

**CITY COUNCIL MINUTES
FEBRUARY 9, 2021**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, February 9, 2021 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. Doyle, 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: Rehklau, Sebacher, Shiverdecker, Simmons, Stone, Washington, and Braun. Absent was Councilwoman Pace-Snook. Also present were; Kathy Holschlag, Chief Financial Officer; Darrell Dunlap, Superintendent of Utilities; Kyle Bruemmer, 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, Audio/Video; and visitors: Alan Combs and Mike West.

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 an unimproved tract of land located northwest of Jamestown Drive and adjoining thereto in Fulton, Missouri, from its current zoning designation of R-1 Residential to R-3 Residential.

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?

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 7:07 p.m.

APPROVAL OF THE CONSENT AGENDA:

There were no items for consideration on the Consent Agenda.

UNFINISHED BUSINESS:

- a. Fulton Wrestling Club program discussion (continued from Work Session).

Clay Caswell, Parks & Recreation Director, provided an overview from tonight's Work Session and noted the program would operate independently from the City of Fulton beginning next wrestling season.

- b. Legends Rec-Plex facility rental fee discussion and adoption (continued from Work Session).

Caswell stated he needs the Council's blessing on the proposed rates in order to begin marketing and advertising for the facility. Motion was offered by Councilman Shiverdecker and seconded by Councilman Braun to accept the starting rates, as presented.

Councilman Simmons stated he is on-board with using these rates as a starting point and reviewing the progress in six months.

Councilman Washington stated he would like to allow Caswell to have discretion to change the rates. Caswell noted that he believes modifications to the rates should come back before the Council. Johnson stated the Director of Administration and Parks & Recreation Director can review and make minor modifications if needed.

Councilman Braun stated he would like Caswell to come up with a multi-reservation discount for groups or organizations who plan to reserve the facility multiple times throughout the year. If the organization pays for the reservation up front, Councilman Braun would like to have a discounted rate available. Caswell will work on this and provide a solution.

Caswell noted that once the proposed rates are approved, they will be placed on the city website and advertising can begin. There have been a number of citizens interested in setting up reservations for the facility, and Caswell noted that reservations will become available once a firm opening date is established.

Motion carried with seven members of the Council voting in favor, and one member (Pace-Snook) absent.

c. Legends Rec-Plex facility update.

Kyle Bruemmer, City Engineer, reported River City Construction has been actively knocking out to-do items left on the punch list. At this time, there are 2-3 pages of items remaining. Of note, Bruemmer stated the banquet center flooring is the largest issue, and the contractor is still working on a solution.

Councilman Braun asked if there is a contingency plan for the flooring situation or if something can be laid over the top of the existing floor.

Johnson stated the city is waiting for the contractor to provide the solution they believe is best.

Bruemmer noted there is a flurry of activity involving city staff. Currently, city staff are pulling wire and making final preparations for the security system. There have been some challenges, but the staff are working to get things done as quickly and efficiently as possible.

d. Smart Grid update.

Darrell Dunlap, Superintendent of Utilities, stated the city shifted focus to focus on a single route rather than trying to fix the entire system. Along the chosen route, it was noted that there were issues in the database with mismatched radio numbers and meters. The numbers were corrected and matched, and Dunlap stated 92% of the reads are coming across electronically at this time.

Dunlap stated it appears the database issues are the city's problem. Following the system crash in 2019, a number of meters are not properly matched. Dunlap and Johnson will meet with a representative on Thursday to evaluate what components the city may need and what processes should be implemented to correct the issue.

Johnson stated the smart grid updates have been sporadic, and he would like a motion from the Council to have a monthly update. Johnson expressed frustration with the system noting that the city has been trying for more than nine years to get the smart grid to work, and he wonders how long the city should keep funding it.

Motion was offered by Councilman Shiverdecker and seconded by Councilwoman Rehklau to have the smart grid update on the agenda once per month.

Councilman Braun asked what the alternative to the smart grid would be, and asked more specifically if the city would have to send meter readers out to read every meter. Johnson noted the city has already been sending meter readers out for the past ten years, so there would not be any change. Dunlap noted the city uses the system for remote shut-offs and had been using the system to pull some reads electronically prior to the crash.

Mayor Cannell stated the city could choose to walk away from the system at any point. Following brief discussion, the motion to have a monthly smart grid update to the Council carried with seven members of the Council voting in favor, and one member (Pace-Snook) absent.

- e. Fireworks discharge ordinance discussion.

Mayor Cannell stated the Council previously talked about this issue in great detail last year following a firework “war” near Carver Park. Additional funding has been provided to assist Fulton Police Department with enforcement relating to fireworks.

Councilman Stone noted the city already has an ordinance on the books addressing the issue that took place last year, and he feels the city should enforce the current ordinance. Councilman Stone noted the city could opt to ban aerial fireworks within the city limits, and he doesn’t believe it is right to punish the community.

City Clerk Courtney Doyle noted that in discussions with the State Fire Marshal’s office last year, they strongly discouraged Fulton from “picking and choosing” which commercial fireworks should be sold and stated it is better to take an “all or nothing” approach.

Police Chief Steve Myers stated the Police Department will be using the additional funds to prepare for the upcoming firework season, and said, “If the Council wants the law enforced, we can do that”. Chief Myers went on to say that he believes people will shoot the fireworks whether or not the city has an ordinance, and he is not sure the Council fully understands the situation. Chief Myers stated the department plans to meet with organizers prior to the event. Councilman Braun volunteered to be a part of the discussions as well; Chief Myers will contact Councilman Braun ahead of the meeting.

Mayor Cannell said the city will move ahead with enforcing the ordinance on the books. If any Councilmember has additional concerns or feels there should be changes, Mayor Cannell stated the item could be brought back for further consideration.

COUNCIL CONCERNS:

Councilman Washington noted that at a recent NAACP meeting in Fulton, many members would like to see more youth employed for summer jobs at the city. Johnson noted that some departments have summer/part-time jobs available, and the city can put out additional advertisements for these positions.

RESOLUTIONS:

Resolution No. 3394 was presented for adoption by Councilman Braun.

- a. Resolution No. 3394: A Resolution authorizing the destruction of city records that have met retention requirements in accordance with RSMO Chapter 109 and applicable State Retention Schedules.

Motion was offered by Councilman Braun and seconded by Councilman Shiverdecker to adopt Resolution No. 3394 at tonight’s Council meeting.

Doyle noted that this is an annual resolution to authorize the destruction of certain police records once they have met retention requirements. Motion carried with seven members of the Council voting in favor, and one member (Pace-Snook) absent.

ORDINANCES:

FIRST READING

Bill No. 1606 was presented for First Reading by Councilman Braun.

- a. Bill No. 1606: An Ordinance re-classifying, under the Zoning Ordinance, an unimproved tract of land located northwest of Jamestown Drive and adjoining thereto in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilman Stone to place Bill No. 1606 for Second Reading at tonight's Council meeting.

Councilman Simmons asked that the zoning map be updated online. Darin Wernig, Public Information Officer, will look into this issue.

Motion carried with seven members of the Council voting in favor, and one member (Pace-Snook) absent.

Bill No. 1606 was presented for Second Reading by Councilman Braun.

Motion was offered by Councilman Braun and seconded by Councilwoman Rehkla to place Bill No. 1606 for Third Reading at the next regularly-scheduled Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Pace-Snook) absent.

Bill No. 1607 was presented for First Reading by Councilman Washington.

- b. Bill No. 1607: An Ordinance readopting regulations related to Face Coverings and Physical Distancing to respond to the COVID-19 Pandemic; establishing an effective date; and establishing a termination date.

Motion was offered by Councilman Washington and seconded by Councilman Simmons to place Bill No. 1607 for Second Reading at the next regularly-scheduled Council meeting.

Mayor Cannell asked City Clerk Doyle to provide a review of the ordinance. Doyle noted that the original face covering ordinance is set to expire at 11:59 p.m. on February 21, 2021, and a number of Councilmembers had contacted Johnson expressing interest in considering extending the regulation for a shorter period of time. The content of the ordinance has not changed since its original passage in November 2020, with the exception of a new start/termination date, and an updated "Whereas" clause.

Councilman Washington stated he would like to see the ordinance continue as the city is seeing decreasing numbers. Councilman Washington believes it would be terrible to eliminate the regulations and then try to start over completely in the event of a spike in the number of positive cases.

Mayor Cannell stated he has no issue with another thirty days and believes we should all do whatever we can to get through the pandemic.

Councilman Shiverdecker stated the numbers across the nation are dropping, and he doesn't know that it is attributed to masks. Councilman Shiverdecker opposes a law mandating masks.

Councilman Stone concurred with Councilman Shiverdecker and stated he strongly encourages people to wear masks, but he does not believe it needs to be a law any longer.

Councilman Shiverdecker noted that Callaway County is receiving 500 vaccinations each week and that should assist with bringing numbers even lower.

Motion failed with three members (Rehklau, Simmons, Washington) voting in favor, four members (Braun, Sebacher, Shiverdecker, Stone) opposed, and one member (Pace-Snook) absent. The bill was declared dead.

Mayor Cannell stated while there will no longer be a law requiring masks, he asks that the public continue to wear them.

SECOND READING

Bill No. 1605 was presented for Second Reading by Councilman Stone.

- a. Bill No. 1605: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to approve Plat Five (5) for Willow Creek Subdivision.

Motion was offered by Councilman Stone and seconded by Councilman Braun to place Bill No. 1605 for Third Reading at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Pace-Snook) absent.

Bill No. 1605 was presented for Third Reading by Councilman Stone.

Motion was offered by Councilman Stone and seconded by Councilman Shiverdecker to place Bill No. 1605 for Final Passage at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Pace-Snook) absent.

Roll call vote of the members of the Council was as follows: Sebacher, YES; Shiverdecker, YES; Simmons, YES; Stone, YES; Washington, YES; Braun, YES; Rehklau, YES. Absent: Pace-Snook. Bill No. 1605, having received the affirmative vote of seven members of the Council, was declared passed by the President of the Council.

ANNOUNCEMENTS:

- a. The next meeting of the City Council will be held Tuesday, February 23, 2021, at 6:30 p.m.

Mayor Cannell and the members of the Council expressed their gratitude for the work of the street crews and utility crews during the current wintry conditions.

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 Stone to adjourn this meeting. Motion carried with seven members of the Council voting in favor. The meeting adjourned at 8:05 p.m.

Lowe Cannell, Mayor

Courtney L. Doyle, CMC/MRCC
City Clerk