

CITY COUNCIL MINUTES
JULY 23, 2019

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, July 23, 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, Police Chief. 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, Rehkla, Sebacher, Shiverdecker, Simmons, and Stone. 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 Martin Stukenborg; Helen Wilbers of *THE FULTON SUN*; Darin Wernig, Audio/Video; and visitors: Megan Prenger, Linda Ellis, and Charles Ellis.

INVOCATION:

Invocation was given by Pastor Stukenborg.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Stukenborg.

COMMENTS FROM VISITORS:

Linda Ellis, St. Rd. UU, expressed concerns with the lack of fencing near the Splash Pad and the possibility of children entering a busy roadway. Mrs. Ellis noted her long-time EMS background and said she has witnessed what can happen when children take off running. Mrs. Ellis would like to see the city install a barrier between the roadway and the splashpad to ensure the children's safety.

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 the City Council meeting minutes of June 25, 2019.
- b. Approval of the City Council meeting minutes of July 9, 2019.
- c. Approval of the Director of Administration Report of June.
- d. Approval of an event request from Misty Dothage, Executive Director of Our House: Caring for Callaway's Homeless, for the Annual BBQ Fundraiser at Memorial Park, August 18, 2019, from 4:00 -7:00 p.m.
 - i. The organization has paid for the reservation of the shelter and is requesting permission to sell BBQ and t-shirts to raise funds.
- e. Acceptance of the following Board and Commission Reports:
 - i. Planning & Zoning Commission – May 8, 2019

- ii. Historic Preservation Commission – May 14, 2019
- iii. Public Utility Board – June 24, 2019

Councilman Stone stated he would like to remove the DOA Report from the Consent Agenda. Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Sebacher to approve the remaining items on the Consent Agenda, as presented. Motion carried with eight members of the council voting in favor.

CONSENT AGENDA ITEMS FOR DISCUSSION:

Councilman Stone asked for an update on the city’s recycling costs. Robert Boone, Assistant Director of Administration, stated that as of June 1, 2019, the city’s costs are \$140/ton, and there were roughly 11.6 tons collected during that month. Bill Johnson, Director of Administration, stated the city has looked into other places to take the single-stream recyclables, but no other options appear to be viable at this time.

Councilman Stone asked for the number of recycling carts and residential trash carts. Johnson estimated the city has approximately 4,500 trash carts and 800 recycling carts. Councilman Stone asked if it is worth considering increasing the recycling cart rates (currently \$1/month), and stated he feels the city needs to begin covering costs if the program is to remain in effect.

Some brief discussion followed. Motion was offered by Councilman Stone and seconded by Councilman Braun to approve the Director of Administration’s Report, as presented. Motion carried with eight members of the council voting in favor.

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

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

Holschlag reported sales tax collection is in line with 2018 figures, and five months of tax revenues have been recorded. Holschlag provided a brief review of capital expenses recognized during June and noted the principal interest payment was made for the Fulton Commons TIF during June as well.

Councilman Braun asked if the increase in the electric fund is due to higher temperatures. Holschlag noted the increase is typical during the summer months. Councilman Braun asked when the council would have the opportunity to review the city’s reserve fund balances. Johnson stated the report has historically only been given to the Director of Administration and Mayor. Councilman Braun stated he would like to see the council receive a copy.

Following some review, motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehklau to accept the Financial Report for June 2019, 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. Megan Prenger, Executive Director of the Callaway County United Way, will be present to request permission for the annual United Way Day event on Friday, September 13, 2019, from 9:00 a.m. – 8:00 p.m. at Memorial Park.

Prenger stated the Callaway County United Way does a kick off annually in September and this request remains the same as previous years' requests. Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to approve the request, as presented. Motion carried with eight members of the council voting in favor.

- b. Representatives will be present to request permission for the Peace Festival on Saturday, July 27, 2019 in Carver Park from 9:00 a.m. to 12:00 p.m.

There were no representatives present to request, and Councilman Moore stated he had been in contact with the event organizers. Johnson noted the group had purchased the required event insurance and there were no other outstanding requirements.

Motion was offered by Councilman Stone and seconded by Councilman Shiverdecker to approve the request, as presented. Motion carried with eight members voting in favor.

COUNCIL CONCERNS:

Councilman Braun thanked Mrs. Ellis for attending tonight's meeting and stated he believes there is a need to place fencing or some type of barrier around the Splash Pad in order to ensure the safety of the children.

RESOLUTIONS:

Resolution No. 3348 was presented for adoption by Councilman Shiverdecker.

- a. Resolution No. 3348: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Bill Sullivan Excavation of Silex, Missouri, for the Route O Boring Project.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Moore to adopt Resolution No. 3348 at tonight's council meeting. Johnson stated this is a vital component of the Route O Lift Station, and a force main will be installed. The city has worked with this contractor in the past and had a positive experience. Motion carried with eight members of the council voting in favor.

ORDINANCES:

FIRST READING

Bill No. 1551 was presented for First Reading by Councilman Braun.

- a. Bill No. 1551: An Ordinance readopting Ordinance 938-03, enacting Chapter Two, Administration. Article I, In General. Sections 2-9 through 2-13 pertaining to the Annual Financial Disclosure Requirement, Fulton City Code. and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to place Bill No. 1551 for Second Reading at the next regularly-scheduled council meeting. City Clerk Courtney Crowson noted the city

has a Conflict of Interest Ordinance on file with the Missouri Ethics Commission, and the readopted ordinance must be filed prior to September 15th biannually. Crowson noted there are no changes to the ordinance, and it mirrors the ordinance passed by the city for many years. Motion carried with eight members of the council voting in favor.

Bill No. 1552 was presented for First Reading by Councilman Moore.

- b. Bill No. 1552: An Ordinance repealing Chapter 50, Fire Protection and Prevention. Article II, Fire Prevention Code. Fulton City Code. and enacting a new Article in lieu thereof.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1552 for Second Reading at the next regularly-scheduled council meeting. Crowson noted that this section of the code is outdated and inconsistent with the fire protection code adopted by the City Council in 2017. Motion carried with eight members of the council voting in favor.

SECOND READING

Councilman Shiverdecker stated he would again be abstaining from the discussion and vote relating to the medical marijuana ordinances similarly to his announcement of abstention at the July 9, 2019, council meeting. Mayor Cannell acknowledged Councilman Shiverdecker's request to abstain and asked him to enter the Council Study for the duration of the discussion and vote.

Councilman Shiverdecker exited the Council Chambers at 7:04 p.m.

Bill No. 1548 was presented for Second Reading by Councilman Stone.

- a. Bill No. 1548: An Ordinance amending Appendix A, Zoning. Section One, Definitions. and Section Four, Use Regulations. Fulton City Code. by establishing zoning regulations relating medical marijuana facilities.

Motion was offered by Councilman Stone and seconded by Councilman Moore to place Bill No. 1548 for Third Reading at the next regularly-scheduled council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) abstaining.

Bill No. 1549, as amended, was presented for Second Reading by Councilwoman Sebacher.

- b. Bill No. 1549 AS AMENDED: An Ordinance amending Chapter 22, Businesses. Fulton City Code. by incorporating an additional Article relating to medical marijuana.

Motion was offered by Councilwoman Sebacher and seconded by Councilman Braun to place Bill No. 1549, as amended, for Third Reading at the next regularly-scheduled council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) abstaining.

Bill No. 1550, as amended, was presented for Second Reading by Councilwoman Pace-Snook.

- c. Bill No. 1550 AS AMENDED: An Ordinance of the City of Fulton amending Chapter 78 by enacting thereof five new sections, repealing Section 110-66, and enacting in lieu thereof one new Section, all regarding marijuana and medical marijuana.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Braun to place Bill No. 1550, as amended, for Third Reading at the next regularly-scheduled council meeting. Motion carried with seven members of the council voting in favor, and one member (Shiverdecker) abstaining.

Councilman Shiverdecker re-entered the Council Chambers at 7:08 p.m.

ANNOUNCEMENTS:

- a. The next meeting of the City Council will be held Tuesday, August 13, 2019. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 p.m.

Johnson announced that the City Council meeting originally scheduled for September 24, 2019, would be moved to September 17th at 6:30 p.m. in order to consider the Parks & Recreation Center bids before they expire. The council may hold a retreat prior to this meeting in order to further discuss project financing.

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 Shiverdecker and seconded by Councilman Braun to adjourn this meeting. Motion carried with eight members of the council voting in favor. The meeting adjourned at 7:13 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, MRCC
City Clerk