

**CITY COUNCIL MINUTES
FEBRUARY 22, 2022**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, February 22, 2022 in the Council Chambers of City Hall located at 18 E. 4th Street. Present and presiding were: Mayor Lowe Cannell; Darrell Dunlap, Interim Director of Administration/Superintendent of Utilities; Courtney L. Doyle, City Clerk; and William Ladwig, 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, Combs, Nelson, Rehklau, Simmons, Stone, and Washington. Absent was Councilman West. Also present were: Kathy Holschlag, Chief Financial Officer; Kyle Bruemmer, City Engineer; Dennis Houchins, Planning & Protective Services Director; Clay Caswell, Parks & Recreation Director; Kevin Coffelt, Fire Chief; Robert Boone, Assistant Director of Administration; Michelle Maupin, Human Resources Director; Rev. Bruce Williamson; Darin Wernig and Mike Haldeman, Audio/Video; Michael Shine of *The Fulton Sun*; and visitors: Valerie Sebacher and Jim Small.

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.

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 January 25, 2022.
- b. Approval of the City Council meeting minutes of January 31, 2022.
- c. Approval of the City Council meeting minutes of February 3, 2022.
- d. Approval of the City Council meeting minutes of February 5, 2022.
- e. Approval of the City Council meeting minutes of February 7, 2022.
- f. Approval of the City Council meeting minutes of February 8, 2022.
- g. Approval of the Director of Administration report of January 2022.

- h. Approval of a request from David Beaver for the Annual Independence Day Parade on Monday, July 4, 2022 at 11:00 a.m. down Court Street.
 - i. This request has been reviewed and approved by Chief Ladwig and Administration. Police assistance will be needed.

Councilman Simmons requested to remove the Director of Administration report from the Consent Agenda for further discussion.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to approve the remaining items on the Consent Agenda as presented. Motion carried with seven members of the Council voting in favor, and one member (West) absent.

CONSENT AGENDA ITEMS FOR DISCUSSION:

- g. Approval of the Director of Administration report of January 2022.

Councilman Simmons stated there was not a breakdown on the operations at Legends Rec-Plex. It was noted the report was included in the packet; Councilman Simmons located the report.

Motion was offered by Councilman Braun and seconded by Councilwoman Rehklau to approve the Director of Administration report for the month of January as presented. Motion carried with seven members of the Council voting in favor, and one member (West) absent.

PRESENTATION AND ACCEPTANCE OF THE JANUARY FINANCIAL REPORT:

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

Holschlag stated the city has recorded all twelve months of sales tax collection, and numbers lie 13% ahead of 2020 figures. This percentage represents approximately \$540,000; use tax revenues were roughly \$492,000 for the year 2021.

Holschlag noted a majority of expenses were accrued back to the month of December in order to close out the year, and Parks & Recreation expenses were higher during January due to equipment leases and annual software costs.

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

UNFINISHED BUSINESS:

- a. Smart Grid update.

Holschlag reported staff pulled seven routes electronically, and the city can now pull all routes that are fully deployed (electric, gas, water). Finance staff will look to begin pulling other electric meters and assess what actions or improvements are necessary.

Holschlag stated she would like to be able to pull all electronic meters in 2022, but it will be necessary to purchase new erts in order to meet this goal.

Councilman Combs asked if the current server is routinely backed up in order to avoid rebuilding the system again. Holschlag stated she believes the server is routinely backed up.

b. Legends Rec-Plex update.

Clay Caswell, Parks & Recreation Director, stated there are now a few interns working at the rec center, and the revenues and membership numbers continue to rise. Staff updated the adult supervision policy mid-February to address behavioral issues at the facility. Previously, children aged 12 and older were allowed to be in the facility unsupervised; Caswell noted that this is still permitted after school when additional staff is present. The policy now requires that anyone under the age of 15 years old be accompanied/supervised by an adult during evening and weekend hours.

Caswell also provided an overview of current programming and events and highlighted a recent father-daughter dance that was attended by 160 people. Caswell also noted the staff are reviewing rates and have been asked to provide information for the upcoming work session.

Councilman Braun reported Tanglewood Golf Course has been rated the #3 course in the state by GolfPass.com, and the course surpassed other large and well-known courses in Missouri. Caswell stated he believes this is a testament to the Golf Course staff's dedication and hard work.

Councilman Stone noted issues with the streaming of tonight's Council meeting. Staff is aware of the issue and working to remedy it.

NEW BUSINESS:

a. Work Session topic discussion.

City Clerk Courtney Doyle stated this item was added by Mayor Cannell to encourage the City Council to brainstorm work session ideas and provide them via email. Doyle noted the next work session will be used to review Parks & Recreation fees in order to continue the efforts to finalize the review of city fees.

COUNCIL CONCERNS:

Councilman Washington stated he would like to see the city discuss a warming shelter in the future.

Councilman Simmons stated there have been concerns with snow removal in the downtown area along the parking spaces and curbs. Mayor Cannell noted it is the responsibility of the business owners to remove snow along sidewalks, and crews have a difficult time addressing snow removal when vehicles are left parked along the roadway. Councilman Washington suggested adding signage to educate the public about snow removal policies.

RESOLUTIONS:

Resolution No. 3436 was presented for adoption by Councilman Stone.

- a. Resolution No. 3436: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute a Contract with the Housing Authority of the City of Fulton, Missouri, for the provision of supplemental police services.

Motion was offered by Councilman Stone and seconded by Councilman Simmons to adopt Resolution No. 3436 at tonight's Council meeting.

Chief Ladwig stated this agreement has been in place for many years and is a great collaborative effort. This sentiment was echoed by Fulton Housing Authority Executive Director Valerie Sebacher. Sebacher stated this agreement allows for FHA to pay the city for the additional services and also provides for shared communication and information.

Councilman Washington stated he served on the FHA Commission for more than twenty years, and he agrees that this is a fantastic program for both the city and the housing authority. Motion carried with seven members of the Council voting in favor, and one member (West) absent.

Resolution No. 3437 was presented for adoption by Councilman Braun.

- b. Resolution No. 3437: A Resolution authorizing the filing of an application with the Missouri Department of Natural Resources, Clean State Revolving Fund Program for an integrated management plan grant under the Missouri Clean Water Law (Chapter 644, RSMo.).

No motion was offered. Darrell Dunlap, Superintendent of Utilities/Interim Director of Administration, stated the Christopher 2 Subdivision approached the city about taking the subdivision's sewer, as they are having compliance issues with the Missouri Department of Natural Resources (DNR). Dunlap stated the subdivision lies outside of the city limits, but the subdivision's lagoon poses issues with the Stinson Creek, an ongoing issue for the city. Dunlap is proposing a grant through DNR to look at a plan to take on the sewer treatment from Christopher 2 in hopes that it will improve the quality of Stinson Creek.

Jim Small, Christopher 2 HOA President, was also present. Small noted the subdivision's lagoon closure is not covered by the grant, and they are currently working with the county sewer district to close the lagoon at the cost of the subdivision; they feel they cannot invest the necessary funds to bring the lagoon to compliance. Small noted he has been in discussion with Dunlap and the county for months.

Dunlap stated the grant deadline falls before the next Council meeting, and the funds would be used to complete a study and plan for a lift station to pump the sewer from the subdivision to the city's treatment facility; the city will not take on the collection of the sewer. Dunlap estimated the cost of a lift station to be \$100,000. Dunlap stated the plan is to bill the HOA for sewer costs monthly via a master meter, and the HOA is responsible for collecting and remitting payment. No construction grant dollars are available until 2024, and the city would apply for this grant on behalf of the subdivision and serve as the grant sponsor.

Small stated the HOA would plan to divide the master bill between all of the homes in the subdivision, and the HOA can place liens against any property who fails to pay their bill. Much discussion followed regarding the lack of planning and details surrounding infrastructure and the usage rate. Councilman Braun noted the city's code states that no sewer hook ups are permitted outside the city limits, and he has concerns with taking on sewer from the county and setting a precedent to continue adding external sewer sources. Dunlap noted the rate would come back to the Council to establish.

City Clerk Doyle noted Councilman Braun is correct; the code clearly states no sewer hook ups are allowed outside the city limits, and that customer pays three times the base rate. However, the City Council authorized, through ordinance, an exception for one customer in 2017. Doyle strongly suggested the Council seek a legal opinion regarding taking on the residential customers and installing infrastructure or to assess whether the properties could be annexed into the city limits. Doyle also noted there was no motion or second to consider this item.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to adopt Resolution No. 3437 at tonight's Council meeting. Councilman Stone stated this resolution is simply about the study and assessing the best way forward.

Councilwoman Nelson expressed concerns with moving ahead if the two entities cannot come to an agreement about rates or other aspects of future operations. Councilwoman Nelson stated she doesn't believe it makes sense to pursue a grant without these details.

Councilman Simmons stated he is concerned with the city dealing with another entity for billing rather than individual households. Councilman Simmons stated HOA's frequently collapse and disband; this presents a sizeable liability for the city.

Small stated the HOA formed in 1988, and he has been in contact with the other homeowners regarding the lagoon issue and potential grant. Small stated he hopes the city wouldn't charge the HOA three times the base rate as was done for the other external sewer customer.

Councilman Braun stated he is uncomfortable trying to move forward tonight with the number of unknowns. Dunlap stated this resolution is for a facility plan and the details can be hammered out in the future. Councilman Braun stated he understood the issue, but because the city code prohibits outside sewer hook ups, he does not support proceeding.

Dunlap stated the grant will fund up to \$62,000 to determine if the takeover of the treatment is the best plan.

Motion failed with three members of the Council voting in favor, four members (Braun, Combs, Nelson, Washington) opposed, and one member (West) absent.

Resolution No. 3438 was presented for adoption by Councilman Combs.

- c. Resolution No. 3438: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute an Agreement with Curative, Inc., to provide community COVID testing site accommodations at Legends Rec-Plex in Fulton, Missouri.

No motion was offered. Dunlap provided an overview of the proposal and noted the south activity room in the recreation center could be used for the testing site. Some discussion followed.

Motion was offered by Councilman Braun to adopt Resolution No. 3438 at tonight's meeting. There was no second to this motion.

Following brief discussion, motion was offered by Councilman Combs and seconded by Councilman Braun to adopt Resolution No. 3438 at tonight's Council meeting. Motion failed with one member of the Council voting in favor, six members (Braun, Combs, Nelson, Rehklau, Simmons, Stone) opposed, and one member (West) absent.

ORDINANCES:

SECOND READING

Bill No. 1632 was presented for Second Reading by Councilwoman Rehkla.

- a. Bill No. 1632: An Ordinance amending Section 10-31, License-Required; Term; Renewal; Fulton City Code. by repealing certain legislation, enacting new legislation in lieu thereof, and establishing an effective date.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to place Bill No. 1632 for Third Reading at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (West) absent.

Bill No. 1632 was presented for Third Reading by Councilwoman Rehkla.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to place Bill No. 1632 for Final Passage at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (West) absent.

Roll call vote of the members of the Council was as follows: Combs, YES; Nelson, YES; Rehkla, YES; Simmons, YES; Stone, YES; Washington, YES; Braun, YES. Absent: Councilman West. Bill No. 1632, 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, March 8, 2022. A Work Session will commence at 6:30 p.m. with Regular Session to follow at 7:00 p.m.
- b. The Callaway Chamber of Commerce Annual Banquet has been rescheduled to Thursday, March 10, 2022, for Councilmembers and Staff who have registered to attend.

EXECUTIVE SESSION:

Mayor Cannell stated there was not a need for an Executive Session at tonight's Council meeting.

ADJOURNMENT:

There being no further business to come before the Council, motion was offered by Councilman Braun and seconded by Councilwoman Rehkla to adjourn this meeting. Motion carried with seven members of the Council voting in favor, and one member (West) absent. The meeting adjourned at 7:41 p.m.

Lowe Cannell, Mayor

Courtney L. Doyle, CMC/MRCC
City Clerk