

**CITY COUNCIL MINUTES  
MAY 14, 2019**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, May 14, 2019 in the Council Chambers of City Hall located at 18 E. 4th Street. Present and presiding were: Mayor Lowe Cannell; 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 Cannell at 7:03 p.m. Roll call was taken by the City Clerk, and members of the council present were: Moore, Pace-Snook, Rehklau, Sebacher, Shiverdecker, Simmons, and Stone, and Braun. 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: Patrick Payne, Sam Craghead, Dick Davis, Lauren Nelson, Tiffany Cox, Julie Uhls, Sarah Sachs, Cindy Beckmeyer, Laura Derenne, Kelly Gillespie, Lisa McDaniel, Anne Johnson, Denise Felt, Deborah Grems, Tyler Rieke, Sandy Kelley, Nathan Nickolaus, and Jasmine Ramirez.

**INVOCATION:**

Invocation was given by Pastor Williamson.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Pastor Williamson.

**PRESENTATION OF A PROCLAMATION IN HONOR OF THE FULTON HOUSING AUTHORITY'S 60<sup>TH</sup> ANNIVERSARY.**

Mayor Cannell presented representatives of the Fulton Housing Authority with a proclamation celebrating their sixtieth anniversary. Anne Johnson introduced Julia Uhls, Denise Felt, both current members of the Fulton Housing Authority Commission, and Deb Grems, an employee of the organization. Mrs. Johnson thanked the council for this recognition and their continued dedication and support to providing safe and affordable housing for low income families.

**COMMENTS FROM VISITORS:**

Lauren Nelson, 3212 Nicklaus Ct., announced the Fulton Street Fair has selected the City of Fulton employees as this year's parade Grand Marshal. Nelson thanked the council for their assistance with the event, and stated she hopes to see many employees and members of the council participate with the parade and festivities.

Sam Craghead, Winston Churchill Museum, thanked the council and Mayor Cannell for their assistance with the recent 50<sup>th</sup> Anniversary Celebration of the memorial and museum.

**PUBLIC HEARING:**

Mayor Cannell stated there would be one public hearing at tonight's meeting regarding the following rezoning request:

- a. A .64 acre tract of land located immediately south of 2515 N. Bluff Street in Fulton, Missouri, from its present zoning of C-3 Planned Commercial to C-2 Commercial.

Mayor Cannell declared this hearing open at 7:14 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?

Tyler Rieke, 2521 N. Bluff, stated she was present to represent CARD-V in opposition to this rezoning request. Rieke stated the organization assists hundreds of victims annually and feels the proposed zoning change may impede their ability to provide confidential services at their nearby location.

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 Cannell declared the public hearing closed at 7:16 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 Cannell 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 Lin Diekamp for the annual Callaway County CROP Hunger Walk on Sunday, October 13, 2019 at 1:30 p.m.
  - i. The event request has been reviewed and approved Chief Myers; no police assistance is needed or requested.

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

#### **UNFINISHED BUSINESS:**

Councilman Shiverdecker asked for an update on the Community Center and Baseball/Softball Field Complex proposals. Clay Caswell, Parks & Recreation Director, stated the community center documents are nearly complete, and the project should go out for bid shortly. The ball field project still needs some attention from the Engineering Department.

Councilman Shiverdecker stated he would like to see the projects taken to bid. Caswell said he could provide some project documents and information at the next council meeting and believes the bidding process should take approximately 6-8 weeks to complete.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to proceed with taking both projects to the bidding stage. Councilman Moore stated he is opposed to the idea because he does not believe both projects can be achieved. Motion carried with seven members of the council voting in favor, and one member (Moore) opposed.

**NEW BUSINESS:**

- a. Julia Uhls, Sarah Sachs, and Cindy Beckmeyer were present to request permission for the Annual Relay for Life event to be held at Memorial Park on Friday, June 14, 2019, beginning at 5:30 p.m.
  - i. This request has been reviewed by Administration, Parks & Recreation, Chief Myers, Chief Coffelt, and Darrell Dunlap.
  - ii. The event will require street closures, splash pad and lighting controls, authorization for a fireworks display, electric drops, and trash cans.

Uhls stated the request is comparable to previous annual requests and offered to answer any questions from the council. Councilman Simmons asked if the organization has been in contact with The Copper Mine and liquor store as he is concerned with shutting down Second Street and the impact it may have on business. Beckmeyer stated she has been in contact with The Copper Mine and the business parking lot will remain open for citizen access.

Following some brief discussion, motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to approve the request, as presented. Councilman Braun asked if food trucks should be considered separately as the city doesn't have a food truck ordinance at this time. City Clerk Courtney Crowson stated that anytime a request is made for sales/food trucks in a public park, the request comes before the council for special consideration. Motion carried with eight members of the council voting in favor.

- b. Dick Davis, President of the Fulton Country Club Board, was present to request funding for the 2019 4<sup>th</sup> of July Fireworks Display and authorization for the event.

Davis stated he appreciates the opportunity to appear before the council to discuss the annual fireworks display. Increased costs have caused a hardship on the country club, and Davis noted there are efforts currently to revamp processes. The annual fireworks display costs \$5,900, and the city contributed \$2,950 towards the total in 2018. Davis requested that the city's contribution be increased to \$3,950 in 2019 with the hopes that the club can return to a lower requested amount in the future.

Davis stated the club is working with the Callaway County Chamber of Commerce to solicit contributions from the business community, and the club will receive a discount (in the form of additional fireworks) if the total is paid by June 4, 2019.

Councilman Stone asked what impact there would be to lower the overall display by \$1,000, and Davis stated this would result in a shorter display for the public. Councilman Braun feels the fireworks benefit the community as a whole.

Motion was offered by Councilman Braun and seconded by Councilman Moore to approve the city's contribution of \$3,900 towards the display, as requested.

Councilwoman Sebacher asked what the club plans to do if there is not enough of a match from the local business community. Davis stated that he believes the club can patch together the funds for the remaining portion should contributions fall short.

Councilman Simmons stated that as a member of the club, he will be abstaining from this vote. Motion carried with seven members of the council voting in favor, and one member (Simmons) abstaining.

- c. Lisa McDaniel was present to request permission for a Kleewood Block Party/Ice Cream Social on Saturday, May 25, 2019 from 4:00 – 6:00 p.m.
  - i. This request has been reviewed by Administration and Chief Myers.
  - ii. The event will require the closure of the east side of North School Blvd. and will not affect any residences (no structures on this side of the street).
  - iii. There will be no alcohol at this event.

McDaniel stated her group is requesting to close the east side of North School Blvd. in order to have a neighborhood block party, and would like the council to consider a possible rain date of June 8<sup>th</sup>. Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Pace-Snook to approve the request as presented. Motion carried with eight members of the council voting in favor.

- d. Nathan Nickolaus, Lauber Municipal Law, will be present to provide an overview of medical marijuana regulations.

Nickolaus stated his firm represents cities in municipal matters, and he has been working with a number of cities on medical marijuana regulation. According to Nickolaus, the recently-passed Missouri Amendment 2 allows cities to reasonably regulate some aspects of medical marijuana including: hours of operation; distances between facilities, schools, and places of worship; require the same business license the city would require of any other business establishment; and zoning regulations. Nickolaus noted that cities cannot regulate who is awarded a facility license, nor can they refuse to allow facilities within their city limits.

Nickolaus stated there will be changes to criminal law regulations at the state level, and this will affect the laws cities have on the books. Additionally, cities will need to address personnel policies, but Nickolaus noted that agencies that receive federal grant monies will need to continue to comply with a “no tolerance” policy in order to remain eligible for future funding.

Johnson stated he asked Nickolaus to put together some information for the city to review, and he would like to see the city take the sample and make changes as the council and staff deem necessary. Johnson would like to have this process completed by the end of July.

Mayor Cannell recessed the council for a break at 8:25 p.m. The council, with the exception of Councilwoman Sebacher, who exited at 8:25 p.m. due to an illness, reconvened at 8:33 p.m.

Councilman Braun asked if the city is entering into a contract with Nickolaus. Johnson stated he has signed a special council agreement with Nickolaus.

e. City of Fulton/FRDC Offender Work Program

Johnson reported that multiple employees have gone through training to supervise offenders on jobsites. The city will begin its offender work program again in the next thirty days.

**COUNCIL CONCERNS:**

Councilman Moore stated he would like to see advertisements for the community to meet the new clubhouse manager.

Councilwoman Pace-Snook asked if there have been any issues with flooding following heavy rainfall recently. Kyle Bruemmer, Interim City Engineer, stated he was not aware of anything out of the ordinary.

Councilman Braun stated he believes the speed monitor sign, currently on Parkridge, could be moved to a different area.

Councilman Stone noted some areas of roughness on the Business 54 roadwork, especially in areas where the pavement transitions to concrete. Councilman Stone would also like to see the city pass out popsicles during the Street Fair parade again this year. Additionally, Councilman Stone stated he attended a presentation on community land grants, and he would like to see the city look into this in the future.

Councilwoman Rehkla asked that the flagpole at Memorial Park be painted.

Councilman Simmons asked if the group would be attending the MML Central Division meeting in Centralia next week. Johnson noted that no one had expressed interest in attending, so the city would not be going. Councilman Simmons also announced the Annual Pilots Association Pancake Breakfast would be held at the airport this coming Saturday morning.

**RESOLUTIONS:**

Resolution No. 3342 was presented for adoption by Councilwoman Rehkla.

- a. Resolution No. 3342: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to make application and sign all necessary documents with the Missouri Department of Natural Resources, State Revolving Funding Program relating to loans under the Missouri Clean Water Law (Section 644, RSMo) pertaining to the Wastewater Treatment Plant Improvements

Motion was offered by Councilwoman Rehkla and seconded by Councilman Moore to adopt Resolution No. 3342 at tonight's council meeting. Johnson stated this is a housekeeping measure to put the newly-elected Mayor as an authorized signer on behalf of the City of Fulton. Motion carried with seven members of the council voting in favor, and one member (Sebacher) absent.

**ORDINANCES:**

**FIRST READING**

Bill No. 1539 was presented for First Reading by Councilman Stone.

- a. Bill No. 1539: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Airport Consultant Selection of Jviation, and affirming the selection process met the Missouri Department of Transportation's requirements.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehkla to place Bill No. 1539 for Second Reading at the next regularly-scheduled council meeting. Johnson stated the city is required to go through a selection process every five years to select an engineering firm for projects at the airport. Bruemmer stated Jviation was selected following the standard review process.

Councilman Braun asked for clarification on the dollar amount the city plans to spend with the firm. Bruemmer stated the FAA mandates the monies associated with various projects, but any projects done over the next five years will utilize Jviation's services. Projects and associated costs will come before the council for review.

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

Bill No. 1540 was presented for First Reading by Councilman Braun.

- b. Bill No. 1540: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to an application for federal and state assistance for the Elton Hensley Memorial Airport to assist with new hangars and approving the city's local match of not-to-exceed ten percent of project costs.

Motion was offered by Councilman Braun and seconded by Councilwoman Pace-Snook to place Bill No. 1540 for Second Reading at the next regularly-scheduled council meeting. Motion was offered by Councilwoman Rehkla and seconded by Councilman Braun to table Bill No. 1540.

Councilman Simmons stated the city has approved a great deal of money (approximately \$93,000.00) for the airport, and these funds will expire in September. Bruemmer reported the city receives roughly \$150,000.00 in federal funding annually for the airport. Councilman Simmons said this bill states the funds would be used to construct new hangars, but he would like to see the funds used to address safety concerns (such as runway lighting), and he'd like to allow the Engineering Department time to review the hangar waiting list to see if additional hangars are needed.

Councilman Simmons would also like to see the city review the current rental fees assessed for hangars, as he feels the fees are too low. Councilman Braun asked if Bruemmer feels the city should finance something that creates a deficit annually. Bruemmer noted the federal government commits 90% of the funding, and the city is responsible for the remaining 10%. Bruemmer continued that hangars and fuel are the only

sources available at the airport to generate funds. Motion (to table) carried with seven members of the council voting in favor, and one member (Sebacher) absent.

Bill No. 1541 was presented for First Reading by Councilwoman Pace-Snook.

- c. Bill No. 1541: An Ordinance repealing Section 2-71, Counselor to Sign. Fulton City Code., and enacting a new section in lieu thereof.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Braun to place Bill No. 1541 for Second Reading at the next regularly-scheduled council meeting. Crowson noted the council was provided with the City Counselor's proposed amendment to the bill, and provided an overview of the change. The change includes the addition of: Section Two (remaining sections will advance forward one position) - a section reaffirming the city's current ordinances and resolutions. Motion to amend the bill with the proposed changes was offered by Councilman Shiverdecker and seconded by Councilman Moore. Motion carried with seven members of the council voting in favor, and one member (Sebacher) absent.

Councilwoman Pace-Snook and Councilman Braun reaffirmed their previous motion stood to move the amended bill to Second Reading at the next regularly-scheduled council meeting. Motion carried with seven members of the council voting in favor, and one member (Sebacher) absent.

Bill No. 1542 was presented for First Reading by Councilman Moore.

- d. Bill No. 1542: An Ordinance reclassifying, under the Zoning Ordinance, a .64 acre tract of land located immediately south of 2515 North Bluff Street in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1542 for Second Reading at the next regularly-scheduled council meeting. Dennis Houchins, Planning & Protective Services Director, read the following excerpt from the Planning & Zoning Commission minutes from May 8, 2019:

"After some discussion, motion was offered by Ron Oldani and seconded by Ken McSwain to approve the zoning change request made for the tract of land located at 2515 North Bluff Street 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, NO; Ken McSwain, YES; Joan Berry Morris, YES; Ron Oldani, YES; Jeremy Washington, YES; Lewis Beaty, YES.

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

Councilwoman Pace-Snook stated she understands the property is currently zoned for retail and there are no setback requirements with the commercial zoning. Houchins confirmed this information and noted there are setback requirements for residential zonings.

Councilman Stone stated he greatly appreciates and respects the comments Ms. Rieke made during this evening's public hearing, but he doesn't feel that [privacy and confidentiality in regards to the location use] is something the council can control. Councilman Stone continued by saying, "Even as it is zoned right now, someone could build right on top of you".

Following brief discussion, motion carried with seven members of the council voting in favor, and one member (Sebacher) absent.

## SECOND READING

Bill No. 1538 was presented for Second Reading by Councilman Stone.

- a. Bill No. 1538: An Ordinance repealing Chapter 14, Animals. Fulton City Code., enacting a new chapter in lieu thereof, and establishing an effective date.

Motion was offered by Councilman Stone and seconded by Councilwoman Pace-Snook to place Bill No. 1538 for Third Reading at the next regularly-scheduled council meeting. Motion carried with seven members of the council voting in favor, and one member (Sebacher) absent.

## ANNOUNCEMENTS:

- a. The MML Annual Elected Officials Training will be held June 6-7, 2019, in Columbia, Missouri. Councilmembers who wish to attend must RSVP with the City Clerk no later than May 21<sup>st</sup>.
- b. The next meeting of the City Council will be held Tuesday, May 28, 2019 at 6:30 p.m.
- c. The MML Annual Conference will be held September 8-11, 2019, in St. Charles, Missouri. Final reservations are due to the City Clerk no later than May 31<sup>st</sup>.

Mayor Cannell announced that Councilwoman Pace-Snook has accepted the appointment of Council Liaison to the Planning & Zoning Commission, and Councilman Simmons has accepted the appointment of Council Liaison to the Airport Board.

## EXECUTIVE SESSION:

Mayor Cannell said there was not a need for an Executive Session at this meeting.

## ADJOURNMENT:

There being no further business to come before the council, motion was offered by Councilwoman Pace-Snook and seconded by Councilman Stone to adjourn this meeting. Motion carried with seven members of the council voting in favor, and one member (Sebacher) absent. The meeting adjourned at 9:15 p.m.



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Lowe Cannell, Mayor

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Courtney L. Crowson, MRCC  
City Clerk