

**CITY COUNCIL MINUTES
FEBRUARY 25, 2020**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, February 25, 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 6:30 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; 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 Ron Baker; Helen Wilbers of *THE FULTON SUN*; Darin Wernig and Mike Haldeman, Audio/Video; and visitors: Patrick Payne, Brian Fuller, Mary Van Orden, Jean Danuser, Bill Gard, Darrell Martin, Shelby Martin, Rhonda Braun, Nancy Lewis, Megan Klukowski, Anthony Cavaiani, Ray Brown, Richard Lael, Ann Lael, Joe Davis, Wil Hoffman, Cathy Morse, David McDaniel, Doc Kritzer, Scott Jones, Mikki Starmer, Suzanna Wolfe, Chuck Garriott, Bob Sterner, Jeff Dungan, Dana Dungan, and Bob Washington.

INVOCATION:

Invocation was given by Pastor Baker.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Pastor Baker.

COMMENTS FROM VISITORS:

Richard Lael (308 E. 5th St.), stated he was a member of the Historic Preservation Commission in 2002 when significant edits were made to the Historic Preservation chapter. Mr. Lael provided an overview of the Historic Property Designation process and information regarding the establishment of the Historic Districts. Mr. Lael expressed concern with the proposed changes to the HPC chapter and noted Sec. 62-30 of the current code states no additional restrictions may be placed upon property owners. Mr. Lael stated the Commission assured property owners when the code was previously written that this agreement to not impose regulations would not change. According to Mr. Lael, if this new chapter is adopted, it "breaks the assurance that was given to property owners" and is "dishonorable".

Mary Van Orden (305 E. 5th St.) stated she is not opposed to Historic Preservation, but feels the proposed ordinance drafted by the HPC is confusing. Mrs. Van Orden stated she and her husband chose not to have their property designated out of fear that additional regulations would come, similarly to what she sees this evening. Mrs. Van Orden stated there is no assurance in the proposed chapter that non-designated properties would be exempt from the regulations; rather, all properties within a Historic District will be required to adhere to the new regulations and processes. Mrs. Van Orden stated this creates an undue burden on property owners, is "unfair and unjust" and strongly urged the City Council to slow down and be fair to all property owners.

Anthony Cavaiani (506 E. 5th St.) stated he attended the informational meeting held earlier in the week with the Historic Preservation Commission. Mr. Cavaiani provided an overview of his concerns with the proposed chapter noting that this measure alienates property owners and contradicts itself numerous times throughout the entirety of the document. Mr. Cavaiani stated it is important to cultivate preservation efforts but the intent should always be to provide more benefit than harm. Mr. Cavaiani also noted he does

not believe property owners should have to justify their home improvement plans to the HPC and hopes the Commission will take an opportunity to educate the public rather than proposing mandates.

Megan Klukowski (506 E. 5th St.) stated she supports the spirit and value of historic preservation, but each home is also a reflection of the owner's personality. Ms. Klukowski said she believes the proposed ordinance infringes upon her rights as a homeowner and could cause issues with selling her home in the future as it limits the freedoms of the owner. Ms. Klukowski stated the proposed requirement for architectural plans could cost between \$2,500 and \$8,000 in addition to the time requirements of attending a HPC meeting resulting in a depletion of time and money. Ms. Klukowski strongly urged the City Council to not pass the proposed bill this evening.

Wil Hoffman (502 E. 5th St.) stated the proposed bill has many contradictions, and he feels the HPC does not have a clear understanding of what would require a permit. Mr. Hoffman echoed many of the sentiments expressed by previous speakers and stated he believes this proposed ordinance takes away homeowner's freedoms and places mandatory requirements upon homes that lie within a district without providing any choices or options to owners. Mr. Hoffman stated he has attempted to buy additional properties to encourage other young families to move to Fulton, but this proposed ordinance makes him want to sell his properties. Mr. Hoffman stated there was no interaction between the HPC and the community, and the HPC is proposing regulations with no option. Mr. Hoffman urged the Council to vote "no" to the proposed ordinance.

Scott Jones (906 Nichols) stated he lives within a Historic District, but his home was built in 2017. Mr. Jones noted there is no opt-out for homes like his which are not historic but have been built within the district boundaries. Mr. Jones stated the current HPC ordinance states no additional regulation would be placed upon homes that lie within the districts or homes that are designated, while the proposed changes force new regulations upon all homes within a district or homes that are designated. Mr. Jones stated it would have been beneficial for the HPC to contact all affected property owners as there was no communication about these proposed changes. Mr. Jones also expressed concern with the number of contradictions in the ordinance along with the lack of consistency throughout the document. Mr. Jones stated this proposed ordinance will open the city up to lawsuits, and he urges the Council to vote "no".

Suzanna Wolfe (Commercial Property 400 W. 4th St.) thanked the Councilmembers for taking her calls regarding the proposed HPC ordinance. Ms. Wolfe stated she believes the proposed language is vague and has many inconsistencies. The new regulations could prevent a demolition when a replacement has not been established and can cause a number of delays. Ms. Wolfe stated the ordinance speaks of a Certificate of Economic Hardship but provides no process to obtain a certificate if needed. Ms. Wolfe also spoke of regulation from the Supreme Court that she believes may make this ordinance illegal or infringing upon property owner's constitutional rights. Ms. Wolfe stated the ordinance is unreasonable and is difficult to read due to the number of contradictions. She stated she believes information should be offered to property owners, but there should not be a binding process. Ms. Wolfe asked the Council to vote "no" on this proposed ordinance.

Chuck Garriott (Commercial 110 W. 4th St.) stated he is a real estate broker, and he submitted the proposed ordinance to the National Association of Real Estate. Mr. Garriott provided a highlighted copy of the correspondence and analysis received back from the Association. As there are many points of consideration, a copy of this document is included along with these minutes for reference purposes. Mr. Garriott stated the document is not ready for review, appears to reference documents and forms that have not yet been created by the HPC, contains innumerable inconsistencies and errors, and contains

inconsistent or non-existent references. Mr. Garriott exhausted his five-minute time limit and provided the document to Mrs. Rhonda Braun to continue.

Rhonda Braun (1004 Herring) continued along the talking points originating from Mr. Garriott. Mrs. Braun stated many realtors have expressed concerns with the proposed changes created by the HPC. "We are the professionals who feel it will negatively impact our community". Mrs. Braun stated these regulations must be disclosed and creates a liability issue for realtors who sell properties within the Historic Districts.

Doc Kritzer (5055 Pendergras) stated there are many discrepancies within the proposed language. Mr. Kritzer attended the HPC meeting last evening and believes no one is opposed to preserving history. He reported learning that a property must be at least 50 years old to be considered historic. Mr. Kritzer stated he has an affected rental property and feels most tenants could care less whether the property is historic or not. Mr. Kritzer stated there are other homes in areas outside of the Historic Districts that could potentially be affected, and he supports a "no" vote along with those who have already expressed concerns.

Brian Fuller (Commercial 527 Court St.) stated his building on Court Street was covered in aluminum when he purchased it, and he is seeing the Brick District become less affordable with the work that is needed for many buildings. Mr. Fuller stated additional burdens will lead to decay, and he believes it is more important to see properties occupied and maintained within the limits a property owner is able to afford. Mr. Fuller urged the Council to vote against the proposed ordinance.

Patrick Payne (4th Ward) provided a map and information on how the town was established. Mr. Payne stated the HPC was tasked by the Council to come up with an ordinance, and the HPC tried to merge a model ordinance with what Fulton already has in its current code. Mr. Payne suggested having an attorney draft an ordinance for this purpose.

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 January 28, 2020.
- b. Approval of the City Council meeting minutes of February 11, 2020.
- c. Approval of the Director of Administration Report of January.

Councilman Moore requested to remove the Director of Administration Report of January.

Motion was offered by Councilman Braun and seconded by Councilwoman Pace-Snook 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 Moore referenced the Animal Shelter report and suggested the shelter hold an adoption even during the Fulton Street Fair and look into posting the adoptable animals on the city's social media page.

It was also noted the city website traffic had increased significantly.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Stone to approve the Director of Administration Report of January, as presented. Motion carried with eight members of the Council voting in favor.

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

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

Holschlag stated the city has recognized twelve (12) months of sales tax collections, and numbers are 1.1% ahead of 2018 figures. Holschlag noted that January was a three (3) payroll month, and the first pay period is accrued back to 2019 as it covers the period of time worked at the end of December. Additionally, most payments for purchases are being accrued back to 2019.

Following some review, motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehklau to accept the Financial Report for January, 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. Representatives from the Callaway 200 Committee will be present to request permission for the Callaway County Bicentennial Bash and 10K to be held Saturday, May 30, 2020.
 - i. This request will include authorization for: alcohol sales and consumption, street closures, electric access, trash cans, police assistance, and food/retail sales.

Bill Johnson, Director of Administration, presented the request on behalf of the Callaway 200 Committee. Johnson stated city staff has met with the Committee and there does not appear to be anything unreasonable in their request. Johnson recommended approving the request as long as communication continues, and noted that plans appear to still be a work in progress.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to approve the request and to authorize Bill Johnson to oversee the approval of various pending details of the event.

Councilman Stone stated this event will be large and will encompass a concert downtown along with other various events throughout the weekend. Councilman Stone encouraged everyone to attend the celebration.

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

- b. Joe Davis, on behalf of the Fulton Preschool Association, will be present to request a fee waiver for Memorial Pavilion for the organization's annual picnics on May 17, 2020 and September 13, 2020.

Mr. Davis stated the parent-led organization would like a waiver of the park reservation fees. Motion was offered by Councilman Stone and seconded by Councilman Braun to approve the request, as presented. Motion carried with eight members of the Council voting in favor.

COUNCIL CONCERNS:

Councilwoman Pace-Snook stated she is thankful to see community interest and involvement.

Councilwoman Rehklau stated she would also like to see people attend Council meetings more often to voice their opinions.

Councilman Simmons stated he would like to see the Council give guidance to the Parks & Recreation Department as to what fees can be waived for certain groups. Johnson stated this will be the topic of a future Work Session.

Councilwoman Sebacher thanked the constituents who have reached out to her with concerns and would also like to see more community interest and involvement.

RESOLUTIONS:

Resolution No. 3369 was presented for adoption by Councilwoman Pace-Snook

- a. Resolution No. 3369: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Assistance to Firefighters Grant and authorizing the city's monetary match.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Shiverdecker to adopt Resolution No. 3369 at tonight's Council meeting.

Johnson stated the 5% local match is not currently budgeted, but if the city receives the grant, the Council will be made aware of the funding source selected. Motion carried with eight members of the Council voting in favor.

ORDINANCES:

FIRST READING

Bill No. 1579 was presented for First Reading by Councilman Moore.

- a. Bill No. 1579: An Ordinance amending Chapter 110, Traffic and Vehicles. Fulton City Code. by enacting a new section 110-188 to be titled "Financial Responsibility", and establishing an effective date.

Motion was offered by Councilman Moore and seconded by Councilman Shiverdecker to place Bill No. 1579 for Second Reading at the next regularly-scheduled Council meeting.

Some discussion followed. Chief Myers stated the city code is currently missing a section to address tickets that may be written to allow "financial responsibility" tickets, as indicated in the proposed ordinance. Because the city code does not address this issue, tickets written for financial responsibility issues and other infractions (speeding, seatbelt, parking violations, etc.), must be written to the State. This means, if the defendant is found

guilty of the violations, all assessed fines are remitted to the State of Missouri, rather than the City of Fulton. Chief Myers explained that tickets may not be “split” amongst the various agencies (State, County, City infractions).

It was further clarified that the city’s intentions are to ensure fines for municipal violations are remitted to the correct source, and additional wording in the code is necessary to accomplish this task.

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

SECOND READING

Bill No. 1577 was presented for Second 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 Councilwoman Pace-Snook to place Bill No. 1577 for Third Reading at tonight’s Council meeting. Motion carried with eight members of the Council voting in favor.

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

Motion was offered by Councilwoman Sebacher and seconded by Councilman Moore to place Bill No. 1577 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; Rehkla, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Braun, YES. Bill No. 1577, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

Bill No. 1578 was presented for Second 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 Councilman Stone to place Bill No. 1578 for Third Reading at tonight’s Council meeting. Motion carried with eight members of the Council voting in favor.

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

Motion was offered by Councilman Simmons and seconded by Councilwoman Pace-Snook to place Bill No. 1578 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. 1578, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

THIRD READING

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

Councilwoman Rehkla stated she agreed that the city needs a Historic Preservation ordinance, but believes this is not the ordinance. Councilwoman Rehkla also said she believes the HPC needs input from citizens and to improve communication.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Braun to table Bill No. 1576, as amended, indefinitely. Councilman Moore stated he thinks the HPC has spend a lot of time on this ordinance and the Commission is aware of the downfalls. Councilman Moore said involving too many people causes things to never get accomplished.

Motion carried with eight members voting in favor of tabling Bill No. 1576, as amended, indefinitely.

Councilman Braun stated he would like to help the HPC and would like to see the Commission send out flyers so that people know there is information available should they want to take advantage. Councilman Braun stated this may also help the HPC get more involvement from the community.

Motion was offered by Councilman Braun and seconded by Councilwoman Rehkla to five \$500 to the HPC for the creation of educational flyers for the community.

Councilman Simmons stated he would prefer to see the HPC come to the City Council and describe their needs. Councilman Stone said he is in favor of providing \$500 to assist the HPC in communicating with the public.

Mayor Cannell asked HPC Chair David McDaniel if he had any input on this proposal. McDaniel stated he feels "the HPC has been drug through the mud" and he is "not an ordinance writer". McDaniel said the HPC knows what they want to accomplish, and he feels everyone was "very negative" this evening.

When asked about holding meetings at a different time or looking for other avenues to allow for more community involvement, McDaniel stated these were city issues and the Commission is comprised of volunteers.

Councilman Stone encouraged McDaniel to look for the positive in this evening's list of concerns, as many people stated they support the spirit of Historic Preservation.

Motion by Councilman Braun and second by Councilwoman Rehkla to provide \$500 for communication assistance were withdrawn.

ANNOUNCEMENTS:

- a. The next City Council meeting will be held Tuesday, March 10, 2020. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 p.m.

- b. The Annual IMGA Meeting will be held Tuesday, March 24, 2020 in Springfield, IL. Councilmembers who wish to attend must RSVP with the City Clerk no later than Wednesday, Feb. 26th.

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 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 8:08 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, CMC/MRCC
City Clerk