

**CITY COUNCIL MINUTES  
MARCH 13, 2018**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, March 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; Laure Long, Deputy 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 Deputy City Clerk, and members of the council present were: Chailland, Gray, Moore, Shiverdecker, Vaughn, and West. Absent were Councilwoman Rehklau and Councilman Stone. Also present were: Kathy Holschlag, Chief Financial Officer; Darrell Dunlap, Superintendent of Utilities; 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: Tara Dubinski, Ballard Simmons, Loren Hrabovsky, Sam Hrabovsky, Cooper Hrabovsky, Libby Hrabovsky, Pat Grubb, Dan Grubb, Solomon Huff, Drew Isom, Jewell Isom, Ronnie Millet, Ryan Morts, Marlene Railton, Rick Railton, Amanda Young, Tamara Tateosian, Andy Huey, Sheila Kern, Amy Caswell, Tommy Salmons, Vicky Salmons, Michael Hoff, Melissa Dews, Anthony Thessler, Anthony Johnson, and Gary Maurer.

**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 Deputy City Clerk.

Marlene Railton, 1101 Parkridge, stated she was 100% in opposition of the proposed low income housing project on Rice Road. Ms. Railton expressed concern with a decrease in property values in her surrounding neighborhood, and is fearful the crime rate will increase, causing people to not feel safe in their own homes. She also is concerned with extra traffic flow and congestion, which could tear up the road or lead to more accidents and deaths. Ms. Railton stated it would interrupt the peaceful existence of her neighborhood, and asked the council to think about how the proposal would affect them if it was constructed in their neighborhood. She thanked the council for their time, and hopes they rethink the zoning change.

**PRESENTATION OF PROCLAMATION TO THE FULTON HIGH SCHOOL WRESTLING TEAM:**

Mayor Benton asked the wrestling team to come forward. Mayor Benton presented the team and coach a Proclamation of recognition and congratulated them on their successful season.

**PRESENTATION OF RETIREMENT PROCLAMATION TO LES HUDSON:**

Mayor Benton asked Les Hudson, Planning and Protective Services Director, to come forward. Mayor Benton presented Mr. Hudson a Proclamation of recognition and appreciation and thanked him for his years of loyal service to the City of Fulton.

**PUBLIC HEARING:**

- a. For the purpose of Approving or Denying an application submitted by Cathy Reichart d/b/a Fulton Taxi LLC, to establish and operate a Taxi Cab Service within the City of Fulton.

Mayor Benton declared this hearing open at 7:24 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 7:26 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. Approval of the Council Meeting Minutes of January 23, 2018.
- b. Approval of the Council Meeting Minutes of February 13, 2018.
- c. Acceptance of the Director of Administration Report for January.
- d. Acceptance of the following Board & Commission Reports:
  - i. Historic Preservation Commission – January 16, 2018
  - ii. Public Utility Board – January 22, 2018

Councilwoman Gray asked about the new utility storage building on page six of the Director of Administration Report. Mayor Benton and Bill Johnson, Director of Administration, explained the building will be used for additional storage for the electric department, as the budget didn't allow for it at the time of construction of the new warehouse complex.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Vaughn to approve the Consent Agenda as presented. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

#### **PRESENTATION AND ACCEPTANCE OF THE FINANCIAL REPORT FOR THE MONTH OF JANUARY:**

The Financial Report for the month of January 2018 was presented for acceptance, and Chief Financial Officer, Kathy Holschlag, was present to answer any questions from the council.

Holschlag stated the annual sales tax revenue for the year 2017 ended 3.3% higher than the prior year, and

was a considerable gain. She noted that expenses were lower and health revenues were half of the normal amount, since they were accrued back to December as part of the payroll accrual entry. The city also made a semiannual payment on the water bond, totaling \$62,000.

Following review, motion was offered by Councilman West and seconded by Councilman Shiverdecker to accept the Financial Report for the month of January 2018 as presented. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

#### **UNFINISHED BUSINESS:**

- a. Wastewater Treatment Plant update.

Mayor Benton stated there was a tour of the Wastewater Treatment Plant this evening during the work session for the council. As it was a 13 million dollar budgeted item, Mayor Benton said the city came in under budget for the project estimating to spend less than 10 million dollars. Mayor Benton said the plant has come a long way, looks very nice, and he would like to have an open house for the community at a later date.

Councilman West asked if the city would still be making the same payments or paying it off early as the full amount wasn't borrowed. Kathy Holschlag reported the time period would remain the same and the amortization schedule will be calculated off of the actual amount borrowed. Mr. Johnson reminded the council we were able to not impose an additional 7.5% sewer rate increase the council had already approved four years ago, that was scheduled to take effect January 1, 2018. With the work the city has done at the plant, they didn't feel it was necessary to implement the rate increase.

#### **NEW BUSINESS:**

- a. Approval or Denial of an application submitted by Cathy Reichart d/b/a Fulton Taxi LLC, to establish and operate a Taxi Cab Service within the City of Fulton.

Motion was offered by Councilman Chailland and seconded by Councilman Vaughn to approve the license application as presented. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

- b. Gary Maurer of Throttle Kings Auto Club was present to request permission for an Easter egg hunt and helicopter fly-in on March 24, 2018, from 1:00-6:00 p.m. in Veterans Park.

Mr. Maurer stated this event would be their 2<sup>nd</sup> annual Easter egg hunt in Veterans Park and asked for permission to have the Staff for Life fly in and land their helicopter in the park where the old animal shelter was. Clay Caswell, Parks & Recreation Director, confirmed the park was available on the requested date.

Following some discussion, motion was offered by Councilman Vaughn and seconded by Councilman West to approve the request as presented. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

- c. Discussion of Zimmerman Properties project proposal

Mayor Benton asked Les Hudson, Planning and Protective Services Director, to address the council about the Zimmerman Properties project proposal. Hudson thinks it would be a good project for the City of Fulton, and it would relieve some of the housing problems the city has by giving people a chance to live in better properties.

James McDonald, Zimmerman Properties, came forward and stated he started working with Zimmerman Properties when they were finishing phase I of Callaway Village Apartments. They began phase II of Callaway Village Apartments because there was an overwhelming need in the community for housing. McDonald stated he's been in the business for 18 years and understands the affordable low income tax credit program. He explained the properties are designed for working individuals and families starting out. McDonald said there is a struggle for affordable housing in Fulton, and people working in our community at Dollar General Distribution Center, Fulton Reception and Diagnostic Center, Fulton Public Schools, and Fulton State Hospital live in or qualify to live in these properties.

Mr. McDonald stated he is here asking for support to make application for funding with a State agency, and is aware the property would eventually need to be re-zoned, from its current C-3 District. He said the city could have more detrimental businesses, like motels and truck stops, come in and develop a half a mile away from the Parkridge/Herring neighborhood. McDonald noted the distance between the proposed project and the aforementioned neighborhood, and said he's not sure how they will see the apartments from their neighborhood. McDonald stated the proposed project would consist of 48 energy efficient, 2-3 bedroom units, ranging from \$415.00-\$575.00 a month, and the building would be 3 stories high.

Mayor Benton asked Tamara Tateosian, Callaway Chamber of Commerce Executive Director, to come forward and address, from the community prospective, what our needs are. Tateosian stated the Chamber of Commerce is working on a few projects, and if and when they land the projects, the community will need more housing options, as we already currently have that need. She said people are having trouble finding places to live, including people that want to move into our community and can't, because there is not enough housing available. Tateosian said when we have people moving into our community or bring new industries in, we need to be able to provide for them. She hopes the city can come up with a solution to bring more housing to Fulton.

Councilman Gray stated she is very much opposed to the housing project. She is concerned with the intersection, how it would affect Bartley School, and would like Zimmerman Properties to find a better location.

Councilman Vaughn is opposed to the housing project proposal, and has concerns about property values, increase in traffic, and lack of sidewalks. He also stated he knows of five subdivision developments that will be starting soon.

Councilman West said he thinks there is a need for apartment buildings in the community and supports the growth, but is on the fence.

Councilman Moore doesn't think the project will affect property values that much and that people are having trouble finding housing.

After some discussion about the crime rate concern at the current Callaway Village Apartment complex, Steve Myers, Chief of Police, stated the Police Department receives very few calls, and said that the term "low income housing" is very misleading. Myers said the complex is very well managed and well kept, and they correct the problems if they do get complaints.

Amanda Young, ReeceNichols Realtor, stated the proposed property has been listed for sale for several years off and on. Young said she has tried to get retail businesses to come to Fulton, but the demographics are not here, because we don't have the growth. She said we have to have the people here to bring

commercial growth. Young clarified this proposal is not for Section 8 housing, as that seems to be a misconception. She stated right now Fulton only has 49 active listings ranging from \$13,000-\$600,000, and feels Fulton needs more residential offerings, so people can come here and eventually buy their first house. Young feels if you want growth in Fulton, and want to bring retail stores to the area, this is where you start.

Councilwoman Gray questioned if the Chamber of Commerce is not doing their job, and Ms. Young explained the demographics aren't there to bring retail growth, and the lack of growth has nothing to do with the Chamber of Commerce.

Tamara Tateosian assured the council the Chamber of Commerce is doing their job. Tateosian said it doesn't matter where you live, there are things happening in your neighborhood you probably don't know anything about. She said low income means they make a certain amount of money and it should not give a stigma on whether or not someone is a good person.

Motion was offered by Councilman Chailland and seconded by Councilman West to authorize the Mayor to sign a letter of support for the Zimmerman Properties housing project. Motion carried with four members of the council voting in favor, two members opposed (Gray and Vaughn), and two members (Rehklau and Stone) absent.

d. Fourth Street Project

- i. Include new curb and guttering on Fourth Street from Nichols to Court Street
- ii. Include new handicap accessible ramp at the northwest corner of Fourth Street and Court Street.

Bill Johnson referred to two pictures in the council packet. He stated over the course of the summer there is going to be new curb and gutter along 4th Street from Westminster Avenue to Jefferson Street. Johnson informed the council the County is looking into putting new curb and gutter around Callaway County Court House, and would like the council to think about the 200-300 foot section on 4<sup>th</sup> Street that would have old curb and gutter. Johnson said there would be a gutter installed to allow for better water flow, and the handicap accessible landing in front of Hux Law Firm would be redone. If approved, there would be a change order to the proposed contract to do it all at once. The Engineering Department has estimated it to cost \$8,000 for materials and total \$15,000 with labor.

Motion was offered by Councilman Chailland and seconded by Councilman Shiverdecker to recommend approval for additional funding and expansion for the 4<sup>th</sup> Street curb and gutter project. Motion carried with six members of the council voting in favor and two members (Rehklau and Stone) absent.

**COUNCIL CONCERNS:**

Councilman West noticed trucks were turning at the 4<sup>th</sup> and Market Street intersection and asked if the "no trucks" turning sign was being enforced. Bill Johnson stated the sign is there to discourage trucks from turning.

Councilwoman Gray expressed concern about not seeing any progress from the Parks and Recreation Department utilizing the tax money designated for new facilities, and also brought up the new stadium Westminster College is building.

Clay Caswell, Parks and Recreation Director, confirmed Westminster College is building a new stadium, and that the city will be building a baseball complex and community center. Caswell stated the department is

putting specifications together now, and will finalize those and bring them to the next council meeting. One or both of the projects will be going out for bid soon. Caswell informed the council the Parks and Recreation Department receives \$375,000-\$400,000 from sales tax a year, and is not yet certain what we can afford as the money is still building up. He assured Councilwoman Gray his department is working hard, and have spent many hours working on addressing the community's needs. After some discussion, Councilwoman Gray asked for a monthly park update.

Councilwoman Gray stated she has had citizens approach her about requesting a State audit. Kathy Holschlag, Chief Financial Officer, informed the council a State audit is different from the audit the city has completed every year. Holschlag stated the city is required to have an independent audit every year and that a State audit is an opinion audit that is very expensive, costing several hundred thousand dollars. Holschlag stated the city has the annual, independent audits available for public viewing.

Councilman Vaughn asked about the house demolition ordinance. Bill Johnson stated the city has reviewed the proposed changes and will be meeting with attorney Tom Riley to discuss it further.

Councilman Moore said people are getting lost trying to get to Tanglewood and asked about signage. Some discussion followed about making the entry easier to find by making a driveway into Richland Heights or putting up a billboard on the city's property.

Councilman Moore asked about installing some handicap accessible playground equipment at Memorial Park. Clay Caswell confirmed many of the parks are handicap accessible and that they make sure there are several accessible features when designing the parks.

#### **RESOLUTIONS:**

There were no Resolutions presented for consideration at this meeting.

#### **ORDINANCES:**

##### **FIRST READING**

Bill No. 1498 was presented for First Reading by Councilman Moore.

- a. Bill No. 1498: An Ordinance repealing Chapter 118, Vehicles for Hire of the Code of the City of Fulton, Missouri, in its entirety, enacting a new Chapter 118, Vehicles for Hire in lieu thereof, and establishing an effective date.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1498 for Second Reading at the next regularly-scheduled council meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

##### **SECOND READING**

Bill No. 1496 was presented for Second Reading by Councilwoman Gray.

- 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 Councilwoman Gray and seconded by Councilman Shiverdecker to place Bill No. 1496 for Third Reading at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

Bill No. 1496 was presented for Third Reading by Councilwoman Gray.

Motion was offered by Councilwoman Gray and seconded by Councilman Shiverdecker to place Bill No. 1496 for Final Passage at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

Roll call vote of the members of the council was as follows: Gray, YES; Moore, YES; Shiverdecker, YES; Vaughn, YES; West, YES; Chailland, YES. Bill No. 1496, having received the affirmative vote of six members of the council, was declared passed by the President of the Council.

Bill No. 1497 was presented for Second Reading by Councilman Vaughn in Councilman Stone's absence.

- 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 Councilman Vaughn and seconded by Councilman Moore to place Bill No. 1497 for Third Reading at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

Bill No. 1497 was presented for Third Reading by Councilman Vaughn.

Motion was offered by Councilman Vaughn and seconded by Councilman Moore to place Bill No. 1497 for Final Passage at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent.

Roll call vote of the members of the council was as follows: Moore, YES; Shiverdecker, YES; Vaughn, YES; West, YES; Chailland, YES; Gray, YES. Bill No. 1497, having received the affirmative vote of six members of the council, was declared passed by the President of the Council.

#### **ANNOUNCEMENTS:**

- a. The IMGGA Annual Meeting will be held Tuesday, March 20, 2018. City officials registered to attend will be departing City Hall Monday, March 19 at 8:30 a.m.
- b. The next meeting of the City Council will be held Tuesday, March 27, 2018 at 6:30 p.m.
- c. Election Day is Tuesday, April 3, 2018. Mayor Benton passed out a pamphlet discussing the local use tax.

- d. The 18<sup>th</sup> Annual Clean Sweep will be held Saturday, April 21, 2018. To register, please contact Parks & Recreation at 573-592-3190.

Mayor Benton presented a glass bottle made from glass collected from the city's drop off glass recycling locations. He said it's been a fairly successful project and thanked the community for supporting it.

**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 Shiverdecker and seconded by Councilman West to adjourn this meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau and Stone) absent. The meeting adjourned at 8:58 p.m.

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LeRoy D. Benton, Mayor

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Laure Long, Deputy City Clerk