”.

City Administrator John Butz gave a brief review of this discussion to date.

Mayor Magdits started the discussion asking Council what they wished to accomplish by this ordinance?

Councilman Vroman made a motion to bring the item to the floor to discuss. This was seconded by Steen.

During the discussion, Vroman explained that this ordinance would make Amendment 3 work within the confines of the federal statutes because federal statutes supersede state constitution, state statutes and local law. This would apply to everyone in the city limits of Rolla.

Vroman referred Council to page VI.A.12 of the packet to 456.003 titled “Private Right of Action”. He further explained that the City would be pointing to the Comstock Act and saying that they have to work within the confines of that law or face enforcement. Neither the City nor the State would be enforcing the Comstock Act. This ordinance would be a private right of action and would provide a mechanism for citizens to enforce this action on their own.

When Mayor questioned why it was necessary to give citizens permission to do this, Vroman asked if Mark Lee Dixon could come to the stand to explain. Mayor Magdits denied his request and asked why the City should pass a law that the City would not enforce, in order to give citizens the right to take legal action against someone else?

City Counselor Nathan Nickolaus explained that the City would be creating a local government cause of action, but the RICO Act (Racketeer Influenced and Corrupt Organization Act) already exists to enforce the same things. The proposed ordinance would likely give the citizens of Rolla an independent cause of action though he was unsure of how that would work.

Council continued to ask for clarification regarding the litigation and investigation process, which court would handle these cases, and clarification on the role of the City of Rolla.

Fridley asked Council to not take this issue any further and shared concerns in becoming involved in a court battle over an issue which should be handled at the State and Federal level. He shared his desire to avoid negative press for the City and his failure to see how involvement would benefit the citizens of Rolla. Vroman reminded Council that any legal recourse regarding this action would not cost the tax payers any money, as an outside agency has offered to represent the City for free.

Mayor shared with the citizens that the City has already received two communications from ACLU.

At Mayor Magdits request, City Counselor Nathan Nickolaus explained the Comstock Act and touched on the RICO Act.

When asked if this ordinance would prevent anything further than what is already prevented, City Counselor Nathan Nickolaus responded that this ordinance could mimic federal law and give a mechanism to enforce the federal law at a local level.

Vroman and Steen requested multiple times for Mark Lee Dixon to come to the stand and answer questions. Mayor Magdits denied the requests, as the purpose of the discussion was to determine Council intent, not for a public hearing. It was made clear that Dixon and Westbrook could speak during citizen comments.

Hahn clarified with City Counselor Nathan Nickolaus that under this proposed ordinance, an uninjured third party could bring suit to another citizen and that this ability would make Rolla unique in the state. City Counselor Nickolaus agreed that was the case and those cases would likely have to go through the Municipal Court which may not be equipped to handle such cases.

When Mayor Magdits asked again why the City would want this, Vroman asked to have Mark Lee Dickson come to the stand to explain. Mayor Magdits replied they (Dickson and Westbrook) were not attorneys, and legal advice should not come from anyone other than our City Counselor.

A motion was made by Steen, seconded by Vroman to have Mark Lee Dixon come to the stand. Multiple Council members expressed the desire to keep the discussion at hand between Council but that they wished to hear from Dickson and Westbrook during citizen comment. Hahn reminded Council that the purpose of this discussion was to determine whether Council even wants to consider an ordinance and that the discussion should remain amongst Council.

A roll call vote on the above motion showed: Ayes: Penner, Vroman, Steen, Chirban, and Johnson. Nays: Fridley, Kessinger, Greven, Balch, and Hahn. Absent: Jackson. The Mayor broke the tie with a Nay vote but welcomed Dickson and Westbrook to speak during citizen comments.

Fridley asked Vroman if his intention was to have Rolla involved in a groundbreaking lawsuit that will decide this issue for all of Missouri. Vroman replied that his intention was to make sure Amendment 3 works within the confines of the Comstock Act which is a federal statute. Hahn questioned why this couldn't be done at the state level and that he believed this was inappropriate at a local level. Mayor Magdits voiced that nobody else in the state has done this and feels the City of Rolla was being used.

A motion was made by Steen and seconded by Penner, to have a first reading of the ordinance. This was not possible due to there not being an official ordinance presented for first reading, the version provided in the packet wasn't the newest version provided by Vroman, and this item was noticed to the public as a discussion not a first reading.

Vroman informed the public that pages VI.A.3-VI.A.7 in the packet were from his initial presentation to Council in November and are obsolete. The draft ordinance following that in the packet is not the most recent amended version. Vroman started to share minor differences in the versions and to suggest changes until Hahn called Point of Order and explained that since the ordinance hadn't been first read it wasn't open for discussion or amending. Hahn reiterated that the purpose of the discussion was to determine if Council was interested in bringing an ordinance for consideration.

A motion was then made by Vroman to bring the updated ordinance requiring compliance with federal law, back to Council in two weeks for first reading.

Johnson asked about the current motion on the floor from Steen. Steen withdrew her previous motion.

Mayor Magdits asked Vroman what version he wanted brought back and attempted to clarify the motion. Penner seconded the above motion.

Several Council members were uncomfortable with voting to have a first reading at the next meeting on an ordinance that wasn't in front of them, but didn't necessarily want to drop the topic completely. Vroman was asked to consider withdrawing his motion and to submit his clean updated version for Council consideration.

Vroman withdrew his motion.

Fridley made a motion, seconded by Hahn, to close discussion on this topic and not bring it up at the next meeting. Nathan Nickolaus commented that he can close the topic for tonight but not for future conversation. A roll call vote showed: Ayes: Greven, Hahn, and Fridley. Nays: Chirban, Balch, Vroman, Steen, Kessinger, Penner and Johnson. MOTION FAILED

Mayor Magdits asked Council if they want this back on the agenda under Council Comments or under New Business. After some discussion, it was decided that Vroman would submit his desired ordinance version to be placed under “Council Comments” on the next agenda.

- B. **Resolution** to enter into an agreement with Revize for Website Services. (City Administrator John Butz) City Counselor Nathan Nickolaus read the resolution for one reading, by title: Resolution 2053: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI, A CONTRACT FOR WEBSITE SERVICES WITH REVIZE. A motion was made by Greven and seconded by Johnson to approve the resolution. A voice vote showed 10 Ayes, zero Nays, and 1 Absent.
- C. **Motion** to award a design contract to the Lochmueller Group Inc. and **Ordinance** to enter in agreement same for design and right-of-way plans for a roundabout at 18th /Bardsley/Old St. James Road. (Public Works Director Darin Pryor) This project may not be built for 10-15 years, but the design plans are necessary for design and ROW acquisition. A motion was made by Vroman and seconded by Hahn to award the bid to Lochmueller Group Inc. for \$211,400. A voice vote whose 10 Ayes, zero Nays, and 1 absent.

City Counselor Nathan Nickolaus read the ordinance for its first reading, by title: AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF ROLLA, MISSOURI TO EXECUTE ON BEHALF OF THE CITY OF ROLLA, MISSOURI A CERTAIN AMENDMENT NO.1 BETWEEN THE CITY OF ROLLA, MISSOURI AND THE LOCHMUELLER GROUP FOR PROFESSIONAL SERVICES FOR INTERSECTION IMPROVEMENTS 18TH/OLD ST JAMES/BARDSLEY, PROJECT NUMBER 528.

Vroman requested that it be on record that after having spoken to an Engineer regarding this project, on that strip of highway from 18th to the railroad tracks, he would like to see more lead way between the railroad track and the circle itself to be considered in the design of the roundabout.

- D. **Resolution** to approve the addition of Public Safety Employees (Dispatchers) under LAGERS. (City Administrator John Butz) No public comments were received since Council last authorized the 45-Day waiting period at the November 18th Council meeting. City Counselor Nathan Nickolaus read the Resolution for one reading, by title: RESOLUTION 2054: A RESOLUTION TO APPROVE THE ADDITION OF PUBLIC SAFETY PERSONNEL MEMBERS UNDER THE MISSOURI LOCAL GOVERNMENT EMPLOYEE’S RETIREMENT SYSTEM. A motion was made by Fridley and seconded by Vroman to approve the resolution. A voice vote showed 10 Ayes, zero Nays, and 1 Absent. The benefit change will take effect on March 1, 2025.

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

- A. **Motion** to accept proposal from Davenport/LAMA for permitting software and Resolution to enter into agreement with same. (Community Development Director Dawn Bell) City Counselor Nathan Nickolaus read the resolution for one reading, by title: RESOLUTION 2055: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SOFTWARE AS A SERVICE (SAAS) AGREEMENT BETWEEN THE CITY OF ROLLA AND THE DAVENPORT GROUP USA LTD. A motion was made by Vroman, and seconded by Hahn to award the bid to Davenport/LAMA for permitting software. A voice vote showed 10 Ayes, zero Nays, and 1 Absent.

- B. **Motion** to award bid to Public Safety Upfitters to equip five police vehicles. (Police Chief Sean Fagan) A motion was made by Chirban and seconded by Johnson to award the bid to Public Safety Upfitters for \$35,631, with the contingency that payment will not be made until the vehicles come in. A voice vote showed 10 Ayes, zero Nays, and 1 Absent.

VIII. CITIZEN COMMUNICATION

Note: To simplify, “Sanctuary City for the Unborn ordinance” will be referred to as “SCFU ordinance” for these comments.

- A. Lyndsey Bagnall – Feels the proposed SCFU ordinance would not change anything. Doesn’t feel the city should be involved in something that should be handled at the state and Federal level or interfere with something that is between a medical professional and a woman.
- B. Britt Giger – Asked Council to focus on the growth of Rolla and the University and avoid litigation with ACLU and nationwide embarrassment regarding the proposed SCFU ordinance.
- C. Jenny and Michael Cunningham – Spoke against the proposed SCFU ordinance and urged Council to focus on improving healthcare and to reject any variation of this ordinance.
- D. Joseph Dalton – Explained the dangers of the abortion pills that are being sold to women online and mailed through the mail to Rolla without proper medical care.
- E. Dr. Jenny Penny Cook – clarified the use and ordering of specific meds that would be affected by the SCFU ordinance a side from abortion.
- F. Regan Gordon – Asked Council to consider passing the revised version of the SCFU ordinance.
- G. Pamela Timson – Cautioned Council of the consequences of their actions when considering the SCFU ordinance.
- H. Mark Lee Dixon – Stated he was invited to the community. He listed statements by City Counselor Nathan Nickolaus that he feels are incorrect and encouraged Council to read the letter sent by the Attorney General sent to the pharmacies talking about the dangers of certain drugs.
- I. Andrew Behrendt – Ward 2: He believes the seat of Council is to solve problems not create them. He asked Council to re-commit to the real business of governance.
- J. Heath Petri – shared an online statement saying the Comstock act does not require the Post Office to change their practices.
- K. Brian Westbrook of Coalition Life in St. Louis Co. – Shared that he was invited to the community and that Rolla wasn’t singled out. He talked about how abortion drugs being mailed without medical oversight is not women’s healthcare.

Councilman Chirban asked Westbrook if he had any legal insight on a topic and Westbrook clarified with Council that he was not an attorney. Mayor Magdits asked if the proposed ordinance differentiates between abortion and other medical procedures. Westbrook said this ordinance would save women and children’s lives by preventing abortion causing pills from being purchased and mailed online.

Councilman Vroman said he was the one who had invited Brian Westbrook and Mark Lee Dixon.

Mayor Magdits said he didn’t feel this battle was right for the City of Rolla. Westbrook replied that the decision was up to Council and noted that City Counselor Nathan Nickolaus still had not reached out to him as directed by Council 2 months ago. Nathan Nickolaus replied that it was illegal to have a discussion about the law with them because neither Westbrook or Dickson are attorneys. Mayor Magdits shared that Council probably thought at the time of said motion that both Dickson and Westbrook were attorneys.

Mayor Magdits clarified that Nathan Nickolaus would call Mr. Westbrook and Dickson but there would be nothing legal discussed.

L. Councilman Chirban asked Dr. Penny Cook if this SCFU ordinance would prevent her from prescribing medications for reasons other than abortion and she said she believed it would. She shared her experience with pharmacies “pre-Dobb” verses her experience with pharmacies now and she is now having to disclose the purpose of the prescription to pharmacies which should be kept private between physician and patient.

M. Doug Center – Spoke in favor of Councilman Vroman and his heart for the sanctity of life.

N. Tracy Wright – Feels there is a misunderstanding about pro-choice people. People should be given the right to exercise freedom of choice. She feels the issue of ordering abortion pills offline from companies distributing these medications should be addressed to those companies rather than pit citizens against citizens.

O. Katheryn Sheffield – Expressed that the latest amended draft of the SCFU ordinance needed to be shared with the community as soon as possible for a better-informed discussion.

P. Morgan Bearden – Shared that it appeared the proposed SCFU ordinance doesn’t accomplish anything.

IX. MAYOR/CITY COUNCIL COMMENTS

A. Councilman Kessinger read comments by Kim Collins and Alyssa Lewis who were both asking to remove fluoride treatment from the water.

Mayor Magdits informed Council that the fluoride water treatment topic would be on the January 21st agenda. Kessinger replied that his intent was to make a motion to remove the fluoride water treatment.

X. COMMENTS FOR THE GOOD OF THE ORDER

A. Next Meeting Date, **Tuesday**, January 21st, 2025

XI. CLOSED SESSION –

A. Closed Session per RSMo 610.021, (2) Real Estate; (1) Legal; (3) Personnel

At 10:11 AM, a motion was made by Chirban, seconded by Johnson to go into closed session. A roll call vote showed the following: Ayes: Johnson, Fridley, Steen, Vroman, Penner, Chirban, Balch, Greven, Kessinger, and Hahn. Nays: none. Absent: Jackson.

At 10:53 PM, Council returned from open session where there were no reportable actions taken.

XII. ADJOURNMENT -

With nothing further to discuss, at 10:54 PM the meeting was adjourned.
Minutes respectfully submitted by City Clerk Lorri Powell.

CITY CLERK

MAYOR