

CITY COUNCIL MINUTES
JUNE 12, 2018

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, June 12, 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 L. 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: Braun, Chailland, Moore, Rehklau, Shiverdecker, Simmons, Stone, and Vaughn. Also present were: Kathy Holschlag, Chief Financial Officer; Darrell Dunlap, Superintendent of Utilities; Kyle Bruemmer, Interim City Engineer; Dennis Houchins, Planning & Protective Services Director; Kevin Coffelt, Fire Chief; Clay Caswell, Parks & Recreation Director; 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: Frank and Carole Raschert, Madison Doyle, Mariah Doyle, Tamara Tateosian, Michael Osbourn, James McDonald, Kendal McPhail, Amanda Young, Mike Bell, Debbie LaRue, Dan Smith, Stephanie Smith, Frances Vaughn, Phyllis Swiney, Doyle Swiney, Warren Moody, Ronnie Miller, Gail Pautz, William Crull, Charles Anderson, Rick Kuhl, and Bart Korman.

INVOCATION:

Invocation was given by Pastor Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led 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 noted that Courtney Crowson, City Clerk, had received the designation of Missouri Registered City Clerk (MRCC) from the Missouri City Clerks and Finance Officers Association, and asked everyone to rise and congratulate Crowson.

Mayor Benton stated the need to amend this evening's agenda by adding Item C. "Unsafe Houses discussion" under Unfinished Business and Item B. "Purchase of Chromebooks" under New Business. Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehklau accordingly. Motion carried with eight members of the council voting in favor.

PUBLIC HEARING:

- a. To consider the proposed rezoning of A Tract of Land located at Rice Road and US 54 Business in Fulton, Missouri, from its current zoning of C-3 Commercial to C-2 Commercial.

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?

Dan Smith, 1403 Parkridge, expressed concerns over the lack of infrastructure in the area. Mr. Smith stated he is concerned there will be additional foot traffic near Business 54 and the possibility of children crossing Business 54 to access the convenience store.

Second Call: Is there anyone present who wishes to speak in opposition of this matter?

Stephanie Smith, 1403 Parkridge, expressed concerns regarding the school district's ability to take on additional students and stated, "Renters do not buy into the community like property owners do". Mrs. Smith reiterated the need for new homeowners in Fulton, instead of renters.

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?

Mike Bell, property owner and requestor of zoning change, stated he has been marketing the property for more than ten years with no activity or interest from purchasers. Mr. Bell stated there is a need for more housing in this community, and he is in favor of the zoning change.

Second Call: Is there anyone present who wishes to speak in favor of this matter?

Michael Osbourn, Zimmerman Investments, stated he is in favor of the zoning change and expressed that the council should be most concerned with the appropriateness of the land use. Osbourn stated the company would place 48 multi-family units on the proposed tract of land and have plans to keep some retail space on-site as well. Mr. Osbourn stated a C-3 zoning is structured for large-scale development (retail, cemetery, medical and service offices), and this particular property is unlikely to draw in a large development due to its small size. Mr. Osbourn also stated the cost of infrastructure is responsibility of the developer (with exception to running utilities to the site), and the city will benefit from the additional utilities from the proposed property.

Third and Final Call: Is there anyone present who wishes to speak in favor of this matter?

Kendall McPhail, attorney representing Zimmerman Investments, stated the group currently manages Callaway Village apartments (built in 1999), and believes it is incorrect to refer to the proposed project at "low-income". Mr. McPhail stated the residents are "income-qualified", with salaries ranging from \$30,000 to \$42,000 annually. At this time, Callaway Village has 125 qualified households on a waiting list for an apartment. Mr. McPhail asked the council to think of younger population or those who cannot become homeowners immediately, and stated he feels some concerns expressed this evening are stating we do not want growth in our community.

Mayor Benton declared the public hearing closed at 7:34 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 5K request from Melissa Williford for the annual Faith Maternity 5K on Saturday, September 22, 2018 from 8:30 to 12:00 noon.
- b. Approval of a request from Mike Rembish of St. Peter's Parish to allow the MU Flight for Life to land at the St. Peter's Fall Festival on September 23, 2018.
- c. Appointment of Nancy Lewis to the Historic Preservation Commission.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to approve the Consent Agenda as presented. Motion carried with eight members of the council voting in favor.

UNFINISHED BUSINESS:

- a. Business 54 Street Light discussion.

Darrell Dunlap, Superintendent of Utilities, led a continuation of the conversation held at the previous council meeting. Dunlap stated the current fiberglass poles in the community are showing signs of wear and tear and will require painting. Dunlap estimates a 20 year lifespan on the fiberglass pole paint finish; whereas a steel pole's life expectancy is 40-50 years. Dunlap asked the council to reconsider placing fiberglass poles along Business 54 project.

Councilman Stone stated he believes the city should continue with the more expensive decorative steel pole that will match the previously-set poles to keep the look and feel consistent. Some discussion followed.

Motion was offered by Councilman Stone and seconded by Councilman Chailland to purchase direct bury steel pole with decorative head. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) opposed.

- b. Downtown Grant update.

Kyle Bruemmer, Interim City Engineer, stated that after several meetings with the Historic Preservation Commission, Callaway Chamber of Commerce, and Brick District, the city has determined it is better to pursue a planning grant for the downtown improvements project. Bruemmer stated he had spoken again with Burns & McDonnell regarding scope of project and cost, and feels the city is able to handle this grant application internally, without additional outside assistance.

- c. Unsafe Houses Discussion

Dennis Houchins, Planning & Protective Services Director reported he is looking at starting a program to address unsafe houses around town and has met with Moberly and Mexico to review their processes, and gather information.

Houchins is waiting for additional information from the City of Mexico, but stated Mexico allots roughly \$90,000 annually for the demolition of 18-19 houses. Mexico sends letters to the property owner seeking an agreement to allow the city to demolish the nuisance property. Mexico understands they may not recover demolition costs but believes it will encourage the placement of a new structure on the property that will generate utilities and additional property taxes. If the property owner doesn't readily agree to the

proposal, the city would default to condemning the property and pursuing legal measures. Similarly, if the process were to be enacted by Fulton, the city would default to the newly-enacted unsafe building ordinance if an agreement cannot be made with the property owner. Houchins, Administration, and Engineering all believe the demolition could be handled in-house.

Councilman Stone feels this process could provide an incentive to people who do not maintain the property already.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Moore to authorize \$100,000.00 for the pilot project. Councilman Vaughn stated he would like more time to review this proposal to see what information Mexico provides. Councilman Shiverdecker and Councilman Moore rescinded their motion and second. Additional information will be provided at a future meeting.

NEW BUSINESS:

- a. Ambulance District Building Code discussion.

Charles Anderson, Director of the Callaway County Ambulance District, stated the Ambulance District purchased the Grille building (located near Tanglewood Golf Course) in 2017, and is currently renovating the property. Anderson stated the District is asking for a variance from the 2015 building code addressing storm shelter requirements.

Rick Kuhl, a representative from Williams Spurgeon, Kuhl, and Freshnock Architects, the architecture firm handling the building renovation plans, stated the 2015 International Building Code (IBC) requires a safety shelter for a structure of this type. Kuhl stated the firm is not asking for the elimination of the protected space, but to build the space according to the 2006 IBC, as previously adopted by the City of Fulton. The firm has concerns regarding the wind load requirement for 250 mph winds and feels their proposed earth-contact, hardened shelter will be adequately safe.

Houchins stated that after viewing the 2015 IBC requirements and conducting further research, some cities have opted to remove this section due to high project costs.

Johnson stated the council could propose to eliminate this section from the 2015 adopted code and have 2006 IBC section apply.

Councilman Vaughn asked if the city would be facing additional liability should any safety issues arise in the future. Houchins and Johnson will make contact with MIRMA, the city's risk management provider to assess any additional liability.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to authorize the City Clerk to draft an ordinance to remove this section of the code regarding storm shelters allowing the regulations from the 2006 IBC to apply. Motion carried with six members of the council voting in favor, and two members (Simmons, Vaughn) opposed.

Councilman Chailland requested a break. Mayor Benton recessed the council at 8:33 p.m.

The council reconvened at 8:40 p.m.

- b. Purchase of Chromebooks:

Following a discussion during the evening's Work Session, many members of the council would like to pursue the purchase and implementation of chromebooks for digital packets and council use. Motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to direct the City Clerk to purchase 10 chromebook devices. Motion carried with eight members of the council voting in favor.

COUNCIL CONCERNS:

Councilman Vaughn also expressed concerns with building/demolition permit prices, and would like to see a work session covering permit prices.

RESOLUTIONS:

Resolution No. 3311 was presented by Councilman Stone.

- a. Resolution No. 3311: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute a Contract with Twillman Construction Company of Fulton, Missouri, for grave excavation services, and establishing an effective date.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to adopt Resolution No. 3311 at tonight's meeting. Johnson stated Twillman has provided grave excavation services for a number of years and was the low bid again this year. Motion carried with eight members of the council voting in favor.

ORDINANCES:

FIRST READING

Bill No. 1502 was presented for First Reading by Councilman Vaughn.

- a. Bill No. 1502: An Ordinance re-classifying, under the Zoning Ordinance, certain land in the City of Fulton, Missouri, located at Rice Road and US 54 Business, and establishing an effective date.

Motion was offered by Councilman Vaughn and seconded by Councilman Braun to place Bill No. 1502 on the table. Motion was tied with four members of the council voting in favor of tabling Bill No. 1502 (Braun, Rehklau, Stone, Vaughn), and four members opposed (Chailland, Moore, Simmons, Shiverdecker). Mayor Benton broke the tie by voting in opposition to tabling the bill.

Councilman Braun asked his fellow councilmembers if they would still vote in favor of a proposed project, knowing their constituents were opposed, and stated he would represent the wishes of his constituents.

Councilman Vaughn stated he has two letters with different numbers of proposed housing units from Zimmerman and that the Planning & Zoning Commission didn't provide a recommendation.

Bill No. 1502 was presented again for First Reading by Councilman Simmons. Motion was offered by Councilman Simmons and seconded by Councilman Moore to place Bill No. 1502 for Second Reading at the next regularly-scheduled council meeting. Some discussion followed.

Councilman Vaughn expressed that by re-zoning the property, the city loses control and the developer could end up placing more units on the site. Councilman Chailland stated the property is too small to be used in its current zoning and the owner has repeatedly tried to market and sell it as a C-3, unsuccessfully. Councilman Chailland stated a C-2 zoning would allow for smaller commercial uses in addition to residential uses.

Motion was tied with four members of the council voting in favor of placing Bill No. 1502 for Second Reading at the next regularly-scheduled meeting (Chailland, Simmons, Rehklau, Moore) and four members opposed (Braun, Shiverdecker, Stone, Vaughn). Mayor Benton broke the tie by voting in favor of moving the Bill to Second Reading.

Bill No. 1503 was presented for First Reading by Councilman Braun.

- b. Bill No. 1503: An Ordinance renaming River Valley Road to Easy Street and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilman Moore to place Bill No. 1503 for Second Reading at the next regularly-scheduled council meeting. Motion carried with eight members of the council voting in favor.

Bill No. 1504 was presented for First Reading by Councilman Shiverdecker.

- c. Bill No. 1504: An Ordinance authorizing amendments to the City of Fulton budget for the fiscal year 2017 as outlined in Article VIII, Financial Procedure. Section 8.8, Amendments after Adoption. Paragraph (c), Transfer of Appropriations, Fulton City Charter, and establishing an effective date.

Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehklau to place Bill No. 1504 for Second Reading at the next regularly scheduled council meeting. Motion carried with eight members of the council voting in favor.

Bill No. 1505 was presented for First Reading by Councilman Simmons.

- d. Bill No. 1505: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to approve Plat 1 for Willow Creek Subdivision.

Motion was offered by Councilman Simmons and seconded by Councilman Stone to place Bill No. 1505 for Second Reading at the next regularly-scheduled council meeting. Bart Korman of Lewis Bade, Inc. stated the plats went through Planning & Zoning and received a recommendation of passage. and Plat One will consist of single family homes. Motion carried with eight members of the council voting in favor.

Bill No. 1506 was presented for First Reading by Councilman Stone.

- e. Bill No. 1506: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the 2018-2019 “Services Training Officers Prosecutors – Violence Against Women Act” (STOP VAWA) Grant Memorandum of Understanding between the County of Callaway, City of Holts Summit, and City of Fulton, Missouri, and to issue funds as specified.

Motion was offered by Councilman Stone and seconded by Councilman Vaughn to place Bill No. 1506 for Second Reading at the next regularly-scheduled council meeting.

Councilman Moore asked for additional information regarding the total amount of this grant and the breakdown. Johnson stated this information will be provided to the council for the next meeting. Motion carried with eight members of the council voting in favor.

SECOND READING

Bill No. 1501 was presented for Second Reading by Councilman Moore.

- a. Bill No. 1501: An Ordinance amending Chapter 110, Traffic & Vehicles. Section 110-340, Parking on Certain Streets Prohibited or Limited. Fulton City Code, by prohibiting Stopping, Standing, and Parking on a portion of Hickman Avenue and establishing an effective date.

Motion was offered by Councilman Moore and seconded by councilman Shiverdecker to place Bill No. 1501 for Third Reading at tonight’s council meeting. Motion carried with eight members of the council voting in favor.

Bill No. 1501 was presented for Third Reading by Councilman Moore.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1501 for Final Passage at tonight’s council meeting. Motion carried with eight members of the council voting in favor.

Roll call vote of the members of the council was as follows: Moore, YES; Rehklau, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES. Bill No. 1501, having received the affirmative vote of eight members of the council, was declared passed by the President of the Council.

ANNOUNCEMENTS:

- a. The next meeting of the City Council will be held Tuesday, June 26, 2018 at 6:30 p.m.
- b. The MML Annual Conference will be held September 16-19, 2018, in Branson, Missouri. Councilmembers who plan to attend must notify the City Clerk no later than June 26, 2018.

Councilman Stone thanked the Mayor orchestrating a recent work session between the City Council and Fulton School Board.

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 Councilwoman Rehklau to adjourn this meeting. Motion carried with eight members of the council voting in favor. The meeting adjourned at 9:17 p.m.

LeRoy D. Benton, Mayor

Courtney L. Crowson, MRCC
City Clerk