

**CITY COUNCIL MINUTES  
MAY 28, 2019**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, May 28, 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 6:30 p.m. Roll call was taken by the City Clerk, and members of the council present were: Braun, Moore, Pace-Snook, Rehklau, Sebacher, Simmons, and Stone. Absent was: Councilman Shiverdecker. 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 Mark Kummer; Jenny Gray of *THE FULTON SUN*; Mike Haldeman and Darin Wernig, Audio/Video; and visitors: Patrick Payne, Scott Peterson, Justin Malone, Joe Pestka, Michelle Payne, Phil Walsack, and David Hollabaugh.

**INVOCATION:**

Invocation was given by Pastor Kummer.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Pastor Kummer.

**COMMENTS FROM VISITORS:**

There were none.

**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. City Clerk Courtney Crowson 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 the City Council meeting minutes of April 23, 2019.
- b. Approval of the City Council meeting minutes of May 14, 2019.
- c. Approval of the Director of Administration Report of April.
- d. Re-Appointment of Judy Schaneman to the Historic Preservation Commission.
- e. Re-Appointment of Adrienne Lindsey to the Human Rights Commission.
- f. Re-Appointment of Don Stassel to the Human Rights Commission.
- g. Re-Appointment of Robert Wilson to the Park Board.

Councilman Braun requested to remove the April Director of Administration Report from the Consent Agenda.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Braun to approve the remaining items on the Consent Agenda, as presented. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

**CONSENT AGENDA ITEMS FOR DISCUSSION:**

Councilman Braun asked if the fees currently charged by the Planning & Protective Services Department are sufficient to cover costs. Bill Johnson, Director of Administration, stated Fulton's fees are lower than most cities and were last reviewed eight years ago. Councilman Braun expressed concerns with the fees and would like to see the city move towards covering costs.

Councilman Braun also expressed concerns with the Animal Shelter fees, noting more revenue was recognized through the shelter than through building permits. Councilman Braun also thanked the new Tanglewood Clubhouse Manager for beginning to turn things around at the course.

Councilman Moore asked for clarification regarding a leaking water tower pipe located on South Business 54. The city is seeking estimates to repair the leak, but costs are anticipated to be in excess of \$20,000.00.

Motion was offered by Councilman Braun and seconded by Councilwoman Rehklau to approve the Director of Administration Report for the month of April, as presented. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

**PRESENTATION AND ACCEPTANCE OF THE FINANCIAL REPORT FOR THE MONTH OF APRIL.**

The Financial Report for the month of April 2019 was presented for acceptance, and Chief Financial Officer, Kathy Holschlag was present to answer any questions from the council.

Holschlag reported three months of sales tax has been recorded, and numbers lie 3.25% ahead of this period of time in 2018.

Following some review, motion was offered by Councilman Moore and seconded by Councilwoman Pace-Snook to accept the Financial Report for April 2019, as presented. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

**UNFINISHED BUSINESS:**

- a. Parks & Recreation Community Center and Baseball/Softball Complex update.

Clay Caswell, Parks & Recreation Director, stated the information he provided to the council is preliminary, and the recreation center bid deadline has been set for July 11, 2019. Caswell anticipates having bid information at the second meeting in July.

Caswell reviewed some visual renderings of the proposed recreation center and possible programs and uses for the facility. Once the city receives cost estimates, the council can choose to accept the numbers or whittle down what the final project will look like.

Mayor Cannell asked for an estimate of the number of additional staff it will take to run the center. Caswell stated he plans to man operations primarily with seasonal, college employees along with a full-time custodian and full-time building manager.

Councilman Stone asked if both projects (Recreation Center and Baseball/Softball Complex) would go out for bid simultaneously. Caswell stated both projects would go out for bid, but the ball complex is not ready to place for bid at this time. Councilman Stone stated he would like to see all phases of both projects to go out for bid so the council can be aware of projected costs.

**NEW BUSINESS:**

- a. Michelle Payne, on behalf of Callaway Head Start, was present to request a fee waiver for use of the Memorial Park Pavilion for the organization's family night on Friday, July 26, 2019, from 5:00 p.m. to 7:00 p.m.

Payne stated the Callaway Head Start organization has been exempt from reservation fees in the past, but was notified that all fee waivers must now go through the council. Payne also asked for the Police and Fire Departments to participate with this event.

Motion was offered by Councilman Moore and seconded by Councilman Simmons to approve the request as presented.

Payne asked if the group could receive a standing fee waiver instead of coming before the council each year. The council stated they will continue to review requests on an annual basis. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

- b. Phil Walsack from Burns & McDonnell provided a presentation reviewing the sanitary sewer smoke testing results.

Darrell Dunlap, Superintendent of Utilities, introduced Walsack and noted the city has worked with Burns & McDonnell on various projects over the years. Walsack provided an overview of the city's usage of drones to monitor smoke testing in the downtown area. Burns & McDonnell, in conjunction with city staff, pumped the downtown sanitary sewer system with smoke while using drones to quickly pinpoint areas with leaks. This innovative use of technology allowed the group to safely and efficiently review the entire area for potential points of concern.

Inflow and Infiltration issues were readily apparent in the Market Street parking lot, and the city repaired the issues quickly. Johnson said the city has worked with Walsack in one way or another for more than twenty years, and he is an expert in the field.

- c. September and December 2019 meeting schedule.

City Clerk Courtney Crowson stated the council reviews the meeting schedule each year and adjusts for the annual MML Conference and holiday season. As in years past, the city is proposing one meeting in September (09/24) and one meeting in December (12/17).

Motion was offered by Councilwoman Rehklau and seconded by Councilman Braun. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

**COUNCIL CONCERNS:**

Councilman Stone thanked the city crews who were able to assist in the South Callaway and Jefferson City areas following recent storms and flooding.

Councilman Braun noted the flashing signs along Business 54 that state roadwork will begin in April 2019, and asked that they be taken down.

Councilman Moore stated he was happy to see street lights near the new warehouse facility.

#### **RESOLUTIONS:**

Resolution No. 3343 was presented for adoption by Councilman Braun

- a. Resolution No. 3343: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Tree Resource Improvements and Maintenance (TRIM) grant, and contingent upon receiving said grant monies, approving the city's in-kind and monetary match.

Motion was offered by Councilman Braun and seconded by Councilman Moore to adopt Resolution No. 3343 at tonight's council meeting.

Johnson stated the proposed grant will come at a higher cost for the city than originally expected, and the ash borer treatment would not be available for trees on private property (only city property). According to Johnson, there will be ongoing costs and maintenance annually, and he is unsure whether or not the project is worth pursuing.

Councilman Moore stated he would rather see the money used to plant new trees that are better suited for Fulton's environment. Councilman Stone said there may be an opportunity for the local scouts to take on this project.

Motion failed with seven members of the council voting in opposition, and one member (Shiverdecker) absent.

Resolution No. 3344 was presented for adoption by Councilman Simmons.

- b. Resolution No. 3344: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the settlement of litigation and adoption of collective bargaining agreement with the IAFF Local 2945, and establishing an effective date.

Motion was offered by Councilman Simmons and seconded by Councilwoman Pace-Snook to adopt Resolution No. 3344 at tonight's council meeting.

Johnson said there were changes made as late as this morning to the settlement agreement, and because he had not provided the changes to the council prior to the meeting, he would like Michelle Maupin, Human Resources Director, to have a few moments to make copies of the revised document.

Maupin returned to the Council Chambers with the updated settlement agreement. Johnson noted the resolution authorizes both a contract and settlement agreement between the city and the fire union and apologized for not providing the revised document in council packet for the council's review.

Johnson described the settlement agreement as “standard” and noted both entities had made some concessions to reach an agreement. Johnson continued that step-up pay will be included in the contract, but there will be only one captain on shift per hour. If the captain leaves their shift for any period of one hour or more, and a fire engineer steps up into the captain position, the engineer will be paid step-up pay hour for hour.

Mayor Cannell thanked administration, previous councilmembers, union members, and everyone who has worked for many years to reach this agreement. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

## ORDINANCES:

### FIRST READING

Mayor Cannell asked if there was a motion to remove Bill No. 1540 from the table.

Motion was offered by Councilman Stone and seconded by Councilwoman Pace-Snook to remove Bill No. 1540 from the table. Motion carried with six members of the council voting in favor, one member (Braun) opposed, and one member (Shiverdecker) absent.

- a. 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.

Bruemmer introduced Joe Pestka of Aviation to discuss hangar rental fees and the pursuit of a grant to construct additional hangars. Pestka provided an overview of the airport, the number of visitors it sees annually, and noted the urgency to utilize the 2016 MoDOT money the city has already received for improvements at the airport.

Following some discussion, Bruemmer stated that if the city does not have the 2016 funding obligated by September 30, 2019, the city will lose it. Bruemmer also noted that some of the funding could be used to address runway lighting issues.

Councilman Braun stated he is not in support of spending additional funds at the airport. Councilman Stone said the group cannot pursue a grant if the bill does not advance.

Crowson noted the previous motion made during the May 14, 2019 council meeting to advance Bill No. 1540 to Second Reading at the next regularly-scheduled meeting was now on the floor for consideration. Motion carried with five members of the council voting in favor, two members (Braun, Rehklau) absent, and one (Shiverdecker) absent.

Mayor Cannell recessed the council for break at 8:23 p.m. The council reconvened at 8:31 p.m.

Bill No. 1543 was presented for First Reading by Councilwoman Sebacher.

- b. Bill No. 1543: An Ordinance authorizing the Mayor and City Clerk, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with the Collector and County Commissioners of Callaway County, Missouri, relating to the collection of taxes, with the contract period commencing upon approval through June, 2023.

Motion was offered by Councilwoman Sebacher and seconded by Councilman Simmons to place Bill No. 1543 for Second Reading at the next regularly-scheduled council meeting.

Johnson stated this agreement has been in place for decades, and it is very beneficial to the city. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Bill No. 1544 was presented for First Reading by Councilman Simmons.

- c. Bill No. 1544: An ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to approve Plat Six for Southwind Estates Subdivision.

Motion was offered by Councilman Simmons and seconded by Councilman Stone to place Bill No. 1544 for Second Reading at the next regularly-scheduled council meeting.

Councilwoman Rehklau stated she may have concerns with future plats and the wetlands, but sees no issues with this proposed plat. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Bill No. 1545 was presented for First Reading by Councilwoman Rehklau.

- d. Bill No. 1545: An Ordinance authorizing the use of private golf carts on Tanglewood Golf Course for the residents of Tanglewood Business Park and Tanglewood Subdivision, and establishing an effective date.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Stone to place Bill No. 1545 for Second Reading at the next regularly-scheduled council meeting.

Johnson reported the developer for the Tanglewood Business Park has requested to have a document that can be recorded granting private cart privileges once all other requirements have been met. The city's ordinance will allow these privileges to residents of the Tanglewood Business Park and Tanglewood Subdivision.

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

Bill No. 1546 was presented for First Reading by Councilman Moore.

- e. Bill No. 1546: An ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to approve Plat Two for Willow Creek Subdivision.

Motion was offered by Councilman Moore and seconded by Councilman Stone to place Bill No. 1546 for Second Reading at the next regularly-scheduled council meeting.

Bruemmer noted that Plat Two is an extension of Commons Drive and will come out behind the movie theater and bowling alley. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

## SECOND READING

Bill No. 1539 was presented for Second 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 Aviation, and affirming the selection process met the Missouri Department of Transportation's requirements.

Motion was offered by Councilman Stone and seconded by Councilwoman Pace-Snook to place Bill No. 1539 for Third Reading at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

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

Motion was offered by Councilman Stone and seconded by Councilwoman Pace-Snook to place Bill No. 1539 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Roll call vote of the members of the council was as follows: Moore, YES; Pace-Snook, YES; Rehklau, YES; Sebacher, YES; Simmons, YES; Stone, YES; Braun, YES. Bill No. 1539, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

Bill No. 1541, as amended, was presented for Second Reading by Councilwoman Pace-Snook.

- b. Bill No. 1541 AS AMENDED: 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 Simmons to place Bill No. 1541, as amended, for Third Reading at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Bill No. 1541, as amended, was presented for Third Reading by Councilwoman Pace-Snook.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Stone to place Bill No. 1541, as amended, for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.

Roll call vote of the members of the council was as follows: Pace-Snook, YES; Rehklaue, YES; Sebacher, YES; Simmons, YES; Stone, YES; Braun, YES; Moore, YES. Bill No. 1541, as amended, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

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

- c. 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 Stone to place Bill No. 1542 for Third Reading at tonight's council meeting. Motion carried with six members of the council voting in favor, one member (Braun) opposed, and one member (Shiverdecker) absent.

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

Motion was offered by Councilman Stone and seconded by Councilman Stone to place Bill No. 1539 for Final Passage at tonight's council meeting. Councilman Braun stated he respects the confidentiality of the business located immediately behind the property and does not support this rezoning. Councilwoman Pace-Snook stated she is concerned that if the property is not rezoned, there are no current setback requirements to protect the business referenced by Councilman Braun.

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

Roll call vote of the members of the council was as follows: Rehklaue, YES; Sebacher, YES; Simmons, YES; Stone, YES; Braun, NO; Moore, YES; Pace-Snook, NO. Bill No. 1536, having received the affirmative vote of five members of the council, was declared passed by the President of the Council.

### THIRD READING

Bill No. 1538 was presented for Third Reading by Councilwoman Sebacher.

- 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 Councilwoman Sebacher and seconded by Councilman Moore to place Bill No. 1538 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent.



Roll call vote of the members of the council was as follows: Sebacher, YES; Simmons, YES; Stone, YES; Braun, YES; Moore, YES; Pace-Snook, YES; Rehlau, YES. Bill No. 1538, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

**ANNOUNCEMENTS:**

- a. The MML Annual Elected Officials Training will be held June 6-7, 2019, in Columbia, Missouri for Councilmembers who are registered to attend.
  
- b. The next meeting of the City Council will be held Tuesday, June 11, 2019. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 p.m.
  
- c. The MML Annual Conference will be held September 8-11, 2019, in St. Charles, Missouri. Final reservation changes are due to the City Clerk no later than May 31<sup>st</sup>.

**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 Councilman Braun and seconded by Councilwoman Pace-Snook to adjourn this meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) absent. The meeting adjourned at 9:08 p.m.

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Lowell Cannell, Mayor

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Courtney L. Crowson, MRCC  
City Clerk