

**CITY COUNCIL MINUTES
AUGUST 13, 2019**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, August 13, 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 Roger Rice, Assistant Police Chief. The meeting was called to order by Mayor Cannell at 7:00 p.m. Roll call was taken by the City Clerk, and members of the council present were: Moore, Pace-Snook, Rehklau, Sebacher, Shiverdecker, Simmons, Stone, and Braun. 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 Bruce Williamson; Helen Wilbers of *THE FULTON SUN*; Darin Wernig and Mike Haldeman, Audio/Video; and visitors: Patrick Payne, Tamara Tateosian, Marty Martin-Forman, Kim Barnes, Sandy Kelley, Brooke Bartlett, and Jenifer Gingerich.

INVOCATION:

Invocation was given by Pastor Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Williamson.

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. 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 Fulton High School Student Council request for a Homecoming Parade on Friday, September 27, 2019 at 3:00 p.m.
 - i. This event request has been reviewed and approved by Chief Myers. The parade route will remain the same as in previous years, floats will line up at 2:15 p.m., and police will assist as needed.

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

UNFINISHED BUSINESS:

- a. Airport Hangar rate discussion.

Kyle Bruemmer, Interim City Engineer, stated the Airport Advisory Board recently met to discuss proposed increases to the airport hangar lease fees and fuel fees.

According to Bruemmer, the Board recommended increasing T Hangar rates to \$180/mo. Bill Johnson, Director of Administration, stated that this proposal would increase rates from the current \$.13/sqft to \$.15/sqft, and Johnson would like the ability for he and Bruemmer to adjust the rates as needed for

hangars with additional amenities. Following some discussion, motion was offered by Councilman Simmons and seconded by Councilman Moore to increase the rates as proposed and grant authority to the Director of Administration and (Interim) City Engineer to adjust the rates as necessary. Motion carried with eight members of the council voting in favor.

b. Airport Fuel rate discussion.

Bruemmer stated the Board feels the current rates are attractive and make Fulton's airport a stopping point for many pilots. Bruemmer recommended taking the markup from 13% to 15% with flexibility to increase due to inflation; rates would be equivalent to or just below the cities of Boonville, Mexico, Moberly, and Monroe City.

Councilman Shiverdecker stated he would like to see the rates remain below the aforementioned cities in order to remain competitive. Bruemmer noted there will be fuel discounts for large events.

Councilman Simmons noted the Airport Advisory Board would like to see a courtesy car, and he believes we need to see how other cities handle this situation. Councilman Stone suggested starting a voucher program with local taxis and Uber. Some discussion followed. The council would like to see the courtesy car and possible voucher program discussed further at the next Airport Advisory Board meeting.

Motion was offered by Councilman Simmons and seconded by Councilwoman Rehkla to authorize the Director of Administration and (Interim) City Engineer to increase the city's airport fuel rates, make necessary adjustments for events, and ensure the city's rates remain at or below local airport rates. Motion carried with eight members of the council voting in favor.

NEW BUSINESS:

- a. Jenifer Gingerich, on behalf of Kingdom Homeschoolers, will be present to request a fee waiver for Whitlow Pavilion on August 26, 2019, for the group's ice cream social.

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

- b. Representatives from CARD-V will be present to request permission for the Purple Ribbon Run 5K on October 12, 2019, from 9:00 a.m. – 11:00 a.m. at Memorial Park.
i. This request and the route has been reviewed by Chief Myers and Clay Caswell. The group is also requesting a fee waiver.

Sandy Kelley, President of the CARD-V Board, stated the group is using their annual event to raise awareness for the organization and their cause. Kelley also requested assistance from the Fulton Police Department in order to safely allow runners to cross Fourth Street.

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

- c. Brooke Bartlett, on behalf of the Brick District, will be present to request permission for the Brick District Fall Event on Saturday, October 26, 2019, from 9:00 a.m. to 3:00 p.m. in downtown Fulton.
i. This request will require the closure of Court Street from Sixth St. to Fifth St., and the group plans to have a bounce house.

Bartlett stated the Brick District plans to host a new Fall Festival event and would like to request sections of Court Street and Fifth Street to be closed in addition to her original request. Bartlett would like to see the street be closed from Court Street down to Fifth and to include both the east and west sides of Fifth Street from Nichols to Bluff.

Many councilmembers expressed concern as these street closures would effectively shut down the entire downtown area and eliminate vital parking. Bartlett noted there will be no outside sales, tents, or anything on the streets with the exception of a bounce house. Mayor Cannell stated he would like to see Bartlett and the Brick District reach out to Chief Myers in order to discuss alternative street closures.

Motion was offered by Councilman Stone and seconded by Councilman Pace-Snook to authorize Mayor Cannell to approve the event after he feels details have been adequately discussed and agreed upon by Administration and Chief Myers. Motion carried with seven members of the council voting in favor, and one member (Moore) opposed.

d. Wellness Exam benefit discussion.

Michelle Maupin, HR Director, stated that beginning five years ago, the city opted to pay for an annual wellness exam for each employee. If the employees chose to have the wellness exam, they would not have to pay the \$22.50/month insurance fee imposed by the city. Now, due to improper coding at provider's offices, employees are receiving bills for their exams.

Maupin stated the city proposes to make the wellness exam a biennial benefit and remove the \$22.50 charge for employees who choose not to get the exams.

Johnson noted the primary issue takes place when providers code certain aspects of the exam as maintenance versus wellness, and this proposal will not force employees to get wellness exams that they may end up being charged for.

Councilman Shiverdecker stated that the proposal doesn't solve the coding issue and may cause the city to pay more money in the end if employees are receiving preventative screenings annually. Councilwoman Sebacher asked if there is an opportunity to utilize one doctor to ensure coding issues are avoided.

Johnson stated the city will still offer the preventative exam coverage, but it will be every two years rather than annually, and there will no longer be a requirement for employees to go get the exam. Johnson stated, "We are our own plan administrators, so we can essentially do what we want". Councilwoman Sebacher asked why the exam would only be covered biennially rather than annually, and Johnson stated he feels this move is pretty standard.

Motion was offered by Councilman Moore and seconded by Councilman Simmons to accept Johnson/Maupin's recommendation, as presented.

Councilman Shiverdecker stated he would like to see an update from Maupin every six months showing the number of employees who no longer receive the exams and the increase in insurance costs.

Councilman Simmons urged that the explanation and presentation to city employees needs to be clarified as he felt even the council does not understand the presentation of the situation this evening.

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

e. 2019 Asphalt & Chip Seal Program discussion.

Bruemmer stated the city has approximately \$365,000.00 to complete both asphalt and chip seal projects this year. Bruemmer explained that in order for a street to be a candidate for chip seal (or sealcoat), it must be in better condition than an overlay-eligible street, and must be structurally sound. Chip seal projects are meant to extend the street's life for an additional five to seven years.

Councilwoman Pace-Snook asked how long each process takes to complete. Bruemmer noted that an overlay takes more time to complete, especially dependent upon the amount of milling that must be done, and the results last for approximately fifteen years. Chip Seal projects can be completed within an hour or two and have a shorter lifespan.

Johnson noted the city will be bidding out the asphalt project, but will piggyback onto the county's chip seal contract (a Resolution later in tonight's meeting).

Councilman Stone expressed concern with the state of Jefferson Street and asked when the street will be repaired and patched. Bruemmer stated the patching will take place this year, but overlay of the street will not be considered until next year.

Following some additional discussion, motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to approve the chip seal/overlay program, as presented. Motion carried with eight members of the council voting in favor.

COUNCIL CONCERNS:

Councilman Shiverdecker stated he attended the Emergency Management drill on behalf of the city earlier in the day, and it was very interesting.

Councilman Moore expressed concerns with a tree stump sticking up in Pioneer Cemetery and asked that it be removed. Councilman Moore also stated he would like to see park fee waivers addressed at a future meeting, and he had received complaints about people speeding through the McDonald's parking lot. Johnson noted that the lot is private property, and the city is unable to address speeding concerns on the lot, but McDonalds could take steps to mitigate the issue.

Councilwoman Pace-Snook stated she would like to see some park benches near the playground at the north section of Veteran's Park.

Councilman Stone provided a handout regarding an upcoming poverty simulation and encourage the council and city staff to attend.

Councilwoman Rehklau expressed concerns with Hilltop Road and asked that the city take a look at maintenance opportunities there.

Mayor Cannell recessed the council for a brief break at 8:18 p.m. The council reconvened at 8:22 p.m.

RESOLUTIONS:

Resolution No. 3349 was presented for adoption by Councilman Simmons.

- a. Resolution No. 3349: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Volkswagen Trust Government Truck Program and authorizing the city's monetary match.

Motion was offered by Councilman Simmons and seconded by Councilman Stone to adopt Resolution No. 3349 at tonight's council meeting.

Johnson noted the expenditures for the city's matching portion of this grant are unbudgeted, but he and Holschlag have located funds within the various departments. Johnson asked the council whether or not to include the fire truck with the group as it would require a \$175,000 match from the general fund. Councilman Moore and Councilman Stone expressed that they felt it should be included. No members of the council opposed.

Following some brief discussion, the motion carried with eight members of the council voting in favor.

Resolution No. 3350 was presented for adoption by Councilwoman Rehklau.

- b. Resolution No. 3350: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri to sign all necessary documents in relation to a Contract with Missouri Petroleum Products Co. LLC of St. Louis, Missouri, for the purpose of providing aggregate sealcoat services at an estimated cost of \$175,000.00.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Simmons to adopt Resolution No. 3350 at tonight's council meeting. Motion carried with eight members of the council voting in favor.

Resolution No. 3351 was presented for adoption by Councilman Shiverdecker.

- c. Resolution No. 3351: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to make application and sign all necessary documents to apply for a Local Law Enforcement Block Grant from the Missouri Department of Public Safety.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to adopt Resolution No. 3351 at tonight's council meeting. Motion carried with eight members of the council voting in favor.

ORDINANCES:

SECOND READING

Bill No. 1551 was presented for Second 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 Councilwoman Pace-Snook to place Bill No. 1551 for Third Reading at the next regularly-scheduled council meeting. Motion carried with eight members of the council voting in favor.

Bill No. 1552 was presented for Second 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 Third Reading at tonight's council meeting. Motion carried with eight members of the council voting in favor.

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

Motion was offered by Councilman Moore and seconded by Councilwoman Pace-Snook to place Bill No. 1552 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: Pace-Snook, YES; Rehklaue, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Braun, YES; Moore, YES. Bill No. 1552, having received the affirmative vote of eight members of the council, was declared passed by the President of the Council.

THIRD 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 9th and July 23rd council meetings. 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 8:34 p.m.

Bill No. 1548 was presented for Third 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 Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one (Shiverdecker) abstaining.

Roll call vote of the members of the council was as follows: Rehklaue, YES; Sebacher, YES; Simmons, YES; Stone, YES; Braun, YES; Moore, YES; Pace-Snook, YES. Abstaining: Shiverdecker. Bill No. 1548, having

received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

Bill No. 1549, as amended, was presented for Third 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 Moore to place Bill No. 1549, 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) abstaining.

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; Rehklau, YES. Abstaining: Shiverdecker. Bill No. 1549, as amended, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

Bill No. 1550, as amended, was presented for Third 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 Moore to place Bill No. 1550, 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) abstaining.

Roll call vote of the members of the council was as follows: Simmons, YES; Stone, YES; Braun, YES; Moore, YES; Pace-Snook, YES; Rehklau, YES; Sebacher, YES. Abstaining: Shiverdecker. Bill No. 1550, as amended, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

Councilman Shiverdecker re-entered the Council Chambers at 8:38 p.m.

ANNOUNCEMENTS:

- a. The next meeting of the City Council will be held Tuesday, August 27, 2019 at 6:30 p.m.
- b. The Annual Mayor's Cup Golf Tournament will be held Friday, September 6, 2019, at Tanglewood Golf Course. For additional information, contact Parks & Recreation at 573-592-3190.
- c. The Bow Hunter Permit Meeting will be held Wednesday, September 11, 2019 at 5:30 p.m. in the Council Chambers. Those who are interested in obtaining a permit to bow hunt within the city limits must attend this meeting. Additional information may be obtained from Missouri Department

of Conservation Agent, Stephen Kistner at 573-239-8129.

- d. The Annual Town & Country Dinner will be held on Thursday, September 19, 2019, at 5:00 p.m. at Callaway Electric Cooperative. Councilmembers and Department Heads who wish to attend must RSVP with the City Clerk by August 27, 2019.

EXECUTIVE SESSION:

Mayor Cannell said there was not a need for an Executive Session at tonight's meeting.

ADJOURNMENT:

There being no further business to come before the council, motion was offered by Councilman Shiverdecker and seconded by Councilwoman Sebacher to adjourn this meeting. Motion carried with eight members of the council voting in favor. The meeting adjourned at 8:40 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, CMC/MRCC
City Clerk