

**CITY COUNCIL MINUTES  
FEBRUARY 13, 2018**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, February 13, 2018 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 7:00 p.m. Roll call was taken by the City Clerk, and members of the council present were: Gray, Moore, Rehklau, Shiverdecker, Stone, Vaughn, and West. Absent was Councilman Chailland. Also present were: Kathy Holschlag, Chief Financial Officer; Darrell Dunlap, Superintendent of Utilities; Kyle Bruemmer, Interim City Engineer; Les Hudson, Planning & Protective Services Director; Kevin Coffelt, Fire Chief; Clay Caswell, Parks & Recreation Director; J.C. Miller, Solid Waste Manager; Robert Boone, Assistant Director of Administration; Michelle Maupin, Human Resources Director; Pastor Bruce Williamson; Jenny Gray of THE FULTON SUN; Mike Haldeman and Darin Wernig, Audio/Video; and visitors: Stuart Haynes, Ballard Simmons, Garry Vaught, Andy Huey, and Glenn Price.

**INVOCATION:**

Invocation was given by Pastor Williamson.

**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 thanked Ballard Simmons for attending this evening's meeting. Mr. Simmons is running unopposed for the Ward 1 City Council seat on the April 3, 2018 ballot.

**PUBLIC HEARING:**

- a. For the purpose of Approving or Denying an application submitted by Rickey Lacy d/b/a T&R Taxi, to establish and operate a Taxi Cab Service within the City of Fulton.

Mayor Benton declared this hearing open at 7:07 p.m. There were three calls for anyone wishing to speak in opposition of the matter being considered.

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

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

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

There were three calls for anyone wishing to speak in favor of the matter being considered.

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

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

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

Mayor Benton declared the public hearing closed at 7:09 p.m.

- b. For the purpose of considering the proposed rezoning of a Tract of Land known as 1 Ray Woerth Drive and adjoining property, Fulton, Missouri from its present zoning classification of R-1 Residential District to R-3 Residential District.

Mayor Benton declared this hearing open at 7:09 p.m. There were three calls for anyone wishing to speak in opposition of the matter being considered.

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

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

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

There were three calls for anyone wishing to speak in favor of the matter being considered.

First Call: Is there anyone present who wishes to speak in favor of this matter? Andy Huey, the requestor of this zoning change and property owner stated he is in favor of the proposed change to R-3 Residential District. Huey informed the council he plans to build twenty single-level housing units with two bedrooms and bathrooms tailored for senior citizens.

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

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

Mayor Benton declared the public hearing closed at 7:11 p.m.

#### **APPROVAL OF THE CONSENT AGENDA:**

The following items were distributed to each member of the City Council for review and study as a part of their council packet. Mayor Benton presented each item and stated the council may choose to remove any item from the Consent Agenda for discussion at this time.

- a. Re-Appointment of Ken McSwain to the Planning & Zoning Commission.

Motion was offered by Councilman West and seconded by Councilman Stone to approve the Consent Agenda as presented. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent.

#### **UNFINISHED BUSINESS:**

There was no Unfinished Business for consideration at this meeting.

#### **NEW BUSINESS:**

- a. Approval or Denial of an application submitted by Rickey Lacy d/b/a T&R Taxi, to establish and operate a Taxi Cab Service within the City of Fulton.

Councilman Moore stated the council has seen repeated applications from Mr. Lacy for taxi services and business name changes and asked the City Clerk for clarification.

City Clerk, Courtney Crowson stated Mr. Lacy had previously opened/operated businesses with other individuals, but is requesting to open a separate taxicab business in which he is the sole proprietor, as he stated he is no longer involved with the previous businesses. Following some discussion, motion was offered by Councilman Vaughn and seconded by Councilman Stone to approve the license application as presented. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent.

- b. Garry Vaught was present on behalf of the Brick District to request permission for the annual Morels and Microbrews event in downtown Fulton on Saturday, April 28, 2018 from 12:00-4:00 p.m.

Vaught stated the event hours will run from 12:00-4:00 p.m. this year in order to get people off the streets earlier. A stage will be set up in front of the Playhouse and inside to showcase the work that has been done to the facility. Vaught stated the event will still maintain the same footprint as in years past, and will require the temporary closure of Court Street from Seventh to Fifth Street. The group is also requesting a few electric drops to assist with food trucks.

Following some discussion, motion was offered by Councilman West and seconded by Councilman Shiverdecker to approve the request as presented. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent.

- c. Request by Police Chief, Steve Myers, to destroy the following records pursuant to RSMo. 109.255:
  - i. 2006 Accident Reports
  - ii. 2006 Incident Reports
  - iii. 2015 Traffic Profiling Data Entry Forms
  - iv. 2015 & Prior Reception Logs & Citizen Assist Log

Motion was offered by Councilman Stone and seconded by Councilman Moore to authorize the destruction of the records as presented. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent.

#### **COUNCIL CONCERNS:**

Councilman Vaughn asked for an update on the proposed baseball/softball complex and recreation center. Clay Caswell, Parks & Recreation Director, stated the final design work is being done by the city's Engineering Department and will then go out for a design-build bid.

Councilwoman Gray asked for a projected date of completion for the Business 54 roadway improvements. Mayor Benton stated some improvements have begun, although a majority of the improvements will take place during spring/summer of this year. Currently, the project is estimated to be completed by year-end.

Councilwoman Gray expressed concerns regarding millennials using buses as homes. Planning & Protective Services Director, Les Hudson explained that any fixed, permanent residence must be modified according to the currently-enacted building codes. Councilwoman Gray also expressed disapproval of the smart grid system and the initial costs associated with implementing the system in 2011.

Councilman Stone thanked the Fulton Police Department and citizens for their patience and respect during a funeral procession earlier in the month.

Councilman West stated the city council had voted to pursue the smart grid and the startup costs were comprised of city funds and grants.

#### **RESOLUTIONS:**

There were no Resolutions presented for consideration at this meeting.

#### **ORDINANCES:**

##### **FIRST READING**

Bill No. 1496 was presented for Second Reading by Councilman Vaughn.

- a. Bill No. 1496: An Ordinance reclassifying, under the Zoning Ordinance, certain land in the city of Fulton, Missouri, known as 1 Ray Woerth Drive and establishing an effective date.

Motion was offered by Councilman Vaughn and seconded by Councilman Shiverdecker to place Bill No. 1496 for Second Reading at the next regularly-scheduled council meeting. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent.

Bill No. 1497 was presented for Second Reading by Councilwoman Rehkla.

- b. Bill No. 1497: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to approve Plat 5 for Southwind Estates Subdivision.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to place Bill No. 1497 for Second Reading at the next regularly-scheduled council meeting. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent.

#### **ANNOUNCEMENTS:**

- a. The MML Annual Legislative Conference will be held February 13 & 14 in Jefferson City for Councilmembers who have been registered to attend.
- b. The next meeting of the City Council will be Tuesday, February 27, 2018 at 6:30 p.m.

#### **EXECUTIVE SESSION:**

Mayor Benton said there was a need for an Executive Session at this council meeting to discuss or deal with legal actions, causes of action, or litigation and to discuss or deal with lease, purchase, or sale of real estate pursuant to RSMO 610.021.

Motion was offered by Councilman Shiverdecker and seconded by Councilman West to enter into Executive Session. Roll call vote of the members of the council was as follows: Moore, YES; Rehkla, YES; Shiverdecker, YES; Stone, YES; Vaughn, YES; West, YES; Gray, YES.. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent.

The Council exited to the Executive Conference Room and entered the Executive Session at 7:43 p.m.

The Council re-entered the chambers at 8:25 p.m. Motion was offered by Councilman West and seconded by Councilman Stone to exit Executive Session. Roll call vote of the members of the council was as follows:

Shiverdecker, YES; Stone, YES; Vaughn, YES; West, YES; Gray, YES; Moore, YES; Rehklau, YES. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent.

The Council exited Executive Session at 8:26 p.m.

**ADJOURNMENT:**

There being no further business to come before the council, motion was offered by Councilman Shiverdecker and seconded by Councilman West to adjourn this meeting. Motion carried with seven members of the council voting in favor, and one member (Chailland) absent. The meeting adjourned at 8:27 p.m.

---

LeRoy D. Benton, Mayor

---

Courtney L. Crowson, City Clerk