

**CITY COUNCIL MINUTES
AUGUST 11, 2020**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, August 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: Pace-Snook, Sebacher, Simmons, Stone, Washington, and Braun. Absent were members: Rehklau and Shiverdecker. 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; Rev. Bruce Williamson; Helen Wilbers of *THE FULTON SUN*; Darin Wernig and Mike Haldeman, Audio/Video; and visitors: Madison Doyle, Rev. Cedric Harris, Charles Williams, Coletta Williams, and Marian Logan.

INVOCATION:

Invocation was given by Rev. Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Rev. Williamson.

COMMENTS FROM VISITORS:

There were none.

Bill Johnson, Director of Administration, called Kathy Holschlag, Chief Financial Officer, forward to address the Council. Holschlag reported the city's sales tax collections are ahead 3.7% year-to-date. This announcement was met with an enthusiastic response from the City Council.

Police Chief Myers invited the Council to attend a firearm training simulator on Thursday, August 13th throughout the afternoon. Myers stated the simulator shows various situations that officers encounter on a day to day basis.

APPROVAL OF THE CONSENT AGENDA:

There were no items on the Consent Agenda for consideration at this meeting.

UNFINISHED BUSINESS:

There was no Unfinished Business for consideration at this meeting.

NEW BUSINESS:

- a. Nicki Fuller, Executive Director of Southwestern Power Resources (SPRA), will be present to discuss hydroelectric power.

Darrell Dunlap, Superintendent of Utilities, introduced Fuller. Dunlap stated Fuller traveled to Fulton from Tulsa to join the City Council this evening and has been an ally for the city on hydroelectric matters.

Fuller provided an overview of SPRA and how it acts as an advocate and liaison on behalf of municipalities and other agencies when dealing with federal regulatory agencies. Fuller reported that since 1999, SPRA

members have committed to fund rehabilitations of federal hydropower dams – dams on which they rely for access to their hydropower. So far, SPRA has spent \$800 million for these rehabilitations, and an additional \$1.5 billion is committed for improvements over the next 30 years. Fuller noted these improvements are made at no cost to taxpayers.

Of issue is the Stockton Lake water reallocation proposal. Following nearly \$50 million dollars in total rehabilitations to the Stockton Lake hydroelectric power pool, Tri-State Water Resource Allocation has requested water reallocation for drinking water. Fuller noted that federal law allows for the redirection of water so long as it does not seriously affect the current use. SPRA contends that a 30% loss of the pool does seriously affect hydropower.

Fuller stated that Senator Hawley’s office reached out to the City of Fulton for comment on this proposal, and she thanked Fulton for taking the time to speak in opposition to the water reallocation. Some discussion followed.

Fuller stated SPRA is waiting to see what the courts will do, and she is happy to do everything possible to defend Fulton’s access to federal hydropower.

b. Smart Grid update.

Dunlap stated that approximately a year ago, the Smart Grid system crashed, and the servers had to be rebuilt. Since that time, the city has a new billing system (Incode). There have been issues receiving passwords from Incode; these passwords are needed in order to write a script to correct this broken link in communication between the Smart Grid and Incode. Dunlap noted there are roughly 400 meters that will need to be changed.

Although Incode knows where the individual smart meters are located, the Smart Grid is unable to communicate directly with the system. Johnson stated this has been an ongoing issue for quite some time, and progress seems to be short-lived.

Mayor Cannell asked if the Smart Grid will always be a moving target. Dunlap stated he believes that the system will be operable once a script is written to restore communication between the Smart Grid and Incode.

Councilman Braun asked how much money has been spent on the Smart Grid. Dunlap estimated the city has spent roughly \$3 million not including the cost of labor. Johnson noted that nearly half of that \$3 million total was supplied through grants.

c. CARES Act Utility Reimbursement discussion.

Johnson stated the city has gone past yet another shutoff date and asked Holschlag to provide an update to the Council.

Holschlag stated shutoffs were originally scheduled for this past Thursday. To date, CARES Act money, as distributed by CMCA, totals approximately \$45,000 for 44 customers. Holschlag stated the process has slowed, and although she does not know the current number of past-due customers, 421 letters were originally sent out.

Johnson stated he is looking for Council direction on when to begin shutting off past due accounts. He believes some people may not have the past due balances on their radar, and it may not resonate until the power is shut off. The CARES Act funding was supposed to end for balances incurred by July 31, but Presiding Commissioner Gary Jungermann has indicated the county will allow the remaining allotted money to continue to be used. Johnson stated it is not the city's goal to shut people off, but the city must have a plan to move forward. Much discussion followed.

Motion was offered by Councilman Simmons to treat August as a "normal month" and to move ahead with shut offs". The motion died due to lack of a second. Holschlag recommended a motion with a specific date or timeframe for shut offs so that the Finance Department staff can move forward accordingly.

Motion was offered by Councilman Simmons and seconded by Councilwoman Pace-Snook to move ahead with shut offs sometime during August 24th through the end of the month, at the discretion of the Finance Department, based on when past due notices can be sent out. Motion carried with six members of the Council voting in favor, and two members (Rehklau, Shiverdecker) absent.

d. Fireworks discussion (continued from tonight's Work Session).

Mayor Cannell provided a recap of the Work Session from earlier this evening, and reported that both Fire Chief Coffelt and Police Chief Myers have put forward a recommendation to ban all sales, discharge, and possession of fireworks. This message was reiterated when Chief Coffelt and Chief Myers approached the podium to address the Council.

Chief Coffelt clarified that when the fire department inspects a firework stand, they are there to inspect the stand itself and to ensure it complies with the fire safety code. The State Fire Marshal's Office is responsible for inspecting the individual fireworks. Chief Coffelt stated he has never seen or experienced anything like the fireworks wars this past July, and he believes it is in the city's best interest to ban all varieties of fireworks.

Councilman Braun asked what will happen if the city bans all fireworks and the firework wars still occur. Councilman Braun stated he believes the issue lies in enforcement and the city's current ordinance does not allow for the situation that occurred this year. Much discussion followed.

Mayor Cannell stated this topic would be brought back before the end of the year.

COUNCIL CONCERNS:

Councilman Braun stated he appreciates the small updates on the COVID-19 ordinance, be he does not want to continue dragging this out. Councilman Braun asked how college students and transient workers are counted when they are diagnosed as a positive COVID-19 case.

Johnson stated students will likely be counted in Callaway County's numbers, and transient workers will likely be counted in their home county. Johnson stated that he, Mayor Cannell, and City Clerk Courtney Crowson have begun looking at various ordinances with varying amounts of detail. The city has not contacted City Counselor Tom Riley for guidance.

Councilman Braun stated there are now 51 active cases in Callaway County, and the city needs to have a plan. Mayor Cannell announced a meeting with a "high ranking health official to tailor an ordinance for Fulton".

Councilman Simmons expressed frustration with not knowing where the active county cases are located and how many cases are actually inside the city limits of Fulton. Councilman Simmons also stated the city needs help from the county, as this is a county-wide issue.

Councilman Stone noted the ordinances available on the Missouri Municipal League website use the local health department to enforce a mask order, but the Callaway County Health Department has stated they will not enforce a mask order/ordinance. Much discussion followed.

Councilman Simmons reiterated that he believes Callaway County should assist with this issue.

Councilwoman Sebacher asked for Kent Woods and Sharon Lynch (CCHD Staff) to attend the next Council meeting. Mayor Cannell stated he would approach them with the request.

Councilman Washington stated he would like to discuss abandoned houses at a future Council meeting.

RESOLUTIONS:

There were no Resolutions for consideration at this Council meeting.

ORDINANCES:

FIRST READING

Bill No. 1585 was presented for First Reading by Councilwoman Sebacher.

- a. Bill No. 1585: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to approve Plat Four (4) for Willow Creek Subdivision.

Motion was offered by Councilwoman Sebacher and seconded by Councilman Stone to place Bill No. 1585 for Second Reading at the next regularly-scheduled Council meeting. Motion carried with six members of the Council voting in favor, and two members (Rehklau, Shiverdecker) absent.

Bill No. 1586 was presented for First Reading by Councilman Simmons.

- b. Bill No. 1586: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to an Option and Land Lease Agreement with New Cingular Wireless PCS LLC of Delaware pertaining to a Communications Facility located at 804B Morningside Drive in Fulton, Missouri.

Motion was offered by Councilman Simmons and seconded by Councilwoman Sebacher to place Bill No. 1586 for Second Reading at the next regularly-scheduled Council meeting.

Johnson stated this has been a three-year project in the making, and AT&T plans to place a new cell tower in the area for increased capacity. This agreement has been reviewed by City Counselor Riley and has received his stamp of approval. Some discussion followed.

Councilman Stone asked for clarification regarding the termination and payment terms. Johnson will review these items with City Counselor Riley and provide clarification.

Motion carried with six members of the Council voting in favor, and two members (Rehklau, Shiverdecker) absent.

ANNOUNCEMENTS:

- a. The next City Council meeting will be held Tuesday, August 25, 2020 at 6:30 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 six members of the Council voting in favor, and two members (Rehklau, Shiverdecker) absent. The meeting adjourned at 8:28 p.m.

Lowe Cannell, Mayor

Courtney L. Crowson, CMC/MRCC
City Clerk