

**CITY COUNCIL MINUTES  
JUNE 26, 2018**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, June 26, 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 6:30 p.m. Roll call was taken by the City Clerk, and members of the council present were: Braun, Chailland, Moore, Rehklau, Simmons, Stone, and Vaughn. Absent was Councilman Shiverdecker. 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; 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: Megan Prenger.

**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.

**PRESENTATION OF RETIREMENT PROCLAMATION TO J.C. MILLER:**

Mayor Benton invited J.C. Miller, Solid Waste Manager to step forward. Mayor Benton read a Retirement Proclamation in honor of Miller and congratulated him on his many years of service.

Councilman Stone stated he has had many interactions with J.C. Miller over the years and believes Miller has always had the city and its citizens in mind in every interaction.

**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 City Council Meeting Minutes of May 22, 2018.
- b. Approval of the Work Session Notes of June 7, 2018.
- c. Approval of the City Council meeting minutes of June 12, 2018.

- d. Acceptance of the Director of Administration Report for May.
- e. Acceptance of the following Board and Commission Reports:
  - i. Planning & Zoning Commission – January 30, 2018
  - ii. Public Utility Board – April 23, 2018
  - iii. Historic Preservation Commission – May 1, 2018
  - iv. Historic Preservation Commission – May 15, 2018

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

**PRESENTATION AND ACCEPTANCE OF THE FINANCIAL REPORT FOR THE MONTH OF MAY:**

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

Holschlag noted sales tax collections were down three percent (3%) in the month of May, but stated this is not unusual, as the reporting from the Department of Revenue is a constant ebb and flow. Holschlag noted a \$300,000.00 expense for purchased power due to maintenance on a provider's line, and noted the city has purchased many new vehicles in accordance with the fleet replacement program authorized in the 2018 budget.

Following some review, motion was offered by Councilman Stone and seconded by Councilman Braun to accept the Financial Report for the month of May 2018 as presented. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

**UNFINISHED BUSINESS:**

There was no Unfinished Business for consideration at this meeting.

**NEW BUSINESS:**

- a. Megan Prenger, Executive Director of the Callaway County United Way, was present to request permission for the annual United Way Day event on Friday, September 14, 2018, from 11:00-8:00 p.m. at Memorial Park.

Prenger requested extra trash cans and use of the city's large grill, along with WiFi access for the live recording of the annual radioathon. Following some discussion, motion was offered by Councilman Vaughn and seconded by Councilman Stone to approve the request as presented. Motion carried with seven members voting in favor, and one member (Shiverdecker) absent.

- b. Heidi Chick, Partner at Williams Keepers presented the 2017 City of Fulton Audit.

Chick provided an overview of the highlights from the city's Comprehensive Annual Financial Report (CAFR), along with the enclosed statistics and reports, reviews of risk assessment processes and internal control structure across the city's various departments. Chick noted the city has received a "clean opinion", meaning the report is clearly stated and easy to understand, and noted there were no material weaknesses included in the management letter. Chick stated her staff found the city's records to be in good order and the finance staff were very cooperative throughout the audit process.

- c. 2019 Capital Budget presentation.

Mayor Benton stated the city charter requires the mayor to provide this document to the city council prior to the end of June, annually, and no action was needed at this time. Johnson explained that this capital budget is a departmental wish list, and will change many times before the creation and passage of the 2019 annual budget.

- d. September and December 2018 meeting dates.

Mayor Benton asked City Clerk, Courtney Crowson to provide an overview of this topic. Crowson stated the council has historically met once in September due to the scheduling of the MML Annual Conference, and once in December due to the holiday season. In 2018, the MML Annual Conference will be held September 16-19<sup>th</sup>, and there will be no overlap with the city's usual meeting schedule. Therefore, the council could choose to meet once or continue meeting twice during the month of September.

Following some discussion, motion was offered by Councilman Simmons and seconded by Councilwoman Rehklau to meet September 11<sup>th</sup>, September 25<sup>th</sup>, and December 18<sup>th</sup> this year. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

#### **COUNCIL CONCERNS:**

Councilman Stone thanked the city workers and various departments who prepared for the recent Fulton Street Fair. Councilman Stone also stated there will be quite a bit of street work in the coming months, and wants to ensure the city has put forth its best work on these projects.

Councilwoman Rehklau requested a Budget Retreat in late September.

Councilman Simmons stated he would like to start the process to request a stoplight at the intersection of Business 54 South and Collier Lane, as there will be an increase in traffic from the new Willow Creek Subdivision. Kyle Bruemmer, Interim City Engineer, will contact the Missouri Department of Transportation to see what options are available.

Councilman Vaughn asked for clarification as to why Bill No. 1502 had previously been removed from tonight's agenda. Mayor Benton stated the city's code requires a recommendation from the Planning & Zoning Commission prior to action from the city council. Bill Johnson has been in contact with the city's attorney regarding this matter. Johnson stated the re-zoning issue will be taken back to the Planning & Zoning Commission for a formal recommendation. While there will not be a new public hearing at this Planning & Zoning Commission meeting, the topic will come back to the city council for a new public hearing following the receipt of a formal recommendation.

Councilman Moore asked for a review of the payroll methods and raise system currently used by the city at the proposed retreat in September. Mayor Benton asked that the council let him know of any additional topics they'd like to discuss at the retreat.

Councilman Moore also asked for an update on the demolition options discussed at an earlier meeting by Dennis Houchins, Planning & Protective Services Director. Houchins noted Johnson had supplied a list of options to the city council via email earlier in the week. These options included:

Option 1: Follow the existing Unsafe Building Code.

Option 2: Obtain the Property Owner's permission to abate the unsafe structure at the cost of the city. The city could recover the demolition costs through taxes and utilities when the property owner builds a new structure.

Option 3: Contact the Property Owner and provide the option of having the property deeded to the city to avoid a special tax bill. The city will deed the property to a local contractor with the agreement a residential dwelling will be built within 12 months.

Option 4: Obtain the Property Owner's permission to abate the unsafe structure with 25% of the demolition costs (up to \$1,250.00) to be paid by the owner. The owner may opt to pay 50% of the demolition costs (up to \$2,500.00) in order to ensure their property receives priority while city demolition funds are available. The owner then retains a buildable lot.

Johnson stated he isn't sure the city wants to own vacant lots around town, and believes the city should work with property owners to achieve results.

Following much discussion, motion was offered by Councilman Simmons and seconded by Councilman Stone to authorize Dennis Houchins to proceed with "Option 3" and fall back on the city's Unsafe Building Code if an agreement cannot be reached. Motion carried with six members of the council voting in favor, one member (Braun) opposed, and one member (Shiverdecker) absent.

Mayor Benton recessed the council for a break at 7:29 p.m. The council reconvened at 7:37 p.m.

#### **RESOLUTIONS:**

There were no Resolutions for consideration at this meeting.

#### **ORDINANCES:**

##### **FIRST READING**

Bill No. 1507 was presented for First Reading by Councilwoman Rehklau.

- a. Bill No. 1507: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Missouri Highways and Transportation Commission Road Relinquishment Agreement regarding the US Business 54 Highway Improvements Project, and establishing an effective date.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Chailland to place Bill No. 1507 for Second Reading at the next regularly-scheduled council meeting. Bruemmer stated this agreement only affects maintenance after the completion of the Business 54 Roadway project, and does not include the bridge. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Bill No. 1508 was presented for First Reading by Councilman Vaughn.

- a. Bill No. 1508: An Ordinance amending Section 18-33, Amendments. Fulton City Code, by incorporating an additional exception to the 2015 International Building Code and establishing an effective date.

Motion was offered by Councilman Vaughn and seconded by Councilman Stone to place Bill No. 1508 for Second Reading at the next regularly-scheduled council meeting. Johnson clarified that the 2006 International Building Code did not contain storm shelter requirements. Therefore, this amendment would delete the requirements pertaining to storm shelters altogether.

Councilman Simmons expressed concerns with removing the requirements and stated that although he was not on the council when the 2015 International Building Code was discussed and adopted, he believes the experts put the requirement there for a reason, and he does not believe excess cost is a justifiable reason to back down the requirement.

Houchins stated this amendment would not be out of the ordinary, as many municipalities have removed or lowered the wind resistance standards pertaining to storm shelters. Houchins also stated that the Ambulance District will still have a storm shelter and their engineers are confident it meets all safety requirements.

Councilman Stone stated there has been no history of these wind speeds in this area, and he feels the regulations are excessive.

Motion carried with six members of the council voting in favor, one member (Simmons) opposed, and one member (Shiverdecker) absent.

## SECOND READING

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

- a. 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 Chailland to place Bill No. 1503 for Third Reading at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

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

Motion was offered by Councilman Braun and seconded by Councilwoman Rehklau to place Bill No. 1503 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Roll call vote of the members of the council was as follows: Chailland, YES; Moore, YES; Rehklau, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES. Bill No. 1503, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

Bill No. 1504 was presented for Second Reading by Councilman Moore.

- b. 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 Moore and seconded by Councilman Braun to place Bill No. 1504 for Third Reading at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Bill No. 1504 was presented for Third Reading by Councilman Moore.

Motion was offered by Councilman Moore and seconded by Councilman Vaughn to place Bill No. 1504 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Roll call vote of the members of the council was as follows: Moore, YES; Rehklau, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES. Bill No. 1504, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

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

- c. 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 Moore to place Bill No. 1505 for Third Reading at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

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

Motion was offered by Councilman Simmons and seconded by Councilman Moore to place Bill No. 1505 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Roll call vote of the members of the council was as follows: Rehklau, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES; Moore, YES. Bill No. 1505, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

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

- d. 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 Moore to place Bill No. 1506 for Third Reading at tonight’s council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

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

Motion was offered by Councilman Stone and seconded by Councilwoman Rehkla to place Bill No. 1506 for Final Passage at tonight’s council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Roll call vote of the members of the council was as follows: Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES; Moore, YES; Rehkla, YES. Bill No. 1506, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

Crowson noted the council had not accepted the 2017 City Audit previously during tonight’s meeting. Motion was offered by Councilman Stone and seconded by Councilwoman Rehkla to accept the 2017 City Audit as presented. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Mayor Benton asked the members of the council whether they would prefer a day or evening retreat. Following some discussion, a majority of the members expressed they would prefer to hold the upcoming retreat in the evening.

**ANNOUNCEMENTS:**

- a. The next meeting of the City Council will be held Tuesday, July 10, 2018. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 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.

**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 Chailland and seconded by Councilman Braun to adjourn this meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent. The meeting adjourned at 8:07 p.m.

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LeRoy D. Benton, Mayor

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Courtney L. Crowson, MRCC  
City Clerk