

CITY COUNCIL MINUTES
AUGUST 14, 2018

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, August 14, 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: Chailland, Moore, Shiverdecker, Simmons, Vaughn, and Braun. Absent were Councilwoman Rehklau and Councilman Stone. 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; 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: Bobby Mealy, Linda Mealy, Beverly Gray, Steven Lucas, Rebecca Dunger Peak, Mike Bell, Amanda Young, Cassie Santhuff, Matt Santhuff, Ava Santhuff, Jeremy Polston, Deanna Hudson, Les Hudson, James McDonald, and Erica Polston.

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.

Beverly Gray, 112 W. Oliver, shared concerns regarding the proposed rezoning of property located at Rice Road and Business 54. Gray stated she is not opposed to affordable housing, but is very opposed to the location. Gray also stated she is concerned with the safety of children walking along the roadway.

Michelle Maupin, Human Resources Director, introduced Joe Garner, a Youth180 Intern who has spent many weeks shadowing various city departments. Garner stated he has enjoyed every department within the city and has met many friendly staff members. Garner will begin his senior year at Fulton High School on August 15th and hopes to enter local government in the future.

Cassie, Matt, and Ava Santhuff, along with Jeremy Polston and Erica Polston were present on behalf of the Super Sam Foundation. Cassie Santhuff stated she presented a plan to the Brick District Board to "turn the bricks gold" in the downtown Brick District for the month of September to bring awareness to Childhood Cancer Awareness Month. The plan was passed unanimously by the Brick District Board, and Santhuff is seeking approval from the city council to move forward. The Super Sam Foundation will order new banners for the Brick District lamp posts and will also supply a gold coloring agent for the City Hall fountain. Santhuff noted there are no expenses to the city, and she plans to bring as much media attention to the city of Fulton and to pediatric cancer awareness as possible.

Bill Johnson, Director of Administration, noted this request has been reviewed internally, and unless the council has concerns, will be granted. Johnson stated that city crews will place the banners on lamp posts.

An additional request to place a banner across Court Street had been denied, according to Johnson, because there are no poles within the Brick District from which a banner could hang. The Super Sam Foundation may opt to contact the Callaway Chamber of Commerce to see if the request for the month of September can be accommodated for a Business 54 banner.

PUBLIC HEARING:

- a. To consider the proposed rezoning of tracts of land known as 711 Nichols St. and 715 Nichols St., Fulton, Missouri, from their present zoning of R-3 Residential District to C-2 Commercial District.

Mayor Benton declared this hearing open at 7:19 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?
Rebecca Dunger Peak, pastor of the Court Street United Methodist Church, stated the church currently owns the property and is no longer in need of the building and lot.

Les Hudson, 903 Bradley Lane, stated the building has been used for commercial purposes since the time it was built, more than 100 years ago. Hudson stated he is not sure what the building could be used for, if not commercial.

Second Call: Is there anyone present who wishes to speak in favor of this matter?
Linda Rootes, 315 Seventh Street, stated she is very invested in the neighborhood and is a member of the church requesting this zoning change. Rootes stated she believes that the commercial rezoning would stabilize the neighborhood and make it safer.

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 7:24 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 an event request from Misty Dothage, Executive Director of Our House: Caring for Callaway's Homeless, for the Annual BBQ Fundraiser at Memorial Park, August 19, 2018, from 4:00 -7:00 p.m.
 - i. This event request has been reviewed and approved by Clay Caswell. The organization has paid for the reservation of the shelter and is requesting permission to sell BBQ and t-shirts to raise funds.
- b. Approval of an event request from Nikki Hartley, on behalf of the Callaway County Humane Society, for the Annual Dog Jog 5K on September 8, 2018.
 - i. This event request has been reviewed and approved by Chief Myers. The group has reserved the Dog Park and will be utilizing sidewalks, with no need for police assistance.
- c. Approval of the Fulton High School Student Council request for a Homecoming Parade on Friday, September 28, 2018 at 3:00 p.m.
 - i. This event request has been reviewed and approved by Chief Myers. The parade route will remain the same as in previous years, floats will line up at 2:15 p.m., and police will assist as needed.

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

UNFINISHED BUSINESS:

- a. Business 54/Fourth Street Improvements update.

Kyle Bruemmer, Interim City Engineer, stated work began near Bartley Elementary School and continues steadily northward toward the roundabout. Beginning the week of August 20, 2018, work will continue north of the roundabout on the city's portion of the project. Bruemmer stated crews are currently working on sidewalks and entrances, and will finish the project with the asphalt overlay in early to mid-December.

Johnson stated, "As of this time, MoDOT has been great to work with, and we look forward to a continued positive working relationship."

Councilman Vaughn asked when the city's portions of sidewalk, damaged during the underground utilities process, will be repaired or replaced. Bruemmer stated he would like to see all utilities and telecommunications placed underground before the city repairs the portions that have been torn out.

Bruemmer stated the Fourth Street project has been awarded, and final paperwork is being processed and completed. The city looks for the contractor to begin work after Labor Day.

Bruemmer also thanked Jenny Gray, editor of THE FULTON SUN for her continued coverage and updates regarding the roadwork projects.

b. Storm Water Plans – current and proposed.

Bruemmer provided an overview of stormwater funds and future projects the city will need to complete. Future endeavors will need to address the Missouri Department of Natural Resource 's permitting requirements and will require ongoing work with an engineering firm. Possible future projects include: MS4 Permit, Nichols Street, Second Street, South Business 54/Collier Lane TAP, East Second Street Bridge Aid, Brick District BUILD, and Westm./Ind. Culverts. Bruemmer noted some projects may be eligible for grant funding.

NEW BUSINESS:

Councilman Vaughn stated he feels Log Cabin Road needs to be addressed at some point and has received complaints with dust from the road causing issues on Highway 54. Mayor Benton stated a dust control treatment could be reviewed in the future.

COUNCIL CONCERNS:

Councilman Chailland stated he would like to see both of the television monitors in the Council Chambers removed and replaced with 60" screens. Councilman Chailland feels the old screens are difficult to view, and would like to utilize council funds for this endeavor.

Councilman Braun stated there are sinkholes present on Marbrooke that need to be addressed.

Councilman Vaughn stated he believes there is a need for additional trash receptacles on Court Street. Councilman Vaughn also inquired about a house on Sixth Street that has been a source of numerous complaints for some time. Johnson stated the city is going through the legal process, and anticipates another court hearing in early September.

Councilman Moore stated the city needs to be more aggressive in taking care of derelict properties. Dennis Houchins, Planning & Protective Services Director, stated the city sent out ten letters last week to property owners. As of this meeting, Houchins has received seven responses from property owners who are willing to address their properties and issues. Houchins stated he will send another ten property letters next week.

RESOLUTIONS:

There were no Resolutions for consideration at this meeting.

ORDINANCES:

FIRST READING

Bill No. 1512 was presented for First Reading by Councilman Moore.

- a. Bill No. 1512: An Ordinance re-classifying, under the Zoning Ordinance, certain land in the City of Fulton, Missouri, known as 711 and 715 Nichols Street, and establishing an effective date.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1512 for Second Reading at the next regularly-scheduled council meeting. Dennis Houchins read the following excerpt from the August 6, 2018 Planning & Zoning Commission meeting minutes:

“Motion was offered by Les Hudson and seconded by Mike Eibel to approve the zoning request made for these tracts of land and to recommend passage by the City Council.

Roll call vote of members of the commission were as follows: Mike Eibel, YES; Les Hudson, YES; Ken McSwain, YES; Joan Berry Morris, YES; Ron Oldani, YES; Jeremy Washington, YES; Lewis Beaty, NO.

Motion carried with six members of the commission voting in favor, one member (Beaty) opposed, and one member (Kelley) absent.”

Councilman Simmons stated this property is sitting in the middle of an R-3 area with C-3 across the street, and he feels like this is a spot zoning issue. Johnson stated that the property, historical in nature, has been continually used for commercial purposes for the past 100 years as a non-conforming or conditional use. Johnson stated, “The property could have continued to be used for commercial purposes so long as there was not a six month period where the building was vacant. Unfortunately, [the property didn’t sell] during that time frame”.

Councilman Vaughn stated the property is for sale and the church is not sure what could possibly go into the building. Councilman Vaughn stated he has concerns with changing the zoning and feels the current residential zoning could accommodate any needs for that building.

Motion was tied with three members of the council voting in favor, three (Braun, Simmons, Vaughn) opposed, and two members (Rehklau, Stone) absent. Mayor Benton broke the tie by voting in favor of moving Bill No. 1512 to Second Reading.

SECOND READING

Bill No. 1510 was presented for Second Reading by Councilman Simmons.

- a. Bill No. 1510: 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 Simmons and seconded by Councilman Shiverdecker to place Bill No. 1510 for Third Reading at the next regularly-scheduled city council meeting. Councilman Braun state he feels the council is not listening to the constituents of the city in this case. Motion carried with four members of the council voting in favor, two members (Braun, Vaughn) opposed, and two members (Rehklau, Stone) absent.

Bill 1511 was presented for Second Reading by Councilman Moore.

- b. Bill No. 1511: An Ordinance amending Chapter 118, Vehicles for Hire., Fulton City Code. by repealing Section 118-26, Definitions., enacting new sections in lieu thereof, and establishing an effective date.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1511 for Third Reading at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau, Stone) absent.

Bill No. 1511 was presented for Third Reading by Councilman Moore.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1511 for Final Passage at tonight's council meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau, Stone) absent.

Roll call vote of the members of the council was as follows: Moore, YES; Shiverdecker, YES; Simmons, YES; Vaughn, YES; Braun, YES; Chailland, YES. Bill No. 1511, having received the affirmative vote of six 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, August 28, 2018 at 6:30 p.m.
- b. The Bow Hunter Permit Meeting will be held Tuesday, September 4, 2018 at 6:00 p.m. in the Council Chambers. Those who are interested in obtaining a permit to bow hunt within the city limits must attend this meeting. Additional information may be obtained from Missouri Department of Conservation Agent, Stephen Kistner at 573-239-8129.
- c. The Annual Mayor's Cup Golf Tournament will be held Friday, September 7, 2018 at Tanglewood Golf Course. For additional information, contact Parks & Recreation at 573-592-3190.
- d. The Annual Town & Country Dinner will be held on Thursday, September 20, 2018, at 5:00 p.m. at Wise Bros. in Kingdom City. Councilmembers who wish to attend must RSVP with the City Clerk by August 28, 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 Shiverdecker and seconded by Councilman Braun to adjourn this meeting. Motion carried with six members of the council voting in favor, and two members (Rehklau, Stone) absent. The meeting adjourned at 8:17 p.m.

LeRoy D. Benton, Mayor

Courtney L. Crowson, MRCC
City Clerk