

CITY COUNCIL MINUTES
JULY 13, 2021

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, July 13, 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 7:05 p.m. Roll call was taken by the City Clerk, and members of the Council present were: Combs, Nelson, Rehklau, Simmons, Stone, Washington, West, and Braun. Also present were; 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; Rev. Bruce Williamson; Ryan Boland of *THE FULTON SUN*; Darin Wernig and Michael Haldeman, Audio/Video; and visitors: Korey Schenewerk, Royce Anderson, Susan Anderson, Craig Snethen, Karen Snethen, Donald Lofe Jr., Steve Tyrell, and Timothy Riley.

INVOCATION:

Invocation was given by Rev. Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Rev. Williamson.

Mayor Cannell noted there are technical issues with the city's streaming of tonight's meeting. A Facebook Live event is currently working, and the recording of tonight's meeting will be on the city's website.

RECOGNITION OF OUTGOING PARKS & RECREATION BOARD MEMBERS:

- a. Craig Snethen, 16 years
- b. Royce Anderson, 25 years

Mayor Cannell presented both Snethen and Anderson with Proclamations in appreciation of their years of dedicated service on the Parks & Recreation Board.

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.

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 an event request from Lin Diekamp for the annual Callaway County CROP Hunger Walk on Sunday, October 10, 2021 at 1:30 p.m.
 - i. The event request has been reviewed and approved by Chief Myers; no police assistance is needed or requested.

- b. Appointment of Carl Brauner to the Historic Preservation Commission for a three-year term (exp. July 2024).
- c. Appointment of Larry Doyle, Jr. to the Park Board for a three-year term (exp. July 2024).
- d. Appointment of Brenna Gough to the Park Board for a three-year term (exp. July 2024).

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

UNFINISHED BUSINESS:

- a. Gas Rate increase discussion.

Johnson reported the Public Utility Board recommended the \$.05/unit gas increase starting with the August 2021 billing followed by another \$.05/unit increase in April 2022 in order to create a source of revenue outlined in the MUELP application and agreement and to review gas rates annually. Johnson noted that the city could also decrease these numbers to \$.045 and still suffice the requirements of the Municipal Utility Emergency Loan Program (MUELP).

Mayor Cannell noted the city's original plan was to repay the loan with the loan money; Johnson stated the city would be in no better position after five years if the money is only used to repay itself, and he is unsure if the loan proceeds can be considered a revenue stream. Dunlap noted a recent severe weather event in Perry, Missouri, where 90mph winds caused significant destruction. The City of Fulton sent a number of employees who volunteered to go and assist along with equipment. Dunlap thanked the employees for stepping up in a time of need.

Councilman West stated the city has always tried to maintain low rates for the citizens, and he feels that the budget allowance for \$12,000 in excess revenue was irresponsible. Councilman West stated the city has hit the perfect storm after spending \$4 million to fund the recreation center and the recent wholesale gas/electric crisis and funds are depleted. Councilman West stated he would like to see the Parks Department repay the money that was used to fund the facility, and he believes the city must implement these increases.

Johnson provided a handout showing that the city remains competitive within the market, and the proposed increase will not alter our position.

Councilman Stone stated he believes the city is afraid of what may or may not happen, and decisions are being made out of fear. Councilman Stone stated the city has the luxury of time ahead of us, and we have time to create and implement a plan. Councilman Stone also stated he believes the February 2021 wholesale gas/electric crisis was a once in a lifetime event.

Councilwoman Nelson stated she thinks the issue is bigger than the February crisis; an emergency could occur at any time. Councilwoman Nelson said she doesn't believe this issue relates to fear; rather, it relates to being prepared.

Much discussion followed.

Councilman Braun noted the city will receive approximately \$2.3 million dollars from the Federal government through the American Rescue Plan Act (ARPA) and stated the money could be used to offset other costs like this. Johnson stated the rules are still being developed.

Dunlap noted the Public Utility Board recommended an annual review of gas rates for instances like the ARPA money so that adjustments can be made when the city sees the situation has changed.

Motion was offered by Councilman Washington and seconded by Councilwoman Rehklau to authorize a \$.035 per unit gas increase effective with the September 2021 billing followed by an additional \$.035 per unit gas increase effective with the April 2022 billing.

Councilman Combs stated that 20% of the population lives in poverty, and an increase will add more to them. Councilman Combs stated he believes the city can be creative and there is no need to rush to implement an increase. He stated he cannot support the rate increase and believes the city needs to be fiscally responsible and see where there are accountability issues.

Councilman Braun asked if the proposed increase will affect both residential and commercial customers. Johnson stated the city gas rates are across the board to residential, commercial, and industrial customers.

Councilman Stone stated he is fully supportive of the city taking a hard look to ensure costs are covered; if that requires a rate increase, then he can support it. He is not in favor of a reactionary measure.

Johnson read the following excerpt of the MUELP terms:

“The applicant will establish a dedicated source of revenue for repayment of the loan either from rates, fees, and charges for the use and services furnished by or through its related utility system, or, if the applicant is a municipal utility commission, from the revenues of the commission.”

Councilman Braun stated he voted in favor of the loan because the city said the loan could be used to repay itself.

Councilman Stone stated he believes this issue needs to be tabled in order to obtain a legal opinion and clarification on the verbiage.

Motion was offered by Councilman Stone and seconded by Councilman Braun to table the motion on the floor in order to obtain a clarification from the City Counselor. Motion to table carried with eight members of the Council voting in favor. This item will appear on the next Council agenda for consideration.

Mayor Cannell recessed the Council for a brief break at 8:02 p.m. The Council reconvened at 8:10 p.m.

NEW BUSINESS:

- a. Further discussion on Planning & Protective Services fee proposals (continued from the Work Session).

Mayor Cannell noted the Council reviewed the fee proposals in depth during tonight's Work Session and asked for any unresolved questions. City Clerk Courtney Doyle noted some of the reviewed fee changes may be brought forward on the next Council Agenda.

b. Discussion regarding alcohol at Legends Rec-Plex.

Clay Caswell, Parks & Recreation Director, provided a proposal allowing for the city to obtain a State consumption license in order to allow outside alcohol to be brought in and for third-party catering services. Caswell noted the consumption license will cover the footprint of the building, but the staff will only allow alcohol to be served and consumed in the banquet center and attached outdoor area.

Johnson and Councilwoman Nelson stated they would like to see a fee for allowing outside alcohol. Councilman West asked why the city wouldn't obtain liquor licenses to sell and serve alcohol similarly to what is done at Tanglewood. Caswell stated it is too costly to obtain the required licenses and ensure there is adequate staff to serve during events and reservations. Caswell noted this will be reviewed again in the future.

Discussion was also held regarding whether or not the city should require liability coverage for use of the facility. Motion was offered by Councilman Stone and seconded by Councilman Simmons to accept the policy as presented. Councilman Braun stated he believes more time is needed to review the policy and make adjustments. Councilwoman Nelson reiterated that she would like to see a fee charged for allowing outside alcohol into the facility, and Councilman Stone would like to see the liability coverage requirement investigated.

Motion and second were both withdrawn by Councilman Stone and Councilman Simmons. This item will appear on the next Council agenda for consideration.

COUNCIL CONCERNS:

Councilwoman Nelson thanked city staff for cleaning out the right of ways and ensuring drivers can see around corners.

Councilman Washington thanked the Fulton Police Department and the Fulton Fire Department for a successful Fourth of July celebration. He also thanked city staff who assisted with a recent water leak.

Councilman Stone thanked Mike Haldeman for streaming tonight's meeting on Facebook Live and reminded everyone that the recording of the meeting will be available on the city's website.

RESOLUTIONS:

Resolution No. 3414 was presented for adoption by Councilman West.

- a. Resolution No. 3414: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Guardian Environmental Services, LLC. for asbestos inspection services relating to the Community Development Block Grant Residential Demolition Project for the City of Fulton, Missouri.

Motion was offered by Councilman West and seconded by Councilman Simmons to adopt Resolution No. 3414 at tonight's Council meeting. Dennis Houchins, Planning & Protective Services Director, noted this is part of the CDBG application process.

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

Resolution No. 3415 was presented for adoption by Councilman Simmons.

- b. Resolution No. 3415: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with the Mid-Missouri Regional Planning Commission to complete the environmental review on the Community Development Block Grant Residential Demolition Project for the City of Fulton.

Motion was offered by Councilman Simmons and seconded by Councilman Stone to adopt Resolution No. 3415 at tonight's Council meeting.

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

Resolution No. 3416 was presented for adoption by Councilman Braun.

- c. Resolution No. 3416: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Christensen Construction Company of Kingdom City, Missouri, for the Tenth Street Cold Milling and Asphalt Overlay Project.

Motion was offered by Councilman Braun and seconded by Councilman West to adopt Resolution No. 3416 at tonight's Council meeting.

Kyle Bruemmer, City Engineer, stated the curb, guttering, and sidewalk/driveway approaches are currently underway; underground utility work is complete. At this time, the project is still slated to be completed before school starts.

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

Resolution No. 3417 was presented for adoption by Councilman Combs.

- d. Resolution No. 3417: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to make application and sign all necessary documents in relation to the Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies Grant through the Department of Justice.

Motion was offered by Councilman Combs and seconded by Councilman Braun. Johnson stated this will allow the police department to update their fleet with thirty-six new cameras. Motion carried with eight members of the Council voting in favor.

Resolution No. 3418 was presented for adoption by Councilman Washington.

- e. Resolution 3418: A Resolution approving a project of the Industrial Development Authority of Callaway County, Missouri, for Westminster College located in the City of Fulton, Missouri.

Motion was offered by Councilman Washington and seconded by Councilman Braun to adopt Resolution No. 3418 at tonight's Council meeting.

Westminster College President Lofe thanked the Council for the opportunity to attend tonight's meeting. President Lofe noted that Westminster is looking to reissue the bonds the city supported in 2007, and since Fulton is the County seat, a resolution acknowledging and supporting the project is required. President Lofe noted there is no liability on the city's part. These funds will be used for repairs to the National Churchill Museum and chapel.

Motion carried with eight members of the Council voting in favor. Mayor Cannell thanked President Lofe for attending tonight and asked if he wanted to speak briefly about Westminster.

President Lofe noted that students return on August 14th, and Westminster is seeing a higher enrollment than in years passed. Westminster continues to evaluate COVID restrictions and plans, but classes are anticipated to be held in-person this year.

Timothy Riley, Director and Chief Curator of the National Churchill Museum, reported the Museum is open and operating again. There will be a grand reopening on July 29th followed by an ice cream social on August 30th, and the Council is invited and encouraged to attend.

ORDINANCES:

SECOND READING

Bill No. 1619 was presented for Second Reading by Councilwoman Rehklau.

- a. Bill No. 1619: An Ordinance amending Chapter 94, Solid Waste. Article IV, Storage, Collection, and Disposal. Fulton City Code. by repealing certain Sections of Division Three (3), Service Charges. and enacting new Sections in lieu thereof.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Simmons to place Bill No. 1619 for Third Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

Bill No. 1619 was presented for Third Reading by Councilwoman Rehklau.

Motion was offered by Councilwoman Rehklau and seconded by Councilman Stone to place Bill No. 1619 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: Nelson, YES; Rehklau, YES; Simmons, YES; Stone, YES; Washington, YES; West, YES; Braun, YES; Combs, YES. Bill No. 1619, having received the affirmative vote of eight members of the Council, was declared passed by the President of the Council.

Bill No. 1620 was presented for Second Reading by Councilman Stone.

- b. Bill No. 1620: An Ordinance authorizing amendments to the City of Fulton Budget for the fiscal year 2020 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 Stone and seconded by Councilwoman Rehkla to place Bill No. 1620 for Third Reading at tonight's Council meeting.

Councilman Braun asked what happens to the excess revenue carried from one year to the next. Johnson stated the city is only required to amend the budget on funds that expended more than budgeted. Figures are reflected in the city's annual audit, and positive cash flow will show up in the cash reserves.

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

Bill No. 1620 was presented for Third Reading by Councilman Stone.

Motion was offered by Councilman Stone and seconded by Councilman Simmons to place Bill No. 1620 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: Rehkla, YES; Simmons, YES; Stone, YES; Washington, YES; West, YES; Braun, YES; Combs, YES; Nelson, YES. Bill No. 1620, having received the affirmative vote of eight 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, July 27, 2021, at 6:30 p.m.

Councilwoman Rehkla welcomed a new citizen in attendance at tonight's meeting.

Councilman Stone asked that the city send regards for not being able to attend the upcoming MML Central Region meeting.

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 Stone and seconded by Councilman West to adjourn this meeting. Motion carried with eight members of the Council voting in favor. The meeting adjourned at 8:50 p.m.

Lowe Cannell, Mayor

Courtney L. Doyle, CMC/MRCC
City Clerk