

CITY COUNCIL MINUTES
JANUARY 22, 2019

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, January 22, 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, Rehklau, 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; 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: Barb DeVille, Sam Craghead, Justin Malone, Joey Mirth, Scott Peterson, Megan Milam, DeShawn Stallworth, Ivan L. Schraeder, Valerie Sebacher, Lowe Cannell, Mike West, and Bruce Hackmann.

INVOCATION:

Invocation was given by Pastor Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Williamson.

COMMENTS FROM VISITORS:

Scott Peterson, 715 Hickman Avenue, stated he understands the agenda includes an item for IAFF Local 2945 to address the council, and wants to ensure their representatives will be allowed to speak at that time. Mayor Benton acknowledged that the group will be given the opportunity to address the council later on this agenda.

Valerie Sebacher, 909 Grand Street, thanked the Mayor and Council for the opportunity to speak and announced her candidacy for Ward One Councilmember. Sebacher stated that she looks forward to working with the members of the council in the future.

DeShawn Stallworth, 891 Penny Lane, stated he was here this evening as a citizen and previous employee of the Fulton Fire Department. Stallworth stated he would like to see the proposed contract go back to mediation as he has concerns with the city hiring "one of the best anti-union lawyers in the state".

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 American Foundation for Suicide Prevention for the 2nd Annual Campus Walk on March 23, 2019.
 - i. This request has been approved by Chief Myers and will not require street closures or police assistance. Use of one ATV for the event has been authorized, and participants will primarily utilize sidewalks.
- b. Approval of the City Council meeting minutes of December 18, 2018.

- c. Approval of the City Council meeting minutes of January 8, 2019.
- d. Approval of the Director of Administration Report of December 2018.
- e. Acknowledgement of the following Board & Commission Reports:
 - i. Planning & Zoning Commission – October 1, 2018
 - ii. Historic Preservation Commission – November 13, 2018
 - iii. Historic Preservation Commission – December 4, 2018

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.

PRESENTATION AND ACCEPTANCE OF THE FINANCIAL REPORT FOR THE MONTH OF DECEMBER.

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

Holschlag stated there are eleven months of sales tax recorded, and numbers fall in line with 2017 figures. The city recognized approximately \$55,000.00 in property rent payments for farmland at the Jatho Farm and Airport properties.

Following some review, motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehklau to accept the Financial Report for December 2018, 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:

- a. Barb DeVille was present to request a fee waiver for the 70th Annual Fulton Jaycees Egg Hunt to be held April 20, 2019 at Memorial Park.
 - i. This request encompasses usage of the Memorial Pavilion, Gazebo, and Park/Splashpad grounds.

Mrs. DeVille stated the Jaycees offer this event free to the public each year, and rental fees will cause the organization to have to cut back on the event this year and in the future.

Motion was offered by Councilman Moore and seconded by Councilman Vaughn to waive the shelter fees, as requested. Motion carried with eight members of the council voting in favor.

- b. Sam Craghead was present to request permission for the 50th Anniversary of the Dedication of the National Churchill Museum to be held May 4, 2019.
 - i. This request has been reviewed by Administration, Chief Myers, Chief Coffelt, Robert Boone, and Engineering. The event request includes a parade and staff assistance, food vendors, street closures, airport usage, etc.

Mr. Craghead announced that the Winston Churchill Museum will host a 50th Anniversary Celebration May 3-5, 2019 in honor of the dedication of the Winston Churchill Museum. The event will draw family

members of Winston Churchill, representatives from the Royal Air Force and United States Air Force, as well as experts from around the globe to Fulton.

Craghead provided an overview of the parade route and airport activities outlined in the council packet. Following some discussion, motion was offered by Councilman Braun and seconded by Councilman Moore to approve the request, as presented. Motion carried with eight members of the council voting in favor.

c. Tiny House discussion.

Mayor Benton stated this items have been previously discussed many times, and when the issue was brought up again, he asked that the Planning & Zoning Commission provide a recommendation. Dennis Houchins, Planning & Protective Services Director, stated he had reviewed previous City Council and Planning & Zoning Commission minutes in order to redraft the proposed ordinance included in the council packet.

Councilman Stone expressed concerns with the proposed ordinance language and feels it is not the council's responsibility to regulate what home size is appropriate for a family. Councilman Vaughn stated he believes the proposed language is still too small and should be larger.

Councilman Braun asked how the proposal would affect setbacks. Bill Johnson, Director of Administration, stated that if a property owner wanted to build a structure that would encroach upon setback regulations, the property owner would have to take their request to the Board of Adjustment for consideration.

Motion was offered by Councilman Stone and seconded by Councilman Moore to remove the "cover/footprint" language from the proposal, allowing for multiple stories to be built to accommodate the square footage requirements.

Councilman Vaughn stated that the council is not considering the integrity of neighborhoods that might be affected, and he doesn't agree with the motion. Councilman Stone stated he doesn't believe the council should create a regulation that forces a higher cost on someone wanting to build a home.

Motion failed with three members of the council voting in favor, and five members (Braun, Chailland, Shiverdecker, Simmons, and Vaughn) opposed.

Mayor Benton asked if there was a desire to continue discussing this topic. A majority of the members of the council expressed that they'd like to continue discussions. Mayor Benton stated the proposed language recommended by the Planning & Zoning Commission will appear on the next agenda.

d. Representatives from IAFF 2945 will be present to address the council regarding a labor agreement.

Scott Peterson, Joey Mirth, and Justin Malone came forward to address the council. Each member expressed that they believe the Director of Administration failed to bargain in good faith with the local fire union for a contract over the course of the past two years.

Mirth and Malone stated the council chose to deny a contract in 2017 following recommendation by the Human Resources Director, "even though the city's team proposed the 'just cause' terminology". According to Mirth, both parties agreed to the outcome of recent mediation, and now the city is trying to

back out because of terminology. Mirth also stated that the union is willing to continue discussions with the city and noted there is a February 1, 2019 deadline to finalize the proposed contract. Mirth asked that the Council reject hiring an attorney that will divert resources away from the city's fire department.

Councilman Stone stated the union agreement items would be different than standards for other city employees, and this seems to be a concern for many members of the council. Mirth stated the union has a constitutional right to negotiate terms of employees, and the council is, "not looking at apples to apples. We work 400 more hours than the average city employee, and our right to negotiate comes through the Missouri Constitution. Unfortunately, because the issue is in litigation, I'm unable to speak on specifics regarding the contract and negotiated items".

COUNCIL CONCERNS:

Councilman Vaughn asked for an update on the Parks & Recreation Community Center. Johnson stated the architects are still on schedule to take the project to bid in March.

Councilwoman Rehklau asked how food recalls are handled by the City. City Clerk Courtney Crowson said the Health Inspector is notified of food recalls and then notifies every business that serves and/or sells food product. Each business responds to the Health Inspector with information regarding whether they have the product or not, and how it is disposed of, if necessary.

Councilwoman Rehklau stated there are parking issues near the Sub Station on Ravine and asked that the issue be taken to the Traffic Commission for consideration.

Councilman Chailland stated he would still like to see a coat closet.

RESOLUTIONS:

Resolution No. 3327 was presented for adoption by Councilman Shiverdecker.

- a. Resolution No. 3327: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents with Ivan L. Schraeder of Schraeder Law Firm relating to Labor Relations Services.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Moore to adopt Resolution No. 3327 at tonight's council meeting. Motion was offered by Councilman Vaughn and seconded by Councilman Braun to table Resolution No. 3327. Johnson stated that the city will be left with no legal representation at this time should the city not choose to hire Ivan Schraeder. Motion carried with eight members of the council voting in favor.

Resolution No. 3328 was presented for adoption by Councilman Braun.

- b. Resolution No. 3328: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to an agreement with Joe Ellsworth, owner and developer of Willow Creek Subdivision, pertaining to subdivision road usage and width, and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to adopt Resolution No. 3328 at tonight's council meeting. Councilman Stone expressed concerns with widening the roads and believes it will create a thoroughfare through the neighborhood. Kyle Bruemmer, Interim City Engineer, stated the developer understands there will be additional traffic through the subdivision. Motion carried with eight members of the council voting in favor.

ORDINANCES:

SECOND READING

Bill No. 1525 was presented for Second 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 Shiverdecker to place Bill No. 1525 for Third 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 Second 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 Third Reading at tonight's council meeting. Motion carried with eight members of the council voting in favor.

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

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1526 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: Chailland, YES; Moore, YES; Rehklau, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES. Bill No. 1526, having received the affirmative vote of eight members of the council, was declared passed by the President of the Council.

Bill No. 1527 was presented for Second 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 Chailland to place Bill No. 1527 for Third Reading at tonight's council meeting. Motion carried with eight members of the council voting in favor.

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

Motion was offered by Councilman Simmons and seconded by Councilman Chailland to place Bill No. 1527 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; Rehkla, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES. Bill No. 1527, having received the affirmative vote of eight members of the council, was declared passed by the President of the Council.

Bill No. 1528 was presented for Second Reading by Councilwoman Rehkla.

- 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 Rehkla and seconded by Councilman Stone to place Bill No. 1528 for Third Reading at tonight's council meeting. Motion carried with eight members of the council voting in favor.

Bill No. 1528 was presented for Third Reading by Councilwoman Rehkla.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to place Bill No. 1528 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: Rehkla, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES; Moore, YES. Bill No. 1528, having received the affirmative vote of eight members of the council, was declared passed by the President of the Council.

Bill No. 1529 was presented for Second 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 Councilman Chailland to place Bill No. 1529 for Third Reading at tonight's council meeting. Motion carried with eight members of the council voting in favor.

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

Motion was offered by Councilman Stone and seconded by Councilman Chailland to place Bill No. 1529 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: Shiverdecker, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES; Moore, YES; Rehklau, YES. Bill No. 1529, having received the affirmative vote of eight members of the council, was declared passed by the President of the Council.

ANNOUNCEMENTS:

- a. The Callaway Chamber of Commerce Annual Banquet will be held Thursday, January 24, 2019, at 54 Country in Fulton for Councilmembers and Department Heads who have registered to attend. (Doors open at 5:00 p.m., Dinner at 6:00 p.m.)

- b. The next City Council meeting will be held Tuesday, February 12, 2019. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 p.m.

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. Mayor Benton stated there would be no additional business when the council returned from Executive Session.

Roll call vote of the members of the council was as follows: Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES; Moore, YES; Rehklau, YES; Shiverdecker, YES.

There being no further business during this Regular Session, the meeting adjourned at 7:51 p.m.

The Council exited to the Executive Conference Room and entered the Executive Session at 7:54 p.m.

The Council reentered the Council Chambers at 9:34 p.m. Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to exit Executive Session.

Roll call vote of the members of the council was as follows: Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES; Moore, YES; Rehklau, YES; Shiverdecker, YES; Simmons, YES.

The Council exited Executive Session at 9:35 p.m.

LeRoy D. Benton, Mayor

Courtney L. Crowson, MRCC
City Clerk