

**CITY COUNCIL MINUTES
SEPTEMBER 17, 2019**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, September 17, 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, Pace-Snook, Rehlau, Sebacher, Shiverdecker, Simmons, and Stone. Absent was Councilman Moore. 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: Stacy Maskey, Patrick Payne, Robert Wilson, Kevin Ross, Larry Cox, Debby March, Julie Uhls, Chad Uhls, Rick Morse, Cathy Morse, Rhonda Braun, Noah Braun, Carole Raschert, Frances Vaughn, Richard Vaughn, Marty Martin Forman, Susan Krumm, Chris Garrett, Wanda Jane Hall, Janis Cochran, Tamara Tateosian, John Bell, Amy Caswell, Sharon Caswell, Jackson Caswell, Shane Clines, Mitchell Fletcher, Craig Sneathen, Angela Bacon, Kim Barnes, Sharlene McArtor, Teresa Stone, Aaron Cauwenbergh, Denton Kurtz, and Doc Kritzer.

INVOCATION:

Invocation was given by Pastor Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Williamson.

COMMENTS FROM VISITORS:

Richard Vaughn, 1416 Kingswood Drive, stated he is present tonight to urge the City Council to vote in favor of the passage of a Recreational Community Center.

Chris Garrett, 909 Castlewood, stated he is the chair of the Park Board and he appreciates the efforts by the City Council, Administration, the Park Board, and Parks & Recreation Department to get to this point. Garrett also urged the council to approve the contract for the community center.

Wanda Jane Hall, 150 King Street, stated she has been a Fulton Resident for more than 50 years and has served on the Park Board for 22-23 years. Throughout her time here, she has seen many great accomplishments made by the city, and she hopes the council will add the community center and ball fields to the list. Hall stated that she believes the time is right to start the project, and the council can look back at the legacy they will have left behind. Hall also added that the citizens of Fulton voted in favor of the additional ½ cent sales tax, and she thinks the council needs to find a way to make it work.

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 First Christian Church for their Annual Fall Festival on Saturday, September 21, 2019 from 8:00 a.m. to 4:00 p.m., and to allow for the closure of East Seventh Street from Market Street to Court Street.
 - i. This event request has been reviewed and approved by Chief Myers.
- b. Appointment of Jennifer O'Donley to the Tourism Board as the City/County Representative (O'Donley will complete the unexpired term of Brian Warren through 12/31/19. She will begin a full three year term effective Jan. 1, 2020)

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

UNFINISHED BUSINESS:

There was no Unfinished Business for consideration at this meeting.

NEW BUSINESS:

- a. Members of the Callaway 200 Committee will be present to provide an update on their accomplishments and planned events and to request additional funding.

Susan Krumm, co-chair of the Callaway 200 Committee, stated the group has been busy organizing events for the upcoming bicentennial celebration in 2020. The group will have a presence and annual community events, but they'll host three signature events in various locations across Callaway County between November 2019 and November 2020.

Krumm reported that the two-year budget in the council's packet does not reflect the sale of Gala tickets, a \$2,000 pledge from the Village of Kingdom City, or funds from other municipalities who have yet to donate.

The City Council authorized up to \$10,000 for Callaway 200 as part of the 2019 budget, and \$5,000 was sent in early 2019. Krumm thanked the council for the startup funding and stated she hopes the city will be able to send the remaining \$5,000 and match or increase the donation for 2020.

Motion was offered by Councilman Stone and seconded by Councilman Braun to disperse the remaining \$5,000 budgeted to Callaway 200. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

COUNCIL CONCERNS:

Councilwoman Sebacher thanked the attendees at tonight's meeting for coming out and providing their input. This sentiment was echoed by various members of the council.

Councilman Stone stated that the council attended the Missouri Municipal League conference last week, and he is thankful that the city provides the learning opportunity for its councilmembers and administrative staff. Councilman Stone stated he also believes the city's attendance at the conference and training seminars shows that the council is involved, engaged, and very active in learning.

RESOLUTIONS:

Mayor Cannell noted that Resolution No. 3352 was tabled at the August 27, 2019 Council meeting and asked if there was a motion/second to remove the Resolution from the table for further consideration.

Motion was offered by Councilwoman Sebacher and seconded by Councilman Stone to remove Resolution No. 3352 for further consideration.

- a. Resolution No. 3352 (TABLED): A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Visu-Sewer of MO LLC for Sewer Evaluation and Rehabilitation Services and establishing an effective date.

Kyle Bruemmer, Interim City Engineer, stated the city bid out the sewer rehabilitation project for various items. Bruemmer stated inflow of storm water has inundated the system, and the city is mandated by DNR to tighten up the system. Downtown Fulton is the greatest area of concern and shows the highest level of infiltration.

Bruemmer noted the city anticipates being able to remediate in the inflow and infiltration issues along with sewer back up issues with \$800,000-1,000,000.00 over the next few years. Currently, the city has budgeted \$300,000.00 to address these concerns, but with the nearly \$800,000.00 saved on the Route O Lift Station Project, the city hopes to join the funding in order to make a larger impact. Bruemmer noted that if the council approves the contract with Visu-Sewer, it could opt to set a dollar amount below the \$1,000,000.00 instead.

Bruemmer also clarified that the city will address issues with the sewer main, but not individual service lines (line between the house/building to the main), as these are the responsibility of the property owner. Darrell Dunlap, Superintendent of Utilities, stated that once the sewer main investigation begins, the city hopes to notify property owners if we detect an issue on the service side.

Following some discussion, motion was offered by Councilman Shiverdecker and seconded by Councilman Simmons to adopt Resolution No. 3352 and allot a total of \$500,000.00 for the project. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

Councilman Simmons asked for a status update on the project on a regular basis.

Resolution No. 3353 was presented for adoption by Councilman Braun.

- b. Resolution No. 3353: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute a Commercial Lease Agreement with the Fulton Area Development Foundation D/B/A/ Show Me Innovation Center, for the lease of a structure known as 510 Market Street and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilwoman Pace-Snook to adopt Resolution No. 3353, with the original termination clause, as requested by the Fulton Area Development Foundation, at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

Crowson stated she was receiving multiple messages and alerts from citizens who were unable to view the council meeting online through the streaming service and asked Mayor Cannell if the council could recess briefly in order to allow staff to get the service restarted.

Mayor Cannell recessed the council for a break at 7:17 p.m. The Council reconvened at 7:27 p.m.

Resolution No. 3354 was presented for adoption by Councilwoman Pace-Snook.

- c. Resolution No. 3354: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute a Contract with Christensen Construction Company of Kingdom City, Missouri for the 2019 Asphalt Overlay Project at an estimated value of \$182,500.00 and to sign all necessary documents in relation to said contract.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Braun to adopt Resolution No. 3354 at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

Resolution No. 3355 was presented for adoption by Councilman Shiverdecker.

- d. Resolution No. 3355: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with River City Construction of Ashland, Missouri, for the construction of a Recreation Center Complex at the bid price of \$8,891,000.00 plus City Council-approved alterations, and establishing an effective date.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to adopt Resolution No. 3355 at tonight's council meeting. Motion was offered by Councilman Stone and seconded by Councilman Braun to strike the following section from the proposed Resolution:

"SECTION TWO: That execution of the documents shall be contingent upon the city securing funding for the project."

Mayor Cannell stated that the city needs to figure out how to fund the project. Motion to strike the aforementioned section carried with seven members of the council voting in favor, and one member (Moore) absent.

Clay Caswell, Parks & Recreation Director, asked the council to direct their attention page 17 of the information he handed out prior to tonight's meeting (a blue, bound notebook). Caswell stated that all bids for the community center came in higher than anticipated, and that after asking for cost reduction proposals, he anticipates the city could save between \$300,000-500,000.00 on the project. Caswell also reported that the lowest bid was received from River City Construction of Ashland, Missouri, and the construction company was responsible for the new Fulton State Hospital project.

Councilman Shiverdecker read the Park Board recommendation, as provided by Caswell (a copy of the recommendation has been attached to these minutes for reference).

Councilwoman Rehklau asked if the proposal included furnishings, and Caswell noted that the additional cost for furnishings is included on page 17.

Councilman Braun stated the sales tax was never intended to be self-sufficient, and it will take a commitment from the city to make the project happen. Councilman Braun also stated that 66% of voters voted in favor of the sales tax, and the city can make it work.

Councilman Simmons stated the citizens were asked to pass a tax in order to fund multiple projects, but if the council chooses to pursue the community center, there will not be enough money for additional projects for the next twenty years. Caswell noted that the literature provided to citizens provide examples of what the funding could be used for, but did not state that all projects could happen solely with the sales tax money.

Councilman Simmons expressed concerns with not knowing what the sales tax revenue might look like in the future, and noted that the Chief Financial Officer and auditing firm do not believe it is a good idea to pursue the project.

Some councilmembers expressed frustration that nothing has taken place since the citizens were asked to approve the sales tax, and costs will continue to rise.

Caswell stated that he has provided 14 different options on how to pay for the project on pages 19 & 20 of his booklet; he added that Bill Johnson, Director of Administration, has provided six options. Caswell stated that it will be up to the council to decide which funding avenue is best for the city.

Councilman Braun stated the council does not go against the recommendations of its boards and commissions and asked why the Park Board should be any different. Councilman Braun asked the attendees in the room to raise their hands if they were in favor of seeing the project move forward. A majority of the hands in the room were raised. Councilman Braun asked again for anyone opposed to seeing the project move forward to raise their hands, and there were no hands raised.

Councilwoman Sebacher asked if the council is able to scale back the cost, if necessary. Caswell stated there are some opportunities for cost reduction, although it will likely be between \$300,000-500,000.00.

Councilman Braun thanked everyone for sharing their thoughts and for bringing everything together to this point.

Motion carried with five members of the council voting in favor, two members (Rehklau, Simmons) opposed, and one member (Moore) absent.

Councilman Stone stated he would like to have a discussion regarding the funding at a separate meeting. Mayor Cannell noted that the council will meet again September 24, 2019, and additional information should be available to discuss at that meeting.

Resolution No. 3356 was presented for adoption by Councilwoman Rehklau.

- e. Resolution No. 3356: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with S & A Equipment & Builders LLC of Fulton, Missouri for site excavation for a Baseball/Softball Field Complex at the bid price of \$303,827.78 plus City Council-approved alterations, and establishing an effective date.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Stone to adopt Resolution No. 3356 at tonight's council meeting. Johnson stated he would prefer to see this resolution not pass as the city is unsure of how much furnishings at the community center will cost, and this money could be used to fund the furnishings.

Caswell stated that by doing the dirt work, it shows a commitment to working towards the ball complex in the future. Bruemmer noted the ball complex bids are set to expire near the end of October.

Following some discussion, motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to table Resolution No. 3356 in order to look at possible ways the city could rent equipment and do the dirt work in-house. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

ORDINANCES:

FIRST READING

Bill No. 1556 was presented for First Reading by Councilman Braun.

- a. Bill No. 1556: An Ordinance to elect to have violations of the municipal ordinances of the City of Fulton, Missouri heard and determined by an Associate Circuit Judge of Callaway County, Missouri, and repealing Sections 38-1, 38-3, 38-4, and 38-5, Fulton City Code.

Motion was offered by Councilman Braun and seconded by Councilwoman Pace-Snook to place Bill No. 1556 for Second Reading at the next regularly-scheduled council meeting. Crowson stated the city has been looking for a few months to begin the process of transferring its municipal court to the Circuit Court, as many cities across the state have begun or completed the process already due to the ever-evolving list of regulations placed on cities by the State of Missouri. Johnson noted that at a recent conference, representatives from the Office of State Courts Administrator (OSCA) stated they believe nearly all municipal courts will be absorbed by the Circuit Division within three to five years.

Johnson stated the city will continue to receive its fines, but court costs will remain with the Circuit, and the process will not change for the Police or Prosecuting Attorney. Councilwoman Sebacher asked what will happen to the court clerk once the position is eliminated. Johnson stated he believes the city will have position openings available for her to consider. Following some discussion, motion carried with seven members of the council voting in favor, and one member (Moore) absent.

Bill No. 1557 was presented for First Reading by Councilman Simmons.

- b. Bill No. 1557: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Reinhold Electric Inc. of St. Louis, Missouri to provide Runway End Identifier Lights (REIL) at Elton Hensley Memorial Airport and to sign all necessary documents in relation to State Block Agreement pertaining to this project.

Motion was offered by Councilman Simmons and seconded by Councilwoman Rehklau to place Bill No. 1557 for Second Reading at the next regularly-scheduled council meeting. Bruemmer noted that in order to not lose grant funds, the funds must be committed for use by September 30, 2019, and the city's match is ten percent of the project total.

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

Bill No. 1558 was presented for First Reading by Councilman Stone.

- c. Bill No. 1558: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Aviation to develop a project plan and development for additional box hangars at Elton Hensley Memorial Airport and to sign all necessary documents in relation to State Block Agreement Project No. 19-040A-2.

Motion was offered by Councilman Stone and seconded by Councilman Simmons to place Bill No. 1558 for Second Reading at the next regularly-scheduled council meeting. Bruemmer reiterated that the remaining grant funds must be committed for use by September 30, 2019, and the city's match is ten percent of the project total. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

SECOND READING

Bill No. 1554 was presented for Second Reading by Councilman Shiverdecker.

- a. Bill No. 1554: An Ordinance filing the tax rate and levying taxes for the calendar year of 2019 on all taxable property in the City of Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to place Bill No. 1554 for Third Reading at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

Bill No. 1554 was presented for Third Reading by Councilman Shiverdecker.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to place Bill No. 1554 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

Roll call vote of the members of the council was as follows: Pace-Snook, YES; Rehkla, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Braun, YES. Absent: Councilman Moore. Bill No. 1554, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

Bill No. 1555 was presented for Second Reading by Councilwoman Pace-Snook

- b. Bill No. 1555: An Ordinance adopting the Callaway County Hazard Mitigation Plan for the City of Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Shiverdecker to place Bill No. 1555 for Third Reading at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

Bill No. 1555 was presented for Third Reading by Councilwoman Pace-Snook.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Shiverdecker to place Bill No. 1555 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting

in favor, and one member (Moore) absent.

Roll call vote of the members of the council was as follows: Rehkla, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Braun, YES; Pace-Snook, YES. Absent: Councilman Moore. Bill No. 1555, having received the affirmative vote of seven members of the council, was declared passed by the President of the Council.

THIRD READING

Bill No. 1553 was presented for Second Reading by Councilwoman Rehkla.

- c. Bill No. 1553: An Ordinance repealing Chapter 2, Administration. Article VII, Open Meetings and Records. Fulton City Code. and enacting a new Article in lieu thereof.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to place Bill No. 1555 for Final Passage at tonight's council meeting. Motion carried with seven members of the council voting in favor, and one member (Moore) absent.

Roll call vote of the members of the council was as follows: Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Braun, YES; Pace-Snook, YES; Rehkla, YES. Absent: Councilman Moore. Bill No. 1553, having received the affirmative vote of eight members of the council, was declared passed by the President of the Council.

ANNOUNCEMENTS:

- a. The next meeting of the City Council will be held Tuesday, September 24, 2019 at 6:30 p.m.
- b. The Annual Town & Country Dinner will be held on Thursday, September 19, 2019, at 5:00 p.m. at Callaway Electric Cooperative for Councilmembers and Department Heads who have RSVP'd to attend.

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 Councilman Braun to adjourn this meeting. Motion carried with seven members of the council voting in favor, and one member (Moore) absent. The meeting adjourned at 8:25 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, CMC/MRCC
City Clerk