

**CITY COUNCIL MINUTES
FEBRUARY 12, 2019**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, February 12, 2019 in the Council Chambers of City Hall located at 18 E. 4th Street. Present and presiding were: Steve Moore, Deputy 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 Deputy Mayor Moore 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; Jenny Gray of THE FULTON SUN; Mike Haldeman and Darin Wernig, Audio/Video; and visitors: Noah Braun, Ivan Schraeder, Valerie Sebacher, Justin Malone, Stacie Adrian, Lowe Cannell, Nikki Hartley, and Beverly Gray.

INVOCATION:

Invocation was given by Pastor Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Williamson.

Deputy Mayor Moore stated there was a need to amend this evening's agenda by placing Resolution No. 3327, currently tabled, at the end of the list of Resolutions to be considered at this meeting. Motion was offered accordingly by Councilman Stone and seconded by Councilman Simmons. Motion carried with eight members of the council voting in favor.

COMMENTS FROM VISITORS:

There were no comments from visitors at this meeting.

APPROVAL OF THE CONSENT AGENDA:

There were no Consent Agenda items for consideration at this meeting.

UNFINISHED BUSINESS:

There was no Unfinished Business for consideration at this meeting.

NEW BUSINESS:

- a. Nikki Hartley, on behalf of the Callaway County Humane Society, will be present to request a fee waiver for the organization's park usage during 2019.

In the absence of Ms. Hartley, City Clerk Courtney Crowson provided an overview of the request. Ms. Hartley arrived at 6:35 p.m. and explained that the organization is asking that any reservation fees be waived for their various events throughout the year. Clay Caswell, Parks & Recreation Director, stated the group typically utilizes the Dog Park, and no fees are assessed for that location as there is not a shelter at this time.

Following some discussion, motion was offered by Councilman Stone and seconded by Councilman Braun to allow the Callaway County Humane Society to utilize the Dog Park at no cost, but that requests for fees

to be waived for other locations should be brought back before the council for consideration. Motion carried with eight members of the council voting in favor.

b. Demolition Incentive discussion.

Dennis Houchins, Planning & Protective Services Director, stated the city had been deeded one of the dilapidated properties, and the city recently placed the property for bid with the stipulations that the structure must be demolished and a new single-family dwelling must be built in its place within one year. The city received four bids, and Houchins will be meeting with the winning bidder and will keep the council apprised of any new information.

Houchins stated there is currently \$50,000.00 in the budget for demolition of derelict properties, and stated that if the city removes the houses, it will be costly (up to \$10,000.00 per property). Houchins has been looking into ways to incentivize property owners to remove the structures themselves, and believes the city could waive landfill fees at an amount not yet determined.

Bill Johnson, Director of Administration, stated the Planning & Protective Services department would utilize the budgeted funds to pay the landfill costs, and this would be another voluntary option available for citizens. Councilman Stone stated he would like to see the city continue to look at the higher priority properties that need to come down.

Councilman Braun stated the city is required to test for asbestos, but asked if homeowners are also required to meet the same standards. Houchins stated the city is able to remove one structure per year without testing for asbestos, but any costs beyond that fall back to the city. Homeowners are not required to test for asbestos as there are different regulations for commercial/municipal waste. Houchins will contact the Department of Natural Resources to confirm the city will not be liable for hauling materials from a site that has not been tested.

Many council members expressed favor for the idea and suggested having a limit on the amount of money the city could cover. Houchins will bring a proposal to the next council meeting with a proposed cap.

COUNCIL CONCERNS:

Councilman Stone wished to thank the city workers for their hard work during the recent bouts of inclement weather.

Councilman Vaughn noted there has been an advertisement for Tanglewood bids in the paper and asked for additional information. Caswell stated the city is accepting bids for renovations of the kitchen and restrooms at the clubhouse.

Councilman Vaughn asked for an update on the Sixth Street property currently in litigation. Houchins stated an inspection is scheduled for February 15th and citations have been written for debris outside the house.

Councilman Vaughn asked for an update on the asphalt quality issues along Business 54. Kyle Bruemmer, Interim City Engineer, stated an outside consultant administered tests in various areas along the route. According to Bruemmer, 90% of the test results were in line with MoDOT's quality standards and specifications. Bruemmer stated he disagrees with the findings of the assessment, and in the future, the city will not allow asphalt to be laid when weather is under 50 degrees.

Councilman Moore asked Bruemmer to look into repairs for Log Cabin Road in the spring and noted a small hole near Fourth Street and Westminster Avenue that should be filled.

RESOLUTIONS:

Resolution No. 3329 was presented for adoption by Councilman Shiverdecker.

- a. Resolution No. 3329: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to enter into an agreement with the Local 2945 International Association of Firefighters and establishing an effective date.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to adopt Resolution No. 3329 at tonight's council meeting. Motion failed with 3 members of the council voting in favor, and five members (Chailland, Moore, Rehkla, Shiverdecker, Simmons) opposed. Because there was no call for discussion prior to the vote, many members wished to convey why they had voted in opposition to the contract.

Councilman Simmons stated "just cause" was an issue the council cited concerns with in October 2017, and the terminology still remains in the contract. Councilman Simmons stated he disagrees with the use of this terminology because it is subjective, and he disagrees with the union's interpretation of "step up pay". Councilman Simmons also noted his disapproval of the PTO policy as he doesn't believe there should be a different policy for one department.

Councilwoman Rehkla stated she had similar concerns and added that she disagrees with the proposed changes to residency requirements which would allow fire department employees to live anywhere in Callaway County.

Councilman Stone stated this is not a contract he would have negotiated or written, and he is not pleased with how the contract turned out. Councilman Stone stated that because this is the contract that came out of mediation, he felt it should be approved.

Councilman Braun stated that this contract is what came out of mediation, and that if the city follows its own personnel handbook, he believes the guidelines of "just cause" are already in there.

Councilman Vaughn stated the two sides came together and filed a motion in court that they were in agreement, so he feels the city should approve the contract.

Councilman Shiverdecker stated his reasons for opposing the contract have already been stated.

Councilman Moore stated his reasons for opposition were already stated as well and he also has issues with the "evergreen clause" within the proposed contract.

Following some discussion, City Clerk Courtney Crowson noted that the council could call for a motion to reconsider the resolution so long as a member who originally voted in opposition initiated the motion.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Chailland to reconsider Resolution No. 3329 and provide for discussion prior to the vote. Motion carried with seven members of the council voting in favor, and one member (Chailland) opposed.

Resolution No. 3329 was presented for adoption by Councilman Shiverdecker.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to adopt Resolution No. 3329 at tonight's council meeting.

Councilwoman Rehkla stated, "We've been brought something to vote 'yes' or 'no' on. This item has been discussed repeatedly, and the court has required that we provide an answer at tonight's meeting. We didn't write it."

Councilman Braun stated, "Management has the right to manage union and non-union employees. We're splitting hairs here. I feel like we don't have all of the information. Mediation took place October 22, 2018 and we didn't hear anything about this contract until January 8, 2019. I think we need to stick with the mediated agreement".

Councilman Vaughn said he agreed with Councilman Braun.

Councilman Simmons stated, "The council denied the contract in 2017 due to 'just cause'. It's one of the reasons it was rejected. 'Just Cause' is not in the employee handbook; it's a seven step process that is very nebulous and there are different understandings on the step up pay issue".

Councilman Stone stated, "I don't feel like we have another choice. I don't like this contract, but it is what came out of mediation".

Deputy Mayor Moore asked if there was any further discussion as he would like to vote on the issue. City Clerk Courtney Crowson called for a roll call vote.

Roll call vote of the members of the council was as follows: Chailland, NO; Moore, NO. Rehkla, NO; Shiverdecker, NO; Simmons, NO; Stone, YES; Vaughn, YES; Braun, YES. Motion failed with 3 members of the council voting in favor, and five members (Chailland, Moore, Rehkla, Shiverdecker, Simmons) opposed.

Resolution No. 3330 was presented for adoption by Councilman Stone.

- b. Resolution No. 3330: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to enter into a Lease Extension Agreement with Yamaha Motor Corporation, USA, for the lease of fifty (50) Yamaha Golf Carts for a period of two (2) years with an annual cost of Fifteen Thousand Eight Hundred Eighty-Eight Dollars (\$15,888.00).

Motion was offered by Councilman Stone and seconded by Councilman Shiverdecker to adopt Resolution No. 3330 at tonight's council meeting. Johnson stated the city is extending its current lease for an additional two years. At this time, it is not feasible for the city get a new fleet. Caswell stated the city will likely need to look into a new lease option in two years.

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

Resolution No. 3330 was presented for adoption by Councilman Braun.

- c. Resolution No. 3331: A Resolution authorizing the destruction of city records that have met retention requirements in accordance with RSMO Chapter 109 and applicable State Retention Schedules.

Motion was offered by Councilman Braun and seconded by Councilman Moore adopt Resolution No. 3331 at tonight's council meeting. Crowson stated she had asked for the Secretary of State's office to send a Local Records Specialist to review the city's vault and areas where records are kept. There has never been an inventory of these records and currently, there is no system in place to identify records that have met retention. After many months of review and research, the representative presented the list included in the council's packet as an exhibit of items that have met their retention and can be destroyed.

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

Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehklau to remove Resolution No. 3327 from the table. Motion carried with seven members of the council voting in favor, and one member (Braun) opposed.

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

- d. 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 Simmons and seconded by Councilman Chailland to adopt Resolution No. 3327 at tonight's council meeting. Councilman Vaughn stated he doesn't understand why the city needs a lawyer. Johnson recommended the passage of the resolution and stated that if nothing further happens with the issue, the city will not need to utilize Mr. Schraeder's services. Johnson continued that, "If we do need to use him, I believe he is the best".

Councilman Braun asked if there are already monies owed to Schraeder at this time and if so, how much? Johnson stated there are fees associated with the counseling already rendered, although he is uncertain of the cost at this time.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to amend Resolution No. 3327 by retaining Schraeder's services for a period of 12 months. Motion carried with six members of the council voting in favor, and two members opposed (Braun, Vaughn).

Motion to adopt Resolution No. 3327, as amended, carried with six members of the council voting in favor, and two members (Braun, Vaughn) opposed.

ORDINANCES:

FIRST READING

Bill No. 1530 was presented for First Reading by Councilwoman Rehklau.

- a. Bill No. 1530: An Ordinance amending Appendix A., Zoning. Section 7, Density Regulations. Subsection (B), Exceptions to Lot Area and Width Requirements. Fulton City Code. to incorporate Subsection (B) (4), defining a minimum habitable structure requirement and establishing an effective date.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Simmons to place Bill No. 1530 for Second Reading at the next regularly-scheduled council meeting. Councilman Vaughn stated he thought this topic would go back to the Planning & Zoning Commission for additional review. Johnson stated that after the amendment to alter the language failed at the last meeting, the original bill, as recommended by the Planning & Zoning Commission, is being brought for consideration by the council.

Councilman Stone stated he is still opposed to the “cover/footprint” language within the proposed bill. Following some discussion, motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to remove the “cover/footprint” language from the proposed bill.

Councilman Braun stated that he doesn’t think it is right to entrust the Planning & Zoning Commission to come up with a recommendation or solution and then for the council to decide to change it. Motion failed with three members voting in favor, and five members (Braun, Chailland, Shiverdecker, Simmons, Vaughn) opposed.

Motion to consider the bill, as written, remained on the floor. Motion failed with four members of the council voting in favor, and four members (Chailland, Rehklau, Stone, Vaughn) opposed.

THIRD READING

Bill No. 1525 was presented for Third 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 place Bill No. 1525 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; Rehklau, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Vaughn, YES; Braun, YES; Chailland, YES. Bill No. 1525, having received the affirmative vote of eight members of the council, was declared passed by the Deputy Mayor.

ANNOUNCEMENTS:

- a. The next City Council meeting will be held Tuesday, February 26, 2019 at 6:30 p.m.

EXECUTIVE SESSION:

Deputy Mayor Moore said there was not a need to have an Executive Session at this meeting.

ADJOURNMENT:

There being no further business to come before the council, motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to adjourn this meeting. Motion carried with eight members of the council voting in favor, and the meeting adjourned at 7:50 p.m.

LeRoy D. Benton, Mayor

Courtney L. Crowson, MRCC
City Clerk