

**CITY COUNCIL MINUTES  
AUGUST 25, 2020**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, August 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, Rehkla, Pace-Snook, Sebacher, Shiverdecker, Simmons, Stone, and Washington. 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 visitor: Madison Doyle.

**INVOCATION:**

Invocation was given by Rev. Williamson.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Rev. Williamson.

**COMMENTS FROM VISITORS:**

There were no Comments from Visitors at this meeting.

**PUBLIC HEARING:**

Mayor Cannell stated there would be one public hearing at tonight's meeting for the purpose of certifying the rate of levy for property taxes for the 2020 tax year within the City of Fulton.

Bill Johnson, Director of Administration, stated the tax levy rate is set by the State Auditor's Office, and is calculated so that a windfall does not occur when the county reassesses property values. Because the assessed valuation decreased, the tax levy ceiling for Fulton has risen slightly.

Mayor Cannell declared the hearing open at 6:40 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 this public hearing closed at 6:41 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 July 28, 2020.
- b. Approval of the City Council meeting minutes of August 11, 2020.
- c. Approval of the Director of Administration Report of July.

Motion was offered by Councilman Braun and seconded by Councilwoman Rehkla 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 JULY.**

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

Holschlag reported the city's sales tax collections are ahead 3.75% when compared to this period of time in 2019, and the city has recorded six months of collections to-date. July was a three-payroll month, and expenses were proportionately higher.

Following brief discussion, motion was offered by Councilman Shiverdecker and seconded by Councilwoman Pace-Snook to accept the Financial Report for the month of July, as presented. Motion carried with eight members of the Council voting in favor.

**UNFINISHED BUSINESS:**

There was no Unfinished Business at this meeting.

**NEW BUSINESS:**

- a. Face Covering Ordinance discussion.

Mayor Cannell stated a group of Councilmembers and the Director of the Callaway County Health Department (CCHD) met with Dr. Randall Williams, Director of Missouri Department of Health and Senior Services (MDHSS), to discuss COVID-19 in Callaway County and Fulton. The group left the meeting believing the Council would receive the number of active COVID-19 cases in Fulton, but the Director of CCHD is unwilling to provide the number of cases in Fulton, as she believes it is a HIPAA violation. Bill Johnson, Director of Administration, stated the Director of CCHD would need to receive guidance from the county's attorney in order to proceed with disclosing the cases by city.

Mayor Cannell stated the city could spend money to have City Counselor, Tom Riley review the City of Springfield's mask ordinance in order to revise it for Fulton's needs.

Councilman Washington stated he believes the city should move forward with a draft.

Councilman Braun stated he has repeatedly said he would like to have a plan in place, but after the meeting last week, he doesn't see how the City Council can even plan. Councilman Braun stated the city cannot get any information from CCHD, and Fulton is not in charge of making decisions based on the entire county's numbers. Councilman Braun encouraged everyone to reach out to CCHD and the Callaway County Commissioners to express concerns and request that they take action.

Councilman Washington said he can agree with Councilman Braun, but he is also concerned about the number of visitors to Fulton each day.

Motion was offered by Councilman Simmons and seconded by Councilwoman Rehlau to take the Springfield ordinance to legal review in order to have something prepared and ready for implementation once the Council receives clear, consistent data.

Much discussion followed. Some Councilmembers asked why the Callaway County CARES Act money has not been used to hire additional contact tracers or implement measures to more clearly communicate with the public regarding COVID-19 cases.

Some discussion followed regarding the enforcement of an ordinance, should one be enacted in the future. Councilman Stone stated CCHD was not willing to enforce such an ordinance, and he believes the city's only option is to utilize the police department.

Councilman Braun stated he is concerned with the city posting inaccurate COVID-19 updates that have been written by CCHD, as the city is receiving backlash for the content of these posts while having no control over what has been written.

City Clerk Courtney Crowson read the previous motion: "Motion was offered by Councilman Simmons and seconded by Councilwoman Rehlau to take the Springfield ordinance to legal review in order to have something prepared and ready for implementation once the Council receives clear, consistent data". Motion carried with six members of the Council voting in favor, and two members (Sebacher, Shiverdecker) opposed.

Motion was then offered by Councilman Stone and seconded by Councilman Shiverdecker to submit an official written request to the CCHD and MDHSS requesting Fulton-specific information relating to COVID-19 cases.

Councilman Simmons stated he does not believe it is right to request this information from both entities at the same time.

This motion was amended by Councilman Stone and seconded by Councilman Shiverdecker to submit the request to CCHD first and allow one week to receive a response before moving forward to MDHSS. Motion carried with eight members of the Council voting in favor.

Mayor Cannell stated he believes it isn't necessary to go too in depth with the request, and the city really only needs the number of cases within the city limits.

Some discussion and clarification followed. The Council is requesting the number of active cases, age groups, deaths, and numbers of hospitalized cases on a routine basis moving forward. Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehkla to request the aforementioned information accordingly.

Johnson will include the City Council on an email request to the CCHD for this information.

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

**COUNCIL CONCERNS:**

Councilwoman Rehkla thanked the staff responsible for maintaining the city parks.

Councilwoman Pace-Snook said she is excited for the new Parks & Recreation Community Center to be ready and is pleased with the progress.

Councilman Shiverdecker congratulated the Tanglewood staff on another spectacular month of record revenues.

Councilman Washington thanked Dennis Houchins, Planning & Protective Services Director, for providing information on dilapidated houses.

Councilman Stone thanked the Tanglewood staff and noted the course was in great shape for the recent Mayor's Cup Tournament.

Councilman Stone noted there is work being performed at the dog park and asked for clarification. Clay Caswell, Parks & Recreation Director, stated last year the city sought to construct a pavilion with bathrooms at the dog park, but bids came in well above the budgeted amount. Currently, a restroom facility is being built instead.

Councilman Simmons noted that even though Fulton does not have a mask ordinance, it does not preclude anyone from wearing one.

**RESOLUTIONS:**

There were no Resolutions for consideration at this meeting.

**ORDINANCES:**

**FIRST READING**

Bill No. 1587 was presented for First Reading by Councilwoman Rehkla.

- a. Bill No. 1587: An Ordinance fixing the tax rate and levying taxes for the calendar year of 2020 on all taxable property in the City of Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to place Bill No. 1587 for Second Reading at the next regularly-scheduled Council meeting.

Councilman Simmons asked if tax bills will increase if the council raises the tax levy. Johnson stated that assessment rates overall decreased and the levy was adjusted by the State Auditor's Office accordingly.

Councilman Shiverdecker asked how much the city would lose if the tax levy was not approved and the rate remained the same as last year. Johnson stated the city would lose approximately \$36,000 which is a noticeable impact for the General Fund.

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

Mayor Cannell called for a brief recess at 7:34 p.m. The Council reconvened at 7:39 p.m.

Bill No. 1588 was presented for First Reading by Councilman Simmons.

- b. Bill No. 1588: An Ordinance repealing Section 78-112, Sale and Discharge of Fireworks. Fulton City Code. and enacting a new Section in lieu thereof.

Motion was offered by Councilman Simmons and seconded by Councilwoman Pace-Snook to place Bill No. 1588 for Second Reading at the next regularly-scheduled Council meeting.

Mayor Cannell stated he decided to bring this item back quickly rather than wait as originally planned. Some discussion followed regarding the difference between consumer-grade and professional-grade fireworks.

Councilman Braun stated the current code addresses the issue surrounding the fireworks war, and he doesn't feel it is right to ban fireworks for everyone based on the actions of a few. Councilman Braun expressed concerns with the possession aspect of the proposed ordinance. City Clerk Courtney Crowson noted the current city ordinance does not address possession of fireworks as a violation, and this addition was requested by both Chief Myers and Chief Coffelt.

Councilman Braun feels the city should come up with a plan to keep and enforce the current ordinance. Councilman Stone agreed with this statement and believes the proposed ordinance is too extreme. Both Councilmembers agree that the current ordinance does need to be amended and cleaned up.

Councilman Simmons asked if the current ordinance could be enforced with a bit of tweaking. Chief Myers stated he and Chief Coffelt believe a complete ban is best, and they are open to removing the "possession" clauses from the proposed ordinance.

Councilman Braun suggested posting officers near the site of the fireworks war to turn people away as they arrive. Some discussion continued.

Motion was offered by Councilman Simmons and seconded by Councilwoman Sebacher to amend Bill No. 1588 by removing the possession clauses and adding verbiage to allow fireworks to be confiscated if there is intent to discharge. Much discussion followed.

Motion to amend was tied with four members of the Council voting in favor, and four members (Braun, Shiverdecker, Stone, Washington) opposed. Mayor Cannell broke the tie by voting in favor of the amendment.

The motion to place Bill No. 1588, as amended, for Second Reading at the next regularly-scheduled Council meeting was under consideration. Motion was tied with four members of the Council voting in favor, and four members (Braun, Shiverdecker, Stone, Washington) opposed. Mayor Cannell broke the tie by voting in favor of advancing Bill No. 1588, as amended, to Second Reading at the next regularly-scheduled Council meeting.

Bill No. 1589 was presented for First Reading by Councilman Braun.

- c. Bill No. 1589: An Ordinance repealing Chapter 58, Health and Sanitation. Fulton City Code, enacting a new Chapter in lieu thereof, and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to place Bill No. 1589 for Second Reading at the next regularly-scheduled Council meeting.

Johnson clarified this ordinance takes away the city's health inspection requirements, and these functions will be administered by CCHD.

Motion carried with seven members of the Council voting in favor, and one member (Washington) opposed.

Bill No. 1590 was presented for First Reading by Councilwoman Pace-Snook.

- d. Bill No. 1590: An Ordinance amending Sec. 22-29, Issuance. Fulton City Code. by enacting an additional requirement and establishing an effective date.

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Stone to place Bill No. 1590 for Second Reading at the next regularly-scheduled Council meeting.

City Clerk Courtney Crowson noted the city has always required a fire inspection for businesses located within the city limits prior to the issuance of a city business license. This ordinance clarifies the requirement within the Business Chapter, and allows for the Fire Chief to waive an inspection if the premises have been satisfactorily inspected within the past six months.

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

## SECOND READING

Bill No. 1585 was presented for Second 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 Councilwoman Pace-Snook to place Bill No. 1585 for Third Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

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

Motion was offered by Councilwoman Sebacher and seconded by Councilman Stone to place Bill No. 1585 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; Rehklaue, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Washington, YES; Braun, YES. Bill No. 1585, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

Bill No. 1586 was presented for Second 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 Councilman Shiverdecker to place Bill No. 1586 for Third Reading at tonight's Council meeting.

Councilman Stone expressed concern with the length of this agreement and the limited ability for the city to terminate the agreement. Some discussion followed. Motion carried with seven members of the Council voting in favor, and one member (Stone) opposed.

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

Motion was offered by Councilman Simmons and seconded by Councilwoman Pace-Snook to place Bill No. 1586 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: Rehklaue, YES; Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Washington, YES; Braun, YES; Pace-Snook, YES. Bill No. 1586, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

## **ANNOUNCEMENTS:**

- a. The Bow Hunter Permit Meeting will be held Wednesday, September 2, 2020 at 6:00 p.m. at the Memorial Park Shelter. Those who are interested in obtaining a permit to bow hunt within the city limits must attend this meeting. Additional information may be obtained from Missouri Department of Conservation Agent, Stephen Kistner at 573-239-8129.
- b. The City of Fulton will be closed Monday, September 7, 2020. Trash pickup will resume Tuesday, September 8<sup>th</sup>. **There will be no Recycling and Yard Waste collection during the holiday week**, but these services will resume on Monday, September 16<sup>th</sup>.
- c. The next meeting of the City Council will be held Tuesday, September 8, 2020. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 p.m.

Johnson noted the MML Annual Conference will be held virtually this year, and the Council will receive additional information about registering in the coming days.

**EXECUTIVE SESSION:**

Mayor Cannell stated there was not a need for an Executive Session at this 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 8:21 p.m.

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Lowe Cannell, Mayor

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Courtney L. Crowson, CMC/MRCC  
City Clerk