

**CITY COUNCIL MINUTES
OCTOBER 22, 2019**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, October 22, 2019 in the Council Chambers of City Hall located at 18 E. 4th Street. Present and presiding were: Mayor Lowe Cannell; 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, Rehlau, 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 Delbert Hampton; Helen Wilbers of *THE FULTON SUN*; Darin Wernig and Mike Haldeman, Audio/Video; and visitors: Patrick Payne, David McDaniel, Wendy Kennedy, and Judy Schaneman.

INVOCATION:

Invocation was given by Pastor Hampton.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Hampton.

COMMENTS FROM VISITORS:

There were none.

PUBLIC HEARING:

Mayor Cannell stated there would be one public hearing at tonight's meeting for the purpose of:

- a. Presenting for consideration the adoption of the proposed 2020 City of Fulton Budget and Three Year Capital Program.

Mayor Cannell declared this hearing open at 6:35 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?

There were none.

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 6:36 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 the City Council meeting minutes of September 24, 2019.
- b. Approval of the City Council meeting minutes of October 8, 2019.
- c. Approval of the Director of Administration Report of September.
- d. Approval of the request from the Brick District for the annual Downtown Trick-or-Treating event to be held Tuesday, October 31, 2019 from 4:00 – 6:00 p.m.
 - i. This request has been reviewed by Chief Myers and will require the closure of Court Street from Fifth to Seventh Street.

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

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

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

Holschlag stated the city has recorded eight months of sales tax collections, and numbers lie two percent (2%) ahead of 2018 figures during this period of time. The city's Health Fund experienced a loss during the month of September, but the fund remains in the black year-to-date. Additionally, the city received an interest check from the Missouri Department of Revenue in the amount of \$4,700 for the sales tax collection period of July 2017- June 2019.

Councilman Stone asked if there are any additional significant expenditures expected for 2019. Holschlag stated some departments may still have capital purchases to make.

Following some review, motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to accept the Financial Report for September 2019, as presented. Motion carried with eight members of the Council voting in favor.

UNFINISHED BUSINESS:

- a. Approval of a motion (Shiverdecker, Braun) made October 8, 2019 “to transfer the funds from utility reserves to purchase the ladder truck and to authorize the repayment of the utility reserves contingent upon the use tax passing”.

City Clerk Courtney Crowson noted that a motion and second were made at the previous meeting, but no vote was taken at that time. Therefore, a vote is needed in order to confirm the will of the Council.

Mayor Cannell stated the money for the ladder truck will come from the utility reserves. The Fire Department will repay the reserves from its portion of the use tax on the April 2020 ballot as long as the ballot measure passes. If the use tax does not pass, the utility reserves will not be repaid.

Chief Coffelt stated he, Darrell Dunlap, and representatives from the Garage Department went to look at the truck, currently owned by the City of Columbia, and feel it is a good fit for Fulton. Coffelt noted the truck is ready to go into service, and it will be at City Hall at 6:00 p.m. on November 12, 2019 for the Council to see.

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

NEW BUSINESS:

- a. Asphalt Overlay/Chip Seal Program update.

Kyle Bruemmer, Interim City Engineer, stated temperatures have dropped below the acceptable threshold for chip sealing, and Missouri Petroleum will not be able to provide services for the city this year.

Bruemmer asked that the Council allocate the funds originally intended for the chip seal project to complete an asphalt overlay on Westminster Avenue from Business 54 to Fourth Street. Bruemmer noted that the streets slated to receive chip seal this year will be at the top of the list for 2020.

Bruemmer estimates the Westminster Avenue project will cost approximately \$130,000, and there will be a remaining balance of \$45,000 that could be used for other areas.

Following some discussion, motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to allow the original chip seal budget (\$175,000) to be used for an asphalt overlay on Westminster Avenue and other areas that could use it. Motion carried with eight members of the Council voting in favor.

COUNCIL CONCERNS:

Councilman Simmons thanked the Street Department for handling an issue with damaged pavement near the YMCA.

Councilman Stone thanked the Solid Waste Department for their hard work during the recent Fall Cleanup Week.

Councilman Braun thanked staff for removing and replacing the dead shrubbery outside of City Hall.

Councilman Shiverdecker stated he had been contacted by a citizen with concerns with the traffic on Court Street. Councilman Shiverdecker stated the citizen, Ms. Kennedy, is present this evening, and he would like the city to provide an update on what measures are being taken to reduce speeding in the area.

Bruemmer stated the Traffic Commission will meet on Thursday to discuss this topic, and Engineering Department employees have been in contact with Ms. Kennedy to discuss her concerns. Additionally, the radar speed sign will be placed on Court Street to collect information. Councilman Shiverdecker clarified that Ms. Kennedy's concern was that there are many families with children living on the street, and there are issues with speeding and people neglecting to yield or stop when crossing Court Street.

Crowson informed Ms. Kennedy of the meeting time and location and encouraged her to attend, if possible, so that she may also express her concerns with the Traffic Commission directly.

RESOLUTIONS:

There were no Resolutions for consideration at this meeting.

ORDINANCES:

TABLED

Bill No. 1560 was tabled at the October 8, 2019 council meeting.

- a. Bill No. 1560 TABLED: An Ordinance repealing Chapter 62, Historical Preservation. Fulton City Code. and enacting a new Chapter in lieu thereof.

Motion was offered by Councilman Stone and seconded by Councilman Moore to remove Bill No. 1560 from the table. Motion carried with seven members of the Council voting in favor, and one member (Pace-Snook) opposed.

The original motion/second made October 8, 2019 to advance Bill No. 1560 to Second Reading at the next regularly-scheduled Council meeting was reaffirmed by Councilwoman Rehklau and Councilman Moore.

Councilman Stone stated he has concerns with some of the new language proposed by the Historic Preservation Commission and feels it gives power and authority to the Commission not currently in place. Councilman Simmons expressed concern with the non-binding nature of the required review by the Commission.

David McDaniel, President of the Historic Preservation Commission, stated the Commission copied sections from the City of Washington's ordinance and believes the review is necessary because people have modified their properties without looking at the surrounding area first. McDaniel stated the Commission plans to meet as quickly as possible in order to avoid forcing property owners to wait up to thirty additional days before permits can be issued by the city.

Councilman Simmons stated he has not been able to find guidelines for the Commission to use in order to complete its review. Councilman Simmons asked if the mandatory, non-binding review requirement will also be in place for homes that are not historic or historically designated but lie within a Historic District. McDaniel stated that the proposed ordinance will require all homes that lie within the Historic Districts to complete the mandatory, non-binding review including all newer, non-historic homes.

Councilman Simmons noted the Certified Local Government's standards also require that Commission vacancies be filled within sixty days and asked if the Commission has found a sixth member. McDaniel stated the Commission has been without a sixth member for nearly a year, but they are working on it.

Councilman Braun stated the Certified Local Government requires that their office review proposed ordinance revisions prior to a decision by the local governing authority and asked why the Commission chose not to follow the process of having the State review this proposed ordinance before bringing it to the Council for consideration. McDaniel stated he talked to someone on the phone from the State office, and that person expressed that it was okay to move forward.

Councilman Stone stated he felt it might be better to have some of these details settled before the Council takes any action on this ordinance.

Councilman Moore stated he originally called for tabling the ordinance because he believes additional work should be done. Councilman Moore stated he would like to recommend that Darin Wernig, Public Information Officer, work with the Commission moving forward in order to assist them with their ordinance and commission duties. Crowson noted that Bill Johnson, Director of Administration, is out of the office this week, and he would likely want to be a part of these conversations.

Councilman Simmons noted the city will be eliminating the Municipal Court, and currently the court clerk is the secretary for the Commission. Councilman Simmons stated that the City Clerk's office will no longer have the staff to cover functions with the Commission and asked if the Commission has a volunteer from its members to handle the secretary function. McDaniel stated the Commission is comprised of volunteers, but they can look into having a member fulfill these duties.

Much discussion followed. Councilman Braun asked if the Commission has created the certificate of review, applications, or other documents mentioned in the proposed ordinance. Councilman Braun asked if the Commission has met with property owners in the Historic Districts or who have historically designated properties about these new regulations that they will be forced to abide by. McDaniel stated the Commission has not put together the documents mentioned in the proposed ordinance, and there has not been any communication with property owners to this point.

Councilman Braun stated he has concerns with the Commission telling people what they can do with their own properties and mandating a non-binding review prior to the issuance of city building permits as he believes it is an attempt for the Commission to gain control.

Commission member Judy Schaneman stated she believes the Commission can get sample documents from the State, so it shouldn't be difficult to get things together.

Councilman Shiverdecker stated that he feels the proposed ordinance needs additional work.

Motion failed with no members of the Council voting in favor, and eight members (Braun, Moore, Pace-Snook, Rehklau, Sebacher, Shiverdecker, Simmons, and Stone) opposed.

FIRST READING

Bill No. 1564 was presented for First Reading by Councilwoman Sebacher.

- a. Bill No. 1564: An Ordinance declaring city property to be surplus property, authorizing it to be sold, and establishing an effective date.

Motion was offered by Councilwoman Sebacher and seconded by Councilman Stone to place Bill No. 1564 for Second Reading at the next regularly-scheduled Council meeting.

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

SECOND READING

Bill No. 1561 was presented for Second Reading by Councilman Braun.

- a. Bill No. 1561: An Ordinance imposing a Use Tax for Public Safety and General Revenue purposes at the rate of two and one half percent (2.5%) pursuant to the authority granted by and subject to the provisions of Sections 144.600 through 144.761 RSMo; providing for the Use Tax to be repealed, reduced, or raised in the same amount as any city sales tax is repealed, reduced, or raised; and providing for submission of the proposal to the qualified voters of the City for their approval at the General Election called and to be held in the City on April 7, 2020.

Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to place Bill No. 1561 for Third Reading at tonight's Council meeting.

Councilman Simmons stated he feels the city must make a concerted effort to inform the citizens what the use tax is and what the revenue will mean for both the Police and Fire Departments. Councilman Braun echoed this sentiment and stated the city must work hard to ensure we provide as much education on the proposed measure as possible.

Councilwoman Sebacher stated she believes it would be beneficial to hold a brainstorming session with the newspaper, Chamber of Commerce, Local 2945 Fire Union, representatives of the Fulton Police Department, and City officials so that everyone is on the same page and understands the initiative.

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

Bill No. 1561 was presented for Third Reading by Councilman Braun.

Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to place Bill No. 1561 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: Moore, YES; Pace-Snook, YES; Rehklau, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Braun, YES. Bill No. 1561, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

Bill No. 1562 was presented for Second Reading by Councilman Braun.

- b. Bill No. 1562: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute an Agreement with the County of Callaway, Missouri, for Public Emergency Communications Operations Services for the City of Fulton for the year 2020.

Motion was offered by Councilman Braun and seconded by Councilman Moore to place Bill No. 1562 for Third Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

Bill No. 1562 was presented for Third Reading by Councilman Braun.

Motion was offered by Councilman Braun and seconded by Councilman Stone to place Bill No. 1562 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; Rehkla, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Braun, YES; Moore, YES. Bill No. 1562, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

Bill No. 1563 was presented for Second Reading by Councilman Shiverdecker.

- c. Bill No. 1563: An Ordinance adopting an official Budget and Capital Improvement Program and appropriating the funds of the City for the fiscal year beginning January 1, 2020 and ending December 31, 2020.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to place Bill No. 1563 for Third Reading at the next regularly-scheduled Council meeting.

Councilman Braun thanked Clay Caswell, Parks & Recreation Director, for the drawing and estimates for a large deck at Tanglewood Golf Course. At a recent budget retreat, the Council opted to put \$5,000 into the budget for the replacement of the kitchen floor at the clubhouse instead of pursuing a deck.

Caswell stated Tanglewood is one of the best courses around but has one of the worst clubhouses, and he feels the city needs to look at ways to improve and upgrade the facility. Following some discussion, Councilwoman Sebacher stated she would like to see the Council take a tour of Tanglewood prior to making a decision on what items to include in the budget.

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

ANNOUNCEMENTS:

- a. The remaining 2019 City Council meetings will be held November 12th, November 26th, and December 17th.

Crowson stated she is currently working on candidate packets for the April 2020 City Council election and an announcement will be placed in the newspaper once they are available for anyone interested in running.

Councilman Stone encouraged everyone to support community events throughout the coming months, including the Callaway 200 Kick-Off Gala in mid-November.

Councilwoman Rehkla asked if the Council wishes to have a tree at the Field of Joy again this year. The Council will plan to have a tree again, and the members will get together to decorate it as the time gets closer.

EXECUTIVE SESSION:

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

ADJOURNMENT:

There being no further business to come before the council, motion was offered by Councilman Braun and seconded by Councilman Stone to adjourn this meeting. Motion carried with eight members of the council voting in favor. The meeting adjourned at 8: 05 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, CMC/MRCC
City Clerk