

**CITY COUNCIL MINUTES
JANUARY 8, 2019**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, January 8, 2019 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, Rehkla, Shiverdecker, Simmons, Stone, and Vaughn. Also present were: Kathy Holschlag, Chief Financial Officer; 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; Mike Haldeman and Darin Wernig, Audio/Video; and visitors: Scott Peterson, Justin Malone, Mike West, and Valerie Sebacher.

INVOCATION:

Invocation was given by Pastor Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Williamson.

COMMENTS FROM VISITORS:

Mike West, 1740 Ashley Court, thanked the Mayor for his many years of service to the City of Fulton and announced his candidacy for the office of Mayor in 2019.

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 a request from the YMCA or the 3rd Annual Hot Cocoa Hustle 5K on Saturday, January 19, 2019.
 - i. This request has been approved by Chief Myers and will not require street closures or police assistance.

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

UNFINISHED BUSINESS:

There was no Unfinished Business for consideration at this meeting.

NEW BUSINESS:

There was no New Business for consideration at this meeting.

COUNCIL CONCERNS:

Councilman Chailland stated he would like to see some coat racks at City Hall. Mayor Benton noted there are some available in the Executive Conference Room.

Councilman Stone expressed continued concerns with the lack of sidewalks along Business 54, from Collier

Lane to Bartley Elementary, and stated he believes that although no grant monies were received for this project, it should be a priority for the city.

Councilman Stone also noted inconsistencies with the stoplights at both the Fourth Street and Eighth Street intersections. Kyle Bruemmer, Interim City Engineer, stated this is an ongoing issue that will hopefully be resolved with the completion of the Business 54 roadway project.

Councilman Simmons stated he believes a roundabout would aid with traffic flow near Business 54 and Collier Lane once Willow Creek Subdivision is complete.

Councilman Braun expressed concerns with the stoplights and sensors along the new Business 54 Roadway. The sensors and painted lines appear to be inconsistently placed, and cars are stopping before or after the sensors to remain within the painted lines. Bruemmer has relayed these issues and concerns to the contractor.

Councilman Braun also asked for an update on the house on Sixth Street as he's received reports of the owner living in the condemned property. Dennis Houchins, Planning & Protective Services Director, stated the city has been in constant contact with our attorney, and the city is proceeding with taking the case to trial.

Councilman Vaughn stated that the draft Planning and Zoning minutes of January 2, 2019, show the commission also discussed tiny houses and the proposed conversion of C-3 to C-2 zoning. City Clerk Courtney Crowson noted those issues will be discussed at the next council meeting.

Councilman Vaughn stated the flashing speed sign installed in Herring Subdivision seems to have had a positive impact in the area. Bruemmer stated the apparatus will be moved to Parkridge within the next few weeks. Mayor Benton asked if the city has been collecting statistical reports from the sign. Bruemmer stated the data is continually collected, and will be provided to the council at a future meeting.

Councilman Moore stated he has received complaints about landlords near the corner of Jefferson Street and Eighth Street. According to Councilman Moore, when tenants leave, the neighbors are left to deal with the amount of trash left outside the property.

Councilwoman Rehlau asked Police Chief Steve Myers how many vehicles the department has in operation. Myers stated he believes there are five operational units and one with issues at this time. According to the 2019 Budget, the Police Department will get another vehicle this year.

PUBLIC HEARINGS (3)

Mayor Benton stated there would be three (3) public hearings at tonight's meeting. And read each excerpt prior to opening each hearing.

- a. To consider the proposed rezoning of a tract of land located at East 8th Street and State Street (Old Shoe Factory site) in Fulton, Missouri, from its current zoning of M-2 Planned Industrial to R-2 Residential.

Mayor Benton declared this hearing open at 7:02 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 7:04 p.m.

- b. To consider the proposed rezoning of a tract of land located at West 13th Street and Westminster Ave. in Fulton, Missouri, from its current zoning of M-1 Industrial to R-3 Residential.

Mayor Benton declared this hearing open at 7:04 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 7:05 p.m.

- c. To consider the proposed rezoning of a tract of land located at Martin Luther King Jr. Drive and North Hospital Drive in Fulton, Missouri from its current zoning of C-3 Commercial to C-2 Commercial.

Mayor Benton declared this hearing open at 7:05 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 7:07 p.m.

RESOLUTIONS:

Resolution No. 3325 was presented for adoption by Councilman Braun.

- a. Resolution No. 3325: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Services Exchange Agreement between the City and Socket Telecom. LLC, and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilman Vaughn to adopt Resolution No. 3325 at tonight's council meeting. Motion carried with eight members of the council voting in favor.

Resolution No. 3326 was presented for adoption by Councilman Shiverdecker.

- b. Resolution No. 3326: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract between the City and Tyler Technologies, Inc., and establishing an effective date.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Simmons to adopt Resolution No. 3326 at tonight's council meeting. Johnson stated this software was in the 2018 Budget, but the project took longer than expected. The new software will cost approximately \$300,000.00.

Motion carried with eight members of the council voting in favor.

ORDINANCES:

FIRST READING

Bill No. 1525 was presented for First Reading by Councilman Vaughn.

- a. Bill No. 1525: An Ordinance declaring city property to be surplus property, authorizing its sale, and establishing an effective date.

Motion was offered by Councilman Vaughn and seconded by Councilman Moore to place Bill No. 1525 for Second Reading at the next regularly-scheduled council meeting. Motion carried with eight members of the council voting in favor.

Bill No. 1526 was presented for First Reading by Councilman Moore.

- b. Bill No. 1526: An Ordinance re-classifying, under the Zoning Ordinance, a tract of land located at East 8th Street and State Street (Old Shoe Factory site) in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1526 for Second Reading at the next regularly-scheduled council meeting.

Dennis Houchins read the following excerpt from the January 2, 2019 Planning & Zoning Commission meeting minutes:

"After some discussion, motion was offered by Les Hudson and seconded by Ron Oldani to approve the zoning change request made for the tract of land located at East 8th Street and to recommend passage by the City Council.

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

Motion carried with seven members of the commission voting in favor and one member (Washington) opposed."

Councilman Simmons asked why the member who voted in opposition to the zoning request voted that way. Houchins noted the person later said they misunderstood and wished to change their vote. Councilman Vaughn stated he has no problem with the zoning request, but he does not understand the breakdown on zoning changes. Houchins stated the request was made in order to place this land in line with the rest of the park, allowing for governmental buildings.

Motion carried with eight members of the council voting in favor.

Bill No. 1527 was presented for First Reading by Councilman Simmons.

- c. Bill No. 1527: An Ordinance re-classifying, under the Zoning Ordinance, a tract of land located at West 13th Street and Westminster Ave. in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Simmons and seconded by Councilman Moore to place Bill No. 1527 for Second Reading at the next regularly-scheduled council meeting.

Dennis Houchins read the following excerpt from the January 2, 2019 Planning & Zoning Commission meeting minutes:

“After some discussion, motion was offered by Les Hudson and seconded by Mike Eibel to approve the zoning change request made for the tract of land located at Westminster Avenue and to recommend passage by the City Council.

Roll call vote of members of the commission were as follows: Les Hudson, YES; Pat Kelley, YES; Ken McSwain, YES; Joan Berry Morris, YES; Ron Oldani, YES; Jeremy Washington, YES; Lewis Beaty, YES; Mike Eibel, YES.

Motion carried with all eight members of the commission voting in favor.”

Councilman Vaughn stated there was additional conversation about the land, and he believes that when the City Council declared the property as surplus, there was interest from a developer. Johnson stated initially there had been interest in developing the land for residential use; however, there has been no additional contact or interest since that time. Councilman Vaughn stated he recalls there being a large gas line on this piece of property and asked if this would pose any concerns. Johnson stated the gas line falls between the property and the adjoining land, and there would not be any issues with development.

Councilman Braun stated he doesn't see the need to rezone the property if no one is interested in it, and perhaps there could be an industry interested in the site in the future. Houchins stated this piece of land has residential properties on three sides, so a manufacturing use is not likely to fit. Mayor Benton encouraged Councilman Braun to take these concerns into consideration when he placed his vote.

Motion carried with seven members of the council voting in favor, and one member (Braun) opposed.

Bill No. 1528 was presented for First Reading by Councilwoman Rehklau.

- d. Bill No. 1528: An Ordinance re-classifying, under the Zoning Ordinance, a tract of land located at Martin Luther King Jr. Drive and North Hospital Drive in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Moore to place Bill No. 1528 for Second Reading at the next regularly-scheduled council meeting.

Dennis Houchins read the following excerpt from the January 2, 2019 Planning & Zoning Commission meeting minutes:

“Motion was offered by Ken McSwain and seconded by Ron Oldani to approve the zoning change request made for the tract of land located at Hospital Drive 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; Pat Kelley, YES; Ken McSwain, YES; Joan Berry Morris, YES; Ron Oldani, YES; Jeremy Washington, YES; Lewis Beaty, YES.

Motion carried with all eight members of the commission voting in favor.”

Councilman Vaughn stated, “I feel like I have the same question again. You have a hospital in front of the land and one behind it. Why does it need to be changed?” Councilman Stone stated the proposed residential care facility will provide long-term residency, which is not allowed in a C-3 zoning. Johnson stated it is difficult to understand why some parcels were originally zoned the way they were. Houchins noted the C-2 zoning change fits with the medical campus to allow for long-term residential care.

Motion carried with eight members of the council voting in favor.

Bill No. 1529 was presented for First Reading by Councilman Stone.

- e. Bill No. 1529: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Ingress and Egress Agreement between the City and G. Lewis LLC, authorizing a golf cart easement for a residential development, and establishing an effective date.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to place Bill No. 1529 for Second Reading at the next regularly-scheduled council meeting.

Councilman Vaughn stated he sat in on committee meetings regarding the loss of control of personal golf carts headed onto Tanglewood Golf Course, and he believes this will only cause more issues. Johnson stated this cart path will take residents from a new housing complex to the clubhouse instead of providing a direct access to the course.

Motion carried with seven members of the council voting in favor, and one member (Vaughn) opposed.

ANNOUNCEMENTS:

- a. Candidate packets for the offices of Mayor, City Attorney, and 1st – 4th Ward Councilmembers are available in the office of the City Clerk, M-F 8:00 a.m. to 5:00 p.m. Candidate filing opens December 11, 2018 at 8:00 a.m. and closes January 15, 2019 at 5:00 p.m. For additional information, contact the City Clerk at 573-592-3111.
- b. The City of Columbia will host the next MML Central Division meeting on Wednesday, January 16th at 6:00 p.m. Councilmembers who wish to attend should RSVP with the City Clerk no later than Tuesday, January 8, 2019.
- c. The next City Council meeting will be held Tuesday, January 22, 2019 at 6:30 p.m.
- d. The Callaway Chamber of Commerce Annual Banquet will be held Thursday, January 24, 2019, at 54 Country in Fulton. Councilmembers and Department Heads who wish to attend should RSVP with the City Clerk no later than Friday, January 18, 2019.

EXECUTIVE SESSION & ADJOURNMENT:

Mayor Benton said there was a need to have an Executive Session to discuss or deal with legal actions, causes of action, or litigation, pursuant to 610.021 RSMO.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to adjourn this meeting and enter into Executive Session.

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

There being no further business during this Regular Session, the meeting adjourned at 7:31 p.m.

The Council exited to the Executive Conference Room and entered the Executive Session at 7:35 p.m.

The Council reentered the Council Chambers at 8:47 p.m. Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehkla to exit Executive Session.

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

The Council exited Executive Session at 8:48 p.m.

LeRoy D. Benton, Mayor

Courtney L. Crowson, MRCC
City Clerk