

**CITY COUNCIL MINUTES
FEBRUARY 11, 2020**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, February 11, 2020 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 7:00 p.m. Roll call was taken by the City Clerk, and members of the Council present were: Braun, Moore, Pace-Snook, Rehklau, 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 Bruce Williamson; Helen Wilbers of *THE FULTON SUN*; Darin Wernig and Mike Haldeman, Audio/Video; and visitors: Patrick Payne, Chuck Garriott, David McDaniel, Bobby Washington, Matt Santhuff, and Debbie Bruns.

INVOCATION:

Invocation was given by Pastor Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Williamson.

COMMENTS FROM VISITORS:

Chuck Garriott, Garriott & Associates Realty, 110 W. 4th St., thanked the Council for making the information regarding the proposed Historic Preservation Ordinance available through a Facebook post and on the city's website. Garriott stated he believes it is his responsibility as a realtor to protect homeowner rights and property marketability. Garriott stated he has concerns with the Historic Preservation Commission's proposed ordinance and the non-binding review that would be required of property owners prior to permit issuance. Garriott urged the Council to review the proposed changes and the effect they will have to local properties carefully.

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 a request from David Beaver for the Annual Independence Day Parade on Saturday, July 4, 2020 at 11:00 a.m.
 - i. This request has been approved by Chief Myers. FPD will assist along the parade route.

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.

Chief Myers stated the city has been fortunate enough to receive a grant for bulletproof vests each year, and his department will soon be going out for bids for the vests. Chief Myers introduced Officer Howell who modeled a newer, lighter vest borrowed from the City of Columbia's Police Department.

Chief Myers noted the vests have a lifespan of five years, and the newer-style vests are easier on officers' backs and hips, unlike the current vests.

Darin Wernig, Public Information Officer, provided a brief update on the Use Tax ballot issue informational video and brochure. Wernig has been working since mid-January to create informational tools to provide to the public to raise awareness regarding the proposed Use Tax question on the April ballot.

Bill Johnson, Director of Administration, stated the brochures will go out in the upcoming utility bills.

UNFINISHED BUSINESS:

There was no Unfinished Business for consideration at this meeting.

NEW BUSINESS:

- a. A representative of the Super Sam Foundation will be present to request a fee waiver for Memorial Park Pavilion on Saturday, April 25, 2020 for a 5K event.

Matt Santhuff and Debbie Bruns were present to request the fee waiver as stated above. Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Shiverdecker to approve the request, as presented. Motion carried with eight members of the Council voting in favor.

Mayor Cannell thanked Santhuff, Bruns, and the Super Sam Foundation for their great work in the community.

- b. Recreation Center financing discussion

Johnson stated he and Kathy Holschlag, Chief Financial Officer have had discussions with various financial institutions, both local and regional. Johnson asked the Council for a motion to continue negotiations with these institutions. Motion was offered by Councilman Shiverdecker and seconded by Councilman Moore accordingly. Motion carried with eight members of the Council voting in favor.

COUNCIL CONCERNS:

Councilman Moore asked if the city has money available in the 50/50 sidewalk program for 2020. Johnson stated there are funds available, and more information about the program will be provided on the city's website and newsletter.

Councilman Moore stated he would like to see the Parks & Recreation Department hold a membership drive for the new community center and to include perks such as a free round of golf or free program registration to the first number of memberships sold.

Councilwoman Pace-Snook asked if the city has any designated shelter areas? Johnson stated the city does not, but there are a number of places the Red Cross has contracts with in the event of an emergency. Councilman Stone added that the Central Missouri Community Action has a list of facilities to assist those in need.

Councilman Stone stated he recently attended a Fulton Public School forum relating to the district's ballot measure in April and encouraged Councilmembers and Administration to attend.

RESOLUTIONS:

Resolution No. 3366 was presented for adoption by Councilwoman Pace-Snook.

- a. Resolution No. 3366: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute an Amendment to an Agreement with HDR Engineering Inc. of Lee's Summit, Missouri, relating to the Stinson Creek TMDL Implementation Negotiations Project and to sign all necessary documents in relation to said amendment.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Braun to adopt Resolution No. 3366 at tonight's Council meeting.

Kyle Bruemmer, Interim City Engineer, stated both Resolution No. 3366 and Resolution No. 3367 pertain to amendments to the city's current contracts with HDR Engineering. Bruemmer asks to continue using HDR's services relating to the city's negotiations with the Missouri Department of Natural Resources regarding stormwater runoff and the city's sewer treatment facility.

Bruemmer reported the city has made strides over the past decade to ensure that water entering Stinson Creek is of better quality. Councilman Stone noted the testing results collected by DNR are also affected by the quality of waters entering the creek before it reaches Fulton's city limits.

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

Resolution No. 3367 was presented for adoption by Councilman Moore.

- b. Resolution No. 3367: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute an Amendment to an Agreement with HDR Engineering Inc. of Lee's Summit, Missouri, relating to the MS4 Permit Stormwater Management Plan and to sign all necessary documents in relation to said amendment.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to adopt Resolution No. 3367 at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

Resolution No. 3368 was presented for adoption by Councilman Shiverdecker.

- c. Resolution No. 3368: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Ecton Construction of Montgomery City, Missouri for the 2020 Jefferson Street Curb and Guttering Renewal Project.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to adopt Resolution No. 3368 at tonight's Council meeting. Johnson stated this project will include curb and gutter work along Jefferson Street from Second Street to Seventh Street on both sides of the street.

Bruemmer stated the city has worked with this contractor in the past and had a very positive experience.

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

ORDINANCES:

FIRST READING

Bill No. 1577 was presented for First Reading by Councilwoman Sebacher.

- a. Bill No. 1577: An Ordinance allowing the "Show Me Green Sales Tax Holiday" to apply to the local sales taxes of the City of Fulton, Missouri, between April 19, 2020 and April 25, 2020 and for subsequent Show Me Green Sales Tax Holidays unless otherwise enacted by the City Council by ordinance.

Motion was offered by Councilwoman Sebacher and seconded by Councilman Moore to place Bill No. 1577 for Second Reading at the next regularly-scheduled Council meeting. City Clerk Courtney Crowson noted this ordinance and Bill No. 1578 would allow the city to participate in future sales tax holidays unless otherwise enacted by the City Council. Crowson consulted with the Missouri Department of Revenue and the organization felt the proposed language would suffice in order to avoid having to pass annual ordinances to participate.

The Council would like to see the sales tax holidays advertised in the newsletter and annually in the city's meeting announcements. Motion carried with eight members of the Council voting in favor.

Bill No. 1578 was presented for First Reading by Councilman Simmons.

- b. Bill No. 1578: An Ordinance allowing the "Back to School Sales Tax Holiday" to apply to the local sales taxes of the City of Fulton, Missouri, beginning the first Friday in August and continuing through the Sunday immediately following and for subsequent Back to School Sales Tax Holidays unless otherwise enacted by the City Council by ordinance.

Motion was offered by Councilman Simmons and seconded by Councilwoman Sebacher to place Bill No. 1578 for Second Reading at the next regularly-scheduled Council meeting. Motion carried with eight members of the Council voting in favor.

SECOND READING

Bill No. 1576, as amended, was presented for Second Reading by Councilman Braun.

- a. Bill No. 1576 AS AMENDED: An Ordinance repealing Chapter 62, Historical Preservation. Fulton City Code. and enacting a new Chapter in lieu thereof.

Motion was offered by Councilman Braun and seconded by Councilman Stone to place Bill No. 1576 for Third Reading at the next regularly-scheduled Council meeting.

Mayor Cannell stated the city has received some feedback from the citizens and community members. Councilman Simmons suggested having Mr. Garriott and Mr. McDaniel, President of the Historic Preservation Commission, get together to discuss the concerns Mr. Garriott spoke of this evening.

Councilman Stone stated he believes the concerns regarding the proposed changes stem from a lack of community outreach, and he feels many people were not aware of the proposed changes or what is currently in place. Councilman Stone stated he would like to see the Historic Preservation Commission provide community education and outreach.

Councilman Braun expressed concern with requiring property owners in the Historic Districts or who have received a historical property designation to go through a mandatory non-binding review before the city can issue permits to the property owner.

Crowson noted the majority of people who have expressed concern were unhappy with the lack of communication, the required design review process for a non-binding opinion from the HPC, and the requirement for professional plans – a requirement more stringent than what the city currently requires for a home renovation project. Crowson expressed that there may be an opportunity for compromise; perhaps the HPC could create an educational pamphlet that would be required to be provided to all property owners who come to the city for building permits. This would allow the property owner the opportunity to voluntarily reach out to the HPC for additional guidance and information, and would provide the HPC with an avenue to provide historical preservation education.

Crowson noted this option would still not check all of the boxes the Certified Local Government program wants, but given that the city has never been in compliance with the CLG, it would be a win for both property owners and the HPC.

Councilman Moore stated he believes the Council should move forward with the ordinance because there will not be an option to make everyone happy.

Mayor Cannell stated he believes the Council needs to take the community's input into consideration.

Motion was offered by Councilman Simmons and seconded by Councilman Shiverdecker to table Bill No. 1576, as amended, until the next regularly-scheduled Council meeting.

Motion was tied with four members of the Council voting in favor, and four members (Braun, Moore, Pace-Snook, Stone) opposed. Mayor Cannell broke the tie by voting in opposition to tabling Bill No. 1576, as amended. Motion failed.

The motion to place Bill No. 1576, as amended, for Third Reading at the next regularly-scheduled meeting was now presented again for consideration. Motion carried with six members of the Council voting in favor, and two members (Braun, Shiverdecker) opposed.

ANNOUNCEMENTS:

- a. The next City Council meeting will be held Tuesday, February 25, 2020 at 6:30 p.m.

EXECUTIVE SESSION:

Mayor Cannell said there was a need to enter into an Executive Session pursuant to 610.021, Subsection One (1), RSMO, to discuss legal actions, causes of legal actions, or litigation involving a public governmental body.

Motion was offered by Councilman Braun and seconded by Councilman Stone to enter into Executive Session.

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

The Council exited to the Executive Conference Room and entered the Executive Session at 7:58 p.m.

The Council reentered the Council Chambers at 8:00 p.m. Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Stone to exit Executive Session.

Roll call vote of the members of the council was as follows: Rehkla, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Braun, YES; Moore, YES; Pace-Snook, YES. Motion carried with eight members of the Council voting in favor.

The Council exited Executive Session at 8:01 p.m.

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 8:01 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, CMC/MRCC
City Clerk