

**CITY COUNCIL MINUTES**  
**OCTOBER 25, 2016**

The Council of the City of Fulton, Missouri, met in regular session on Tuesday, October 25, 2016, in the Council Chambers of City Hall located at 18 E. 4th Street. Present and presiding were: LeRoy D. Benton, Mayor; William R. Johnson, Director of Administration; Courtney Crowson, City Clerk; and Steve Myers, Chief of Police. The meeting was called to order by Mayor Benton at 6:30 p.m. Roll call was taken by the City Clerk, and members of the council present were: Chailland; Gray; Moore; Rehklau; Shiverdecker; and Vaughn. Absent were Councilmembers Cannell and West. Also present were: Kathy Holschlag, Chief Financial Officer; Darrell Dunlap, Superintendent of Utilities; Kyle Bruemmer, Interim City Engineer; Les Hudson, Planning & Protective Services Director; Todd Farley, Fire Chief; Clay Caswell, Parks & Recreation Director; J.C. Miller, Solid Waste Manager; Rob Barnes, Assistant Director of Administration; Michelle Maupin, Human Resources Director; Emily Maloney, Izayah Donnelly, Anna Ehlen, Justin Queen, Larry Doyle Jr., Julia Wells, Alyssa Scheele, Pam Oestreich, Doc Kritzer, Pastor Bruce Williamson; Adam Brake and Jenny Gray of THE FULTON SUN; Mike Haldeman and Darin Wernig, Audio/Video.

**INVOCATION:**

Invocation was given by Pastor Williamson.

Mayor Benton stated there was a need to amend the agenda to include (under NEW BUSINESS): Item B. "Tax Levy Discussion". Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to amend tonight's agenda accordingly. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

**COMMENTS FROM VISITORS:**

Mayor Benton asked any attendees not listed on tonight's agenda, but whom wished to address the Council, to please come to the podium, state their name, address and area of concern, and to keep comments under five (5) minutes. A digital timer was administered and monitored by the City Clerk.

There were none.

Mayor Benton introduced a group of journalism students from William Woods University. The students came forward, introduced themselves, and stated they were attending tonight's meeting as part of their Public Affairs Class studies, and each would write an article based on the various topics discussed during our meeting for their class.

**PUBLIC HEARING:**

- a. For the purpose of presenting for consideration the adoption of the proposed 2017 City of Fulton Budget and Three Year Capital Program.

Mayor Benton declared the public hearing open at 6:34 p.m. There were three calls for anyone whom wished to speak in opposition of the proposed matter.

First Call: Is there anyone present who wishes to speak in opposition of the proposed matter? There were none.

Second Call: Is there anyone present who wishes to speak in opposition of the proposed matter? There were none.

Third and Final Call: Is there anyone present who wishes to speak in opposition of the proposed matter? There were none.

There were three calls for anyone whom wished to speak in favor of the proposed matter.

First Call: Is there anyone present who wishes to speak in favor of the proposed matter? There were none.

Second Call: Is there anyone present who wishes to speak in favor of the proposed matter? There were none.

Third and Final Call: Is there anyone present who wishes to speak in favor of the proposed matter? There were none.

Mayor Benton declared the public hearing closed at 6:36 p.m.

**PRESENTATION AND APPROVAL OF COUNCIL MEETING MINUTES OF SEPTEMBER 27, 2016 AND OCTOBER 11, 2016:**

The council meeting minutes of September 27, 2016 were presented for approval.

Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehklau to approve the council meeting minutes of September 27, 2016 as presented. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

The council meeting minutes of October 11, 2016 were presented for approval.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Vaughn to approve the council meeting minutes of October 11, 2016 as presented. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

**PRESENTATION AND ACCEPTANCE OF THE FINANCE REPORT FOR THE MONTH OF SEPTEMBER:**

The Financial Report for the month of September 2016 was presented for acceptance, and Kathy Holschlag, Chief Financial Officer, was present to answer any questions from the council.

Holschlag stated the first eight months of 2016 sales tax have been recorded and remain in line with this period in 2015. Holschlag stated there were no sewer plant reimbursement requests submitted during the month of September due to a lag from the contractors.

Holschlag also noted that a year-to-date loss in the health fund of roughly \$112,000.00 will produce higher costs for the city in 2017. September was a three payroll month, causing expenses to be proportionally higher across the board, and Holschlag informed the council that money generated from the new half-cent sales tax will likely be seen in December.

Following review, motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to accept the Financial Report for the month of September 2016 as presented. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

**UNFINISHED BUSINESS:**

- a. Wastewater Treatment Plant update.

Darrell Dunlap, Superintendent of Utilities, provided a verbal and visual overview of the project. Dunlap showed slides of the landscape, generator, 90 foot clarifier, head works, and disinfection building. Dunlap stated the project is roughly 20% complete, and in spite of the city's concerns that the contractors are nearly two months behind schedule, the contractors believe they are on track to hit all required benchmarks on time.

**NEW BUSINESS:**

- a. The Brick District requested permission to hold wagon rides in conjunction with the Holiday Open House on Friday, November 11, 2016 in downtown Fulton.

Courtney Crowson, City Clerk, reported that the Brick District plans to utilize the same route as in years past, and police assistance will not be needed.

Motion was offered by Councilman Vaughn and seconded by Councilwoman Rehkla to approve the request as presented. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

- b. Tax Levy Discussion.

Holschlag explained that upon recognizing the Callaway County Clerk had overstated the tax assessment by \$4.3 million, the City attempted to contact the County Clerk's office, but the County Clerk was on maternity leave. The City then contacted the County Commissioners numerous times, but were unsuccessful in receiving answers until the City informed the Commission the City would be reporting the error to the State Auditor's office and bringing it to the attention of the City Council. Holschlag reported that the overstatement of the tax levy will result in approximately \$27,500.00 of excess tax revenue to be collected, which translates to roughly a \$4.46 increase on every \$100,000.00 assessed.

The City of Fulton contacted the State Auditor's Office concerning this matter, and an emergency meeting was held with City, County, Fulton School District, and other pertinent officials the morning of Tuesday, October 25, 2016. The State Auditor's Office stated that both the City and County would need to agree to either re-certify and reissue tax bills or to let the rate stand as-is and to correct it by artificially lowering the 2017 tax levy.

County Collector, Pam Oestreich, stated that she was provided the certified tax levies from the County Clerk's office, tax bills were generated, and some tax bills have already been sent. Oestreich said, "I don't want to imagine what it would take to fix this. This mistake did not originate in my office, but it will be my office who will be tasked to correct it". Oestreich pleaded with the City Council to allow the levy to stand and cited concerns of delays to generate new tax bills following a re-certification, and considerable expenses to the county.

Motion was offered by Councilman Chailland and seconded by Councilman Shiverdecker to allow the certified rate to stand, to artificially lower the 2017 rate accordingly, and for the Collector's office to continue as previously directed.

Johnson stated that he was in agreement with the motion, but directed a question to County Commissioner, Doc Kritzer. "Doc, how can we ensure this does not happen again? Where did the ball get dropped?"

Kritzer stated, "County government is different than city government. This is not the Commission's issue or fault. The problem is with this [County Clerk's] office and this specific office holder. She's not here tonight." Kritzer confirmed that Holschlag had noted an incorrect value in July which was then corrected by the County Clerk's office, but was incorrect again the second time. "The problem originated in the Assessor's office. A correction was made by the Assessor, but the County Clerk was also erroneous. We didn't know why until today. The County Clerk picked up the wrong number from the report", said Kritzer.

Motion carried with six members voting in favor, and two members (Cannell, West) absent.

#### **COUNCIL CONCERNS:**

Councilman Vaughn addressed concerns with the city's current fencing ordinance and asked if any headway had been made. Mayor Benton asked Planning & Protective Services Director, Les Hudson, to look into the current ordinance and propose a new ordinance to address the fence issue.

Councilman Moore expressed concerns regarding cedar trees impeding the view at the corner of Route Z and Wood Street. Mayor Benton asked Interim City Engineer, Kyle Bruemmer to look into possible solutions to this issue.

Mayor Benton called a brief intermission at 7:20 p.m. Council resumed at 7:32 p.m.

#### **RESOLUTIONS:**

Resolution No. 3264 was presented by Councilman Moore.

- a. Resolution No. 3264: A Resolution of support by the City Council of the City of Fulton, Missouri, to apply for the "West Fourth Street Sidewalks and Bike Lanes Improvement" project under the Transportation Alternative Funds Program of the Missouri Department of Transportation.

Bruemmer stated that along with Cochran Engineering, the City of Fulton would like to apply for federal funding grants available for alternative transportation projects. Bruemmer added that the grant would be for up to \$400,000.00, and the City would be required to provide a 20% match, to install wider sidewalks, roadway, underground utilities, and better biking capabilities.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to adopt Resolution No. 3264 at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

#### **ORDINANCES:**

##### **FIRST READING**

Bill No. 1463 was presented for First Reading by Councilman Vaughn.

- a. Bill No. 1463: An Ordinance adopting an official budget and capital improvement program and appropriating the funds of the City for the fiscal year beginning January 1, 2017 and ending December 31, 2017.

Councilman Vaughn asked if employee salary and raise figures were included in the proposed budget. Johnson stated that roughly \$280,000.00 was incorporated for raises and salaries, but that dispersing the funds for longevity and work ethic was not a science. Johnson invited the Councilmembers to assist with finding the solution to apply the allotted funds in the best way.

Johnson also stated that Assistant Director of Administration, Rob Barnes will provide the final, approved budget copies at the December meeting.

Motion was offered by Councilman Vaughn and seconded by Councilman Shiverdecker to place Bill No. 1463 for Second Reading at the next regularly scheduled council meeting. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

#### SECOND READING

Bill No. 1461 was presented for Second Reading by Councilman Shiverdecker.

- a. Bill No. 1461: An Ordinance allowing the "Show Me Green Sales Tax Holiday" to apply to the local sales taxes of the City of Fulton, Missouri between April 19, 2017 and April 25, 2017.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Vaughn to place Bill No. 1461 for Third Reading at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

Bill No. 1461 was presented for Third Reading by Councilman Shiverdecker.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Moore to place Bill No. 1461 for Final Passage at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

Roll call vote of the members of the council was as follows: Chailland, YES; Gray, YES; Moore, YES; Rehklau, YES; Shiverdecker, YES; Vaughn, YES. Bill No. 1461, having received the affirmative vote of six members of the council, was declared passed by the President of the Council.

Bill No. 1462 was presented for Second Reading by Councilwoman Rehklau.

- b. Bill No. 1462: An Ordinance allowing the "Back to School Sales Tax Holiday" to apply to the local sales taxes of the City of Fulton, Missouri, between August 4, 2017 and August 6, 2017.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Moore to place Bill No. 1462 for

Third Reading at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

Bill No. 1462 was presented for Third Reading by Councilman Chailland.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Chailland to place Bill No. 1462 for Final Passage at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

Roll call vote of the members of the council was as follows: Gray, YES; Moore, YES; Rehklau, YES; Shiverdecker, YES; Vaughn, YES; Chailland, YES. Bill No. 1462, having received the affirmative vote of six members of the council, was declared passed by the President of the Council.

**MONTHLY REPORT OF THE DIRECTOR OF ADMINISTRATION FOR SEPTEMBER:**

The Director of Administration Report for September was presented to the council for review. Mayor Benton noted that any department heads at this meeting were available to answer questions from the council.

Following some discussion, motion was offered by Councilman Shiverdecker and seconded by Councilman Vaughn to accept the Report of the Director of Administration for September as presented. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

**BOARD AND COMMISSION MEETING REPORTS:**

Councilman Moore, liaison to the Traffic Commission, provided an overview of the meeting held October 3, 2016.

Councilwoman Rehklau, liaison to the Historic Preservation Commission, provided an overview of the meeting held October 18, 2016.

Councilman Vaughn, liaison to the Public Utility Board, provided an overview of the meeting held October 24, 2016.

**APPOINTMENTS:**

Mayor Benton had one appointment for consideration.

- a. Wayne Bill was considered for re-appointment to the Park Board.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to approve the re-appointment of Wayne Bill to the Park Board. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent.

**ANNOUNCEMENTS:**

- a. Election Day is Tuesday, November 8, 2016. (Polls open 6:00 a.m. to 7:00 p.m.)
- b. The next meeting of the City Council will also be held Tuesday, November 8, 2016 at 6:30 p.m. in the Council Chambers.
- c. The Mayor's Holiday Social will be held Thursday, December 8, 2016.

**EXECUTIVE SESSION:**

Mayor Benton said there was no need for an Executive Session at this council meeting.

**ADJOURNMENT:**

There being no further business to come before the council, motion was offered by Councilman Vaughn and seconded by Councilman Shiverdecker to adjourn this meeting. Motion carried with six members of the council voting in favor, and two members (Cannell, West) absent. The meeting adjourned at 8:22 p.m.

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LeRoy D. Benton  
Mayor

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Courtney Crowson  
City Clerk