

**CITY COUNCIL MINUTES  
SEPTEMBER 8, 2020**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, September 8, 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, Rehklau, Sebacher, Shiverdecker, Simmons, Stone, Washington, and Braun. 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; Rev. Bruce Williamson; Helen Wilbers of *THE FULTON SUN*; Darin Wernig, Audio/Video; and visitors: Madison Doyle, Coletta Williams, Dava Gardner, Mike Gardner, Tim Thurber, Cathi Morse, Cassie Santhuff, Ben Muzzey, Susan Peterson, Charles Galbreath, and Patti Wood.

**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.

**PUBLIC HEARING:**

Mayor Cannell stated there would be one public hearing at tonight's meeting to consider the proposed rezoning of a tract of land located at 410 South Business 54 in Fulton, Missouri from its current zoning of R-1 Residential to C-2 Commercial.

Mayor Cannell declared the hearing open at 7:06 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?

Patti Wood, owner of 410 S. Business 54, stated she is in favor of the rezoning as the property is on the Business 54 roadway and it seems as though it would make sense for a salon. Wood stated she believes a commercial site will revitalize the area.

Cathi Morse, 106 Chestnut, stated she is the realtor for the property, and the rezoning will not negatively impact other property values.

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 7:10 p.m.

#### **APPROVAL OF THE CONSENT AGENDA:**

- a. Approval of the appointment of Monique Jensen to the Tourism Board (exp. 12/31/21).
- b. Approval of the Fulton High School Student Council request for a Homecoming Parade on Friday, October 9, 2020 at 3:00 p.m.
  - i. This event request has been reviewed and approved by Chief Myers. The parade route will begin on Nichols, turn on 9<sup>th</sup> Street, head down Court Street, right on 5<sup>th</sup> Street, and back up Nichols. Police will assist as needed.

Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to approve the items on the Consent Agenda, as presented. Motion carried with eight members of the Council voting in favor.

#### **UNFINISHED BUSINESS:**

- a. Parks & Recreation Community Center update.

Kyle Bruemmer, Interim City Engineer reported that his staff has been overseeing and working on the project. Bruemmer provided a brief overview of the interior and exterior work that is currently underway.

Kathy Holschlag, Chief Financial Officer, stated the city has made the first draw on the lease purchase agreement to the tune of approximately \$60,000.00

Clay Caswell, Parks & Recreation Director, reported that construction should be complete in November, and the city will pull wire for IT services and install various equipment. Caswell estimated the building could be ready to open by March 1 or April 1, 2021 depending on the progression of work. Caswell stated he plans for the facility to be open seven days per week, and hopes to have 5-10 hours of time available for the public to utilize the facility at no cost.

Caswell said he will have two full-time staff members (a Facility Manager and a Facility Maintenance Worker) along with 7-8 part-time staff members. Caswell anticipates hiring the Facility Manager in late 2020 or early 2021 so that they can assist with setting up the building and planning. Hiring for other staff will occur closer to the opening of the building.

Caswell stated the Parks & Recreation Department plans to have a theme for the building that will highlight local legends from various backgrounds.

b. Utility Shut Off update.

Holschlag reported that the shut-off list had 169 accounts, and within a matter of a week, only 43 accounts remained unpaid.

The Finance Department tried contacting individuals on the shut-off list by telephone and through the use of door hangers to encourage them to contact CMCA and SERVE for assistance.

Bill Johnson, Director of Administration, stated the city did not want to shut anyone off, but the Finance Department made a great effort to notify individuals that assistance was available.

**NEW BUSINESS:**

- a. Representatives of the Super Sam Foundation will be present to request permission for an outdoor gala on Friday, September 25, 2020 from 6:00 - 9:00 p.m.
  - i. This request will require the closure of 7<sup>th</sup> Street and Court Street in front of First Christian Church.

Cassie Santhuff, co-founder of the Super Sam Foundation, stated the Foundation plans to host a virtual gala in place of the in-person event they host annually. The street closures will assist the group in being able to have some tables available for families who are currently fighting childhood cancer diagnoses. Santhuff noted September is Childhood Cancer Awareness Month, and she anticipates participation will primarily take place through the virtual platform.

Some Councilmembers expressed concern with shutting down a portion of Court Street. Much discussion followed.

Motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to approve the request, as presented. Motion carried with eight members of the Council voting in favor.

- b. Debbie LaRue, on behalf of the Brick District Playhouse, will be present to request permission for an outdoor concert event on Friday, October 16, 2020.
  - i. This request requires the closure of Court Street (6<sup>th</sup> to 7<sup>th</sup>) from noon to midnight and electrical drops.

Mayor Cannell stated this event has been cancelled by the Brick District Playhouse.

- c. Parks & Recreation Community Center fees discussion.

Caswell stated he wants to keep fees affordable, and the Park Board has reviewed and recommended the fees for approval.

Councilwoman Sebacher stated she is not comfortable with approving this fee schedule until the Council has made a decision regarding salaries for the 2021 Budget as it may mean the fees will need to be adjusted. Councilman Braun agreed that he believes the Council needs time to consider this fee schedule before making a decision.

Councilman Shiverdecker recommended placing this item on the next Council agenda for further consideration.

## **COUNCIL CONCERNS:**

Councilman Washington stated there are some citizens in Ward 4 with concerns about derelict vehicles.

Councilman Braun stated he was contacted by a citizen with concerns regarding a house on Briarwood. The house windows have been broken and boarded up.

Councilman Stone stated there are some sidewalks with bushes or brush that force people out into the street. Dennis Houchins, Planning & Protective Services Director, stated he will need specific areas/addresses to look into this further.

Councilman Stone stated he would like to see sidewalks constructed along South Business 54 from Collier Lane to Westminster Avenue, as this is the only section of Business 54 without sidewalks. Councilman Stone would like an estimate put together for this project.

Mayor Cannell called for a brief break at 8:01 p.m. The Council reconvened at 8:08 p.m.

Mayor Cannell noted there were visitors here to address the Council during Comments from Visitors, but they had remained in the hall waiting for the Council Chamber doors to be opened. Mayor Cannell stated that he would like to have a motion to amend the agenda to allow these comments due to the confusion.

Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Pace-Snook to take Comments from Visitors at this time. Motion carried with eight members of the Council voting in favor.

## **COMMENTS FROM VISITORS:**

Tim Thurber, 101 E. Reed Street, stated he is opposed to the fireworks wars that are occurring, but does not believe a ban will solve the issue. Thurber said the retailers who sell fireworks have complied with what has been asked of them, and he disagrees with banning fireworks.

Ben Muzzey of Columbia, stated he has colleagues and customers in this area and has witnessed a great deal of regulation for fireworks. Muzzey said this regulation does not solve the issue and encouraged the Council to remember fireworks are a wonderful tradition for citizens.

Mike Gardner stated 2020 was his first year running a fireworks tent inside the city limits, and he believes rescinding the ordinance from 9 years ago takes away the rights of people who just want to enjoy fireworks. Gardner said he believes there could be some changes to the current ordinance, and he is appalled to know that the police are not being proactive and are just watching the fireworks wars take place. Gardner suggested closing city parks earlier and enforcing the ordinance currently in place.

Dava Gardner stated she is opposed to banning fireworks and doesn't believe everyone should be punished for the actions of only a few people. Gardner believes the Council is telling tent owners that the city does not care about the businesses by proposing a ban.

Susan Peterson, 104 S. Ravine, stated she agrees with many of the concerns expressed by the Council, but she does not believe a ban will solve this fireworks war issue. Peterson said she has been selling fireworks both inside and outside the city limits for a number of years, and her family depends on being able to run their tent. Peterson said the money and sales tax generated by fireworks businesses supports Fulton's economy and thinks a better solution can be found.

## RESOLUTIONS:

Resolution No. 3381 was presented for adoption by Councilman Stone.

- a. Resolution No. 3381: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with NW Industries LLC of Fulton, Missouri, for the Sanitary Sewer Point Repair Project at an estimated value of Eighty-Eight Thousand Seven Hundred One Dollars (\$88,701.00).

Motion was offered by Councilman Stone and seconded by Councilman Braun to adopt Resolution No. 3381 at tonight's Council meeting.

Johnson stated thousands of feet of sewer lines have been inspected by using cameras, and these areas will now need to be lined. Some areas are in need of spot repairs to correct larger issues or areas the cameras could not go through. Payment for this contract will come from pre-budgeted money.

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

## ORDINANCES:

### FIRST READING

Bill No. 1591 was presented for First Reading by Councilman Washington.

- a. Bill No. 1591: An Ordinance re-classifying, under the Zoning Ordinance, a tract of land known as 410 South Business 54 in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Washington and seconded by Councilwoman Pace-Snook to place Bill No. 1591 for Second Reading at the next regularly-scheduled Council meeting.

City Clerk Courtney Crowson noted the Planning & Zoning Commission reviewed and recommended the passage of this rezoning request at their meeting on August 19, 2020. The recommendation excerpt from that meeting is included below:

“Motion was offered by Les Hudson and seconded by Ken McSwain to approve the zoning change request made for the tract of land located at 410 Business 54, Fulton, Missouri, and to recommend passage by the City Council.

Roll call vote of members of the commission were as follows: Mike Eibel, YES; Les Hudson, YES; Pat Kelley, YES; Ken McSwain, YES; Ron Oldani, YES; Jeremy Washington, YES; Lewis Beaty, YES.

Motion carried with seven members of the commission voting in favor, and one member (Morris) absent.”

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

Bill No. 1592 was presented for First Reading by Councilman Shiverdecker.

- b. Bill No. 1592: An Ordinance authorizing amendments to the City of Fulton Budget for the fiscal year 2019 as outlined by Article VIII, Financial Procedure. Section 8.8 Amendments After Adoption. Paragraph (C), Transfer of Appropriations. Fulton City Charter., and establishing an effective date.

Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Pace-Snook to place Bill No. 1592 for Second Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

Bill No. 1592 was presented for Second Reading by Councilman Shiverdecker.

Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Pace-Snook to place Bill No. 1592 for Third Reading at the next regularly-scheduled Council meeting. Motion carried with eight members of the Council voting in favor.

## SECOND READING

Bill No. 1587 was presented for Second 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 Simmons to place Bill No. 1587 for Third Reading at tonight's Council meeting. Motion carried with six members of the Council voting in favor, and two members (Braun, Shiverdecker) opposed.

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

Motion was offered by Councilwoman Rehkla and seconded by Councilwoman Pace-Snook to place Bill No. 1587 for Final Passage at tonight's Council meeting. Motion carried with six members of the Council voting in favor, and two members (Braun, Shiverdecker) opposed.

Roll call vote of the members of the Council was as follows: Rehkla, YES; Sebacher, YES; Shiverdecker, NO; Simmons, YES; Stone, YES; Washington, YES; Braun, NO; Pace-Snook, YES. Bill No. 1587, having received the affirmative vote of six members of the Council, was declared passed by the President of the Council.

Bill No. 1588, as amended, was presented for Second Reading by Councilman Simmons.

- b. Bill No. 1588 AS AMENDED: 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, as amended, for Third Reading at the next regularly-scheduled Council meeting.

Councilman Braun asked how many years the fireworks wars have been taking place. Chief Coffelt stated the wars began a long time ago and have gradually gotten worse.

Councilman Braun asked what the plan will be to stop the wars if they occur in spite of a ban. Chief Myers stated the Fulton Police Department is putting plans together, and he would prefer to describe that process privately as it would otherwise provide information to those who may wish to break the law.

Councilman Braun noted Chief Coffelt expressed concern at a previous Council meeting with house fires starting due to fireworks landing on roofs and asked how often that happens each year. Chief Coffelt stated it depends on the conditions, but it could occur once or twice per year.

Councilman Braun asked the number of house fires that occur annually due to charcoal or deep fryers. Chief Coffelt noted that these instances usually only cause the person who is grilling/frying to have a house fire, whereas fireworks travel. Some discussion followed. Some Councilmembers stated they felt the proposed ordinance was a knee-jerk reaction, while others felt the ban is necessary to end the fireworks wars.

Following much discussion, the motion to place Bill No. 1588, as amended, for Third Reading at the next regularly-scheduled Council meeting failed with three members of the Council voting in favor, and five members (Braun, Rehklau, Shiverdecker, Stone, Washington) opposed. The bill was declared dead.

Bill No. 1589 was presented for Second 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 Third Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

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

Motion was offered by Councilman Braun and seconded by Councilman Stone to place Bill No. 1589 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: Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Washington, YES; Braun, YES; Pace-Snook, YES; Rehklau, YES. Bill No. 1589, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

Bill No. 1590 was presented for Second 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 Braun to place Bill No. 1590 for Third Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

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

Motion was offered by Councilwoman Pace-Snook and seconded by Councilman Shiverdecker to place Bill No. 1590 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: Shiverdecker, YES; Simmons, YES; Stone, YES; Washington, YES; Braun, YES; Pace-Snook, YES; Rehklaue, YES; Sebacher, YES. Bill No. 1590, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

**ANNOUNCEMENTS:**

- a. The MML Virtual Conference will be held September 14-16 for Councilmembers who have registered to attend.
  
- b. The next City Council meeting will be held Tuesday, September 22, 2020 at 6:30 p.m.

**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 8:51 p.m.

---

Lowe Cannell, Mayor

---

Courtney L. Crowson, CMC/MRCC  
City Clerk