

CITY COUNCIL MINUTES
MAY 25, 2021

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, May 25, 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 6:30 p.m. Roll call was taken by the City Clerk, and members of the Council present were: Braun, Nelson, Rehklau, Simmons, Stone, Washington, and West. Absent was Councilman Combs. 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; Ryan Boland of *THE FULTON SUN*; and Darin Wernig and Mike Haldeman, Audio/Video; and visitors: Bill & DeAnne Nigus, Daniel Sanders, Carmen Brandt, David McDaniel, Carolyn Gaines, Justin Robinson, Gracia Backer, Mary & Neal Powers, Bryant Liddle, and Victor & Pamela Pasley.

INVOCATION:

Invocation was given by Rev. Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Rev. Williamson.

COMMENTS FROM VISITORS:

Mayor Cannell asked any attendees not listed on tonight's agenda, but whom wished to address the Council, to please come to the podium, state their name, address and area of concern, and to keep comments under five (5) minutes. A digital timer was administered and monitored by the City Clerk.

There were none.

City Clerk Courtney Doyle noted the need to amend tonight's agenda by adding Resolution No. 3409 and Bill No. 1617 (Emergency) to their respective sections on the agenda. Both the resolution and bill address an emergency loan from the State of Missouri in relation to the wholesale electricity and natural gas crisis of February 2021.

Motion was offered to amend the agenda accordingly by Councilman West and seconded by Councilman Braun. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

PUBLIC HEARINGS (2):

Mayor Cannell stated there would be two public hearings at tonight's meeting to consider the following:

- a. The proposed rezoning of a tract of land located at 1205 Old Jefferson City Road in Fulton, Missouri, from its current zoning of C-3 Planned Commercial to C-2 Commercial.
- b. To consider the proposed rezoning of a tract of land located at 1140 Hwy 54 in Fulton, Missouri, from its current zoning of C-3 Planned Commercial to C-2 Commercial.

Mayor Cannell declared the first hearing for the proposed rezoning of 1205 Old Jefferson City Road open at 6:42 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 6:43 p.m.

Mayor Cannell declared the second hearing for the proposed rezoning of 1104 Hwy 54 open at 6:43 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 6:44 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 April 27, 2021.
- b. Approval of the City Council meeting minutes of May 11, 2021.
- c. Approval of the Director of Administration Report of April.
- d. Acknowledgement of the following the Board and Commission Reports:
 - i. Public Utility Board – March 22, 2021.
- e. Reappointment of Harold Siebert to the Fulton Housing Authority Commission for a four-year term (exp. May 2025).

Councilman West requested to remove the April Director of Administration Report for discussion. Motion was offered by Councilman Stone and seconded by Councilman Braun to approve the remaining items on the Consent Agenda, as presented. Motion carried with seven members of the Council voting in favor.

APPROVAL OF THE DIRECTOR OF ADMINISTRATION REPORT OF APRIL:

Councilman West noted there was a great deal of rain this past month and asked if there was a noticeable increase in inflow and infiltration. Kyle Bruemmer, City Engineer, stated the city recently conducted an inflow and infiltration study, and areas of concern are being addressed as they're found.

Councilman West asked about the cost to build six new hangars at Elton Hensley Memorial Airport. Bruemmer stated the city used a mixture of COVID-19 relief funds, federal funds, and the required city match to complete the project. Bruemmer noted that more than 90% of the funding was covered through grants and federal funding.

Councilman Braun congratulated Tanglewood on another excellent month of revenues.

Motion was offered by Councilman Braun and seconded by Councilwoman Rehkla to approve the Director of Administration Report of April, as presented. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

PRESENTATION AND ACCEPTANCE OF THE APRIL FINANCIAL REPORT:

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

Holschlag stated the city has recognized three months of sales tax collections, and numbers are 13.5% ahead of 2020 figures. Holschlag noted this is likely due to the drastically reduced sales tax collections in spring of

2020 relating to COVID-19.

Councilman Braun noted a \$7,000 expense for City Hall doors. Johnson stated the city budgeted to replace the doors this year, and there have been multiple attempts to repair them. After gathering bids and professional opinions on the best avenue to take, the doors will be replaced soon.

Councilman Braun noted that in spite of increasing revenues, golf course expenses are continuing to rise. Clay Caswell, Parks & Recreation Director, stated that Tanglewood orders a majority of the expensive course treatment chemicals during this time of the year, and he believes that has contributed to the increased expenses. Caswell also noted the equipment leases have also taken effect, and those expenses could also be a contributing factor.

Following brief discussion, motion was offered by Councilman West and seconded by Councilwoman Rehkla to accept the Financial Report for the month of April, as presented. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

UNFINISHED BUSINESS:

- a. Smart Grid update.

Holschlag reported there has not been a great deal of progress since last month's update, due in large part to the staff's focus on the recreation center. According to Holschlag, things are "moving along".

Caswell reported Legends Rec-Plex opened to the public on May 17, 2021, for a free preview period, and there were roughly 400 people going through the facility each of the first few days. Caswell stated there have been technology issues and behavioral issues with some people coming in to use the facility, but staff are working to handle things as they arise. The fitness center and cardio room are now only accessible to adults to avoid children in the workout areas.

Councilman Braun asked if there is enough staff to monitor the facility. Caswell stated he believes there is enough staff, and once the security cameras are running properly, most of the facility can be monitored from the front desk. Caswell also stated he believes most of the behavioral issues will be resolved once the facility begins its structured schedule and requires memberships; these processes begin June 1st.

NEW BUSINESS:

- a. Carver School Senior Apartment presentation.

Dan Sanders of MACO Development provided a PowerPoint presentation of what the company plans to do with the vacant Carver School building. MACO has worked with the Carver School Cultural Center Board to turn the facility into senior apartments; Sanders noted the importance of revitalizing the area and preserving the historical property.

Sanders stated MACO is seeking funding through the State of Missouri to assist with the project, and community support will be critical to the success of the application. MACO is asking for a resolution of support from the Council and an agreement to donate a piece of city-owned property on the footprint of the proposed housing site. The resolution will be considered later in the meeting.

Some discussion followed. Sanders noted the apartments will be available to seniors (age 55+), and rent will range from \$600-650 per month with five apartments set aside for lower income senior tenants.

Sanders also stated MACO will retain ownership of the facility and will look to continue their partnership with the Carver School Cultural Center moving ahead.

COUNCIL CONCERNS:

Councilman West asked if the city repairs yard damage stemming from utility work. Johnson stated the city usually repairs groundwork that has been affected, but noted that any sheds, trees, fences, or barriers placed on the city's easement will not be replaced or repaired.

Councilwoman Rehkla noted a damaged sidewalk on South Business 54 near Trends. Bruemmer stated he is aware of the issue, and it will be resolved.

Councilwoman Rehkla also asked for an update regarding the repainting of some city water towers. Johnson stated the city is still working on this and is looking to have a firm assist with creating specifications.

Councilman Washington noted a citizen's concern with grass covering grave sites at Southside Cemetery. Robert Boone, Assistant Director of Administration, will look into this.

Councilman Washington also asked if the city has considered fencing the splash pad. Caswell noted that this has been reviewed before, but due to the extensive water and utility lines surrounding the splash pad, there has not been any action.

Councilwoman Nelson expressed concern with the lighting on Richland Heights Road and said it is difficult to see at night.

Mayor Cannell recessed the Council for a brief break at 7:31 p.m. The Council reconvened at 7:37 p.m.

RESOLUTIONS:

Resolution No. 3406 was presented for adoption by Councilman Simmons.

- a. Resolution No. 3406: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Missouri Petroleum Products Co. LLC of St. Louis, Missouri, for the purpose of providing aggregate sealcoat services.

Motion was offered by Councilman Simmons and seconded by Councilwoman Rehkla to adopt Resolution No. 3406 at tonight's Council meeting. Mayor Cannell noted this is the annual chip seal contract. Councilman Braun asked if Missouri Petroleum could accommodate a request to increase the chip seal project list if the Council chose to move in this direction. Bruemmer noted it may be possible, but he would need to check to be certain.

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

Resolution No. 3407 was presented by Councilman Stone.

- b. Resolution No. 3407: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a settlement of litigation with Thomas Barker.

Motion was offered by Councilman Stone and seconded by Councilman Braun to adopt Resolution No. 3407 at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Resolution No. 3408 was offered for adoption by Councilwoman Rehklau.

- c. Resolution No. 3408: A Resolution of the City Council of Fulton, Missouri, in support of the Carver School Apartments, a proposed development for senior citizens.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Stone to adopt Resolution No. 3408 at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Johnson asked that Sanders let the city know what can be done to assist with the success of the application and project.

Resolution No. 3409 was offered for adoption by Councilman West.

- d. Resolution No. 3409: A Resolution authorizing the City of Fulton, Missouri, to apply for the Municipal Utility Emergency Loan Program for the purpose of obtaining a loan from the State of Missouri to finance wholesale electricity and/or natural gas costs incurred due to extraordinary prices between February 10 and 20, 2021.

Motion was offered by Councilman West and seconded by Councilman Braun to adopt Resolution No. 3409 at tonight's Council meeting.

Mayor Cannell noted this issue is time-sensitive as the loan application period opens prior to the next Council meeting, and loans will be offered on a first-come, first-served basis.

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

ORDINANCES:

FIRST READING

Bill No. 1614 was presented for First Reading by Councilman Braun.

- a. Bill No. 1614: An Ordinance re-classifying, under the Zoning Ordinance, a tract of land located at 1205 Old Jefferson City Road in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilman West to place Bill No. 1614 for Second Reading at the next regularly-scheduled Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Bill No. 1615 was presented for First Reading by Councilman Washington.

- b. Bill No. 1615: An Ordinance re-classifying, under the Zoning Ordinance, a tract of land located at 1140 Highway 54 in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Washington and seconded by Councilwoman Rehkla to place Bill No. 1615 for Second Reading at the next regularly-scheduled Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Bill No. 1616 was presented for First Reading by Councilwoman Nelson.

- c. Bill No. 1616: An Ordinance amending Appendix A, Zoning. Section 4, Use Regulations. Item (B)1(a), Other Use Regulations. Fulton City Code. by repealing certain regulations, enacting new regulations in lieu thereof, and establishing an effective date.

Motion was offered by Councilwoman Nelson and seconded by Councilman West to place Bill No. 1616 for Second Reading at the next regularly-scheduled Council meeting.

Houchins noted that he and Johnson have been reviewing this for some time, and there is an issue with limiting the size of an accessory building on larger parcels of land. The recommendation was reviewed and approved by the Planning & Zoning Commission at their recent meeting.

Some discussion followed regarding whether this will also affect commercial parcels. Johnson stated he and Houchins would review this matter internally, and if changes are needed, an amended copy of the ordinance will be brought forward at the next Council meeting.

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

Bill No. 1617 (Emergency) was presented for First Reading in its entirety by City Clerk Doyle.

- d. Bill No. 1617 (Emergency): An Emergency Ordinance authorizing the execution of a loan agreement between the City of Fulton, Missouri, and the State of Missouri, acting by and through the Missouri Department of Natural Resources, Division of Energy, for the purpose of obtaining a loan pursuant to the Municipal Utility Emergency Loan Program to finance wholesale electricity and/or natural gas costs incurred due to extraordinary prices between Feb. 10 and 20, 2021; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connections with the loan agreement.

Motion was offered by Councilman Braun and seconded by Councilman West to place Bill No. 1617 (Emergency) for Second Reading by title-only at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Bill No. 1617 (Emergency) was presented for Second Reading by title-only by City Clerk Doyle.

Motion was offered by Councilman Braun and seconded by Councilwoman Nelson to place Bill No. 1617 (Emergency) for Third Reading by title-only at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Bill No. 1617 (Emergency) was presented for Third Reading by title-only by City Clerk Doyle.

Motion was offered by Councilman Braun and seconded by Councilman Stone to place Bill No. 1617 (Emergency) for Final Passage at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Roll call vote of the members of the Council was as follows: Nelson, YES; Rehklau, YES; Simmons, YES; Stone, YES; Washington, YES; West, YES; Braun, YES. Absent: Councilman Combs. Bill No. 1617 (Emergency), having received the affirmative vote of seven members of the Council, was declared passed by the President of the Council.

SECOND READING

Bill No. 1613 was presented for Second Reading by Councilman West.

- a. Bill No. 1613: An Ordinance of the City of Fulton, Callaway County, Missouri, to approve the withdrawal of the City of Creal Springs, Williamson County, Illinois, and the Village of Tamms, Alexander County, Illinois, as members of the Interstate Municipal Gas Agency and to authorize the execution of a Supplement to the Agency Agreement establishing the Interstate Municipal Gas Agency.

Motion was offered by Councilman West and seconded by Councilman Simmons to place Bill No. 1613 for Third Reading at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Bill No. 1613 was presented for Third Reading by Councilman West.

Motion was offered by Councilman West and seconded by Councilwoman Rehklau to place Bill No. 1613 for Final Passage at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

Roll call vote of the members of the Council was as follows: Rehklau, YES; Simmons, YES; Stone, YES; Washington, YES; West, YES; Braun, YES; Nelson, YES. Absent: Councilman Combs. Bill No. 1613, having received the affirmative vote of seven members of the Council, was declared passed by the President of the Council.

THIRD READING

Bill No. 1612 was presented for Third Reading by Councilman Braun.

- a. Bill No. 1612: An Ordinance amending Chapter 94, Solid Waste. Fulton City Code. by repealing certain sections pertaining to recycling and yard waste, enacting new sections in lieu thereof, and establishing an effective date.

Motion was offered by Councilman Braun and seconded by Councilman Stone to place Bill No. 1612 for Final Passage at tonight's Council meeting.

Councilman Stone stated he has heard concerns from some constituents who are worried they may not be able to fit all of their recyclables in the container. Councilman Stone stated it may be necessary to review the collection schedule again now that recycling space has been limited.

Councilman Braun also noted that the schedule may need to be revised to allow for weekly recycling collection around the holidays and at times when yard waste is not collected.

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

Roll call vote of the members of the Council was as follows: Simmons, YES; Stone, YES; Washington, YES; West, YES; Braun, YES; Nelson, YES; Rehklau, YES. Absent: Councilman Combs. Bill No. 1612, having received the affirmative vote of seven members of the Council, was declared passed by the President of the Council.

ANNOUNCEMENTS:

- a. The next City Council meeting will be held Tuesday, June 8, 2021. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 p.m.

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 Braun and seconded by Councilman Simmons to adjourn this meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent. The meeting adjourned at 8:15 p.m.

Lowe Cannell, Mayor

Courtney L. Doyle, CMC/MRCC
City Clerk