

**CITY COUNCIL MINUTES
SEPTEMBER 11, 2018**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, September 11, 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, Rehklau, Shiverdecker, Stone, Simmons, Vaughn, and Braun. 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: Joe Holt, Susan Krumm, Gracia Backer, Bobby Mealy, John Bell, Jerrie Bell, Joe Davis, David McDaniel, Les Hudson, Deanna Hudson, Rebecca Dunger Peak, Charles Riley, Joe Link, and Beverly Gray.

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.

Linda Rootes, 315 W. Seventh St., stated the CMCA Task Force has been meeting for more than a year to inform tenants and landlords of their rights under the law. Many citizens have attended these forums and have expressed dissatisfaction that no public officials were present. Ms. Rootes invited the council to attend another forum on Saturday, October 27, 2018.

Beverly Gray, 112 E. Oliver, stated she believes the council should amend its charter to require councilmembers to serve four year terms rather than two, as the first two years are a learning curve.

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 Kelly Nickelson on behalf of Kingdom Christian Academy for a 5K Event at Memorial Park on Saturday, December 1, 2018.
 - i. This event request has been reviewed and approved by Clay Caswell. The organization will pay for the reservation of the shelter and the 5K will utilize the Stinson Creek Trail (no road closures or police assistance needed).

- b. Approval of an event request from Cliff Atterberry on behalf of the Callaway County Youth LGBTQ Alliance for a fundraiser event at Veteran’s Park Amphitheater on Saturday, October 13, 2018 from 4:00 – 10:00 p.m.
 - i. This event request has been reviewed and approved by Chief Myers and Clay Caswell. The group plans to sell food, host a movie, and other family-friendly events, and will pay for the reservation of the shelter.

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. Approval of Nancy Lewis & Dale Lewis’ request to designate 910 Court Street as a “Fulton Historic Property”.
 - i. This application has been reviewed by the Historic Preservation Commission and has received their recommendation of approval. If approved, the homeowners will be invited to receive their designation plaque at the October 9, 2018 council meeting.

David McDaniel, Chair of the Historic Preservation Commission, stated the ordinance was written twenty years ago, and the HPC has been working to correct and update the ordinance for more than three years. According to McDaniel, the current ordinance is very confusing and very unclear.

Mayor Benton stated that at the time this ordinance was passed, property rights were a big concern. Therefore, the council decided to create an ordinance that encourages voluntary compliance and participation, but it doesn’t have regulatory power. McDaniel said the HPC is evolving towards having and enforcing more stringent guidelines and regulations, but the Certified Local Government Program (a state program Fulton opted to participate in) makes amending the ordinance or enforcing any changes very time consuming and more difficult.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Vaughn to approve the request, as presented. Motion carried with eight members of the council voting in favor.

- b. Approval of Obi E. Igbokwe’s request to designate 410 East Eighth Street as a “Fulton Historic Property”.
 - i. This application has been reviewed by the Historic Preservation Commission and has received their recommendation of approval. If approved, the homeowner will be invited to receive their designation plaque at the October 9, 2018 council meeting.

According to McDaniel, the HPC looked at the request to designate the property on Eighth Street as an encouraging possibility to preserve the property and ensure it will be maintained properly. McDaniel feels that denying the application for designation would discourage the property owner and believes the designation is a step in the right direction. Much discussion continued.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to approve the request as presented. Councilman Braun stated he does not believe the HPC is following their own ordinance nor does he believe the property fits the criteria to be designated. Councilman Moore stated the designation program started as an incentive to promote historic preservation and encourage more homes to be designated. Councilman Moore continued by saying that if the homeowner does not improve the property, there is nothing barring the city from following the condemnation process, regardless of a designation.

Motion was offered by Councilman Braun and seconded by Councilman Vaughn to table and consider this item at the next meeting. Motion carried with eight members of the council voting in favor.

NEW BUSINESS:

- a. Jerrie Bell, on behalf of the Brick District, will be present to request permission for the annual Art on the Bricks event on Saturday, September 22, 2018 from 9:00 a.m. to 5:00 p.m.

Jerrie Bell stated this year's event will be practically the same as in past years and offered to answer any questions from the council. Motion was offered by Councilman Vaughn and seconded by Councilman Braun to approve the request, as presented. Motion carried with eight members of the council voting in favor.

- b. Fulton Parks & Recreation Park Reservation Policy discussion.

Clay Caswell, Parks & Recreation Director, stated the department is proposing that any request for waived fees be approved by the city council. Fees would be required to be paid at the time of reservation, and if approved by the council, the fee will be refunded. Previously, fees were waived for charity, non-profit, and various other organizations. Johnson stated he does not feel comfortable making the judgment of who gets fees waived and who does not, and he does not want to be seen as discriminating against any group.

Councilman Stone asked if it would be simpler to waive fees for 501 (c) (3) organizations. Caswell expressed there have been situations in the past where some organizations are not specifically designated as non-profit and feels it could be difficult to pin the information down. Councilman Moore stated he believes it is better to have everyone pay as he believes the park facilities suffer when fees are waived.

Caswell believes that requiring representatives to attend a council meeting in order to have the fees refunded will be a deterrent to some. Some discussion was held as to why reservations cannot be made until January 1st for the ensuing year. Caswell stated this levels the playing field for everyone, and prohibits longstanding reservations.

Motion was offered by Councilman Stone and seconded by Councilman Shiverdecker to approve the policy, as presented. Motion carried with eight members of the council voting in favor.

COUNCIL CONCERNS:

Councilman Chailland asked about the status of a replacement radar detector for Wood Street. Kyle Bruemmer, Interim City Engineer, stated the initial unit was sent back to the manufacturer as it was faulty. A new unit has not yet been received.

Councilman Stone, on behalf of the Ambulance District Board, thanked the various department heads and staff for their time and assistance with the new Ambulance District building.

Councilman Braun stated he would like the council to take a look at the Historic Preservation ordinance before passing any zoning changes, as the topic should be taken to the HPC before any action should come from the Planning & Zoning Commission and City Council.

Councilman Moore had a complaint about a trailer on Jefferson Street that has been sitting for nearly a year.

Councilman Vaughn asked for an update on the house on Sixth Street as he believes additional tenants have moved into the property. Johnson stated the property has water but no electricity. Dennis Houchins, Planning & Protective Services Director, stated he is waiting on a court order from the judge that mandates the property must be brought to code within 60 days by using professional contractors. Houchins stated the property is a duplex, and the city is addressing one side and the basement of the structure at this time.

Councilman Vaughn asked if anyone has looked into additional trash cans on Court Street. Johnson stated no one has addressed this concern.

RESOLUTIONS:

Resolution No. 3315 was presented by Councilwoman Rehkla.

- a. Resolution No. 3315: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Stormwater Management Plan Update with HDR Engineering, in the amount of not-to-exceed Twelve Thousand Dollars (\$12,000.00), and establishing an effective date.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to adopt Resolution No. 3315 at tonight's council meeting. Motion carried with eight members of the council voting in favor.

ORDINANCES:

THIRD READING

- 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.

Mayor Benton stated he believes it is appropriate to pass on this ordinance so staff can ensure the proper procedures have been taken. Councilman Braun addressed that in the Historic Preservation ordinance, any zoning changes affecting a historically designated property or a property located within a historic district should receive a recommendation from the HPC prior to advancing to the Planning & Zoning Commission. Neither Houchins, McDaniel, Johnson, nor Les Hudson, previous Planning & Protective Services Director, were aware of this stipulation.

Councilman Moore believes it is unfair to the people who have worked through this process to have to begin again due to an oversight on the city's part. Councilman Braun stated he thinks it is important to follow the ordinances the city has in place.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to table the ordinance until administration can review the code in question and proceed appropriately. Motion carried with eight members of the council voting in favor.

Bill No. 1513 was presented for Third Reading by Councilman Vaughn.

- b. Bill No. 1513: An Ordinance fixing the tax rate and levying taxes for the calendar year of 2018 on all taxable property in the city of Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Vaughn and seconded by Councilman Moore to place Bill No. 1513 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) opposed.

Roll call vote of the members of the council was as follows: Moore, YES; Rehkla, YES; Shiverdecker, NO; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES. Bill No. 1513, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

ANNOUNCEMENTS:

- a. The Annual Town & Country Dinner will be held on Thursday, September 20, 2018, at 5:00 p.m. at Wise Bros. in Kingdom City for councilmembers and staff who are registered to attend.
- b. The City Council will hold a retreat on Tuesday, October 2, 2018. Additional details are to be determined.
- c. The next meeting of the City Council will be held Tuesday, October 9, 2018. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 p.m.

EXECUTIVE SESSION:

Mayor Benton said there was a need to have an Executive Session to discuss or deal with lease, purchase, or sale of real estate, pursuant to 610.021 RSMO.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Moore to enter into Executive Session.

Roll call vote of the members of the council was as follows: Rehkla, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES; Moore, YES. Motion carried with eight members of the council voting in favor.

The Council exited to the Executive Conference Room and entered the Executive Session at 8:14 p.m.

The Council reentered the Council Chambers at 8:19 p.m. Motion was offered by Councilman Stone and seconded by Councilwoman Rehkla to exit Executive Session.

Roll call vote of the members of the council was as follows: Shiverdecker, YES; Simmons, YES; Stone, YES;

Vaughn, YES; Braun, YES; Chailland, YES; Moore, YES; Rehkla, YES. Motion carried with eight members of the council voting in favor.

The Council exited Executive Session at 8:20 p.m.

Motion was offered by Councilman Vaughn and seconded by Councilman Simmons to accept the offer for the property discussed during Executive Session for \$55,000.00. Motion carried with eight members of the council voting in favor.

Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehkla to adjourn this meeting. Motion carried with eight members of the council voting in favor. The meeting adjourned at 8:22 p.m.

LeRoy D. Benton, Mayor

Courtney L. Crowson, MRCC
City Clerk