

**CITY COUNCIL MINUTES
AUGUST 23, 2022**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, August 23, 2022 in the Council Chambers of City Hall located at 18 E. 4th Street. Present and presiding were: Mayor Lowe Cannell; Renee Tyler, Director of Administration; Courtney L. Doyle, Asst. Deputy Director of Administration/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 ADDOA/City Clerk, and members of the Council present were: Leuther, Nelson, Rehklau, Sebacher, 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; Rev. Bruce Williamson; Michael Shine and Mike Haldeman, Audio/Video; and visitors: Bill Hinchie, Mark Andrew, Blaine Pestle, Kristina Bright, Don Stassel, Carmen Brandt, Sherri Lococo, Blake & Rhiannon Niedergerke, Mason Shoemaker, Michael Barnes, and Carl Stassel.

INVOCATION:

Invocation was given by Rev. Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Rev. Williamson.

OUTGOING BOARD/COMMISSION SERVICE RECOGNITIONS:

- a. Carmen Brandt, Human Rights Commission (13 years)
- b. Charlie James, Public Utility Board (23 years)
- c. Don Stassel, Human Rights Commission (10 years)

Mayor Cannell presented proclamations to each recipient and thanked them for their years of service to their respective board/commission.

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 ADDA/City Clerk.

Bill Hinchie, 1760 Ashley Court, stated he would like to see the bow hunting program continue in order to address the overpopulation of deer in the city limits.

Blake Niedergerke, 320 Mokane Road, stated he supports hunting on city and private property.

Mason Shoemaker, a non-resident, spoke in favor of hunting inside city limits.

PUBLIC HEARING:

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

- a. For the purpose of certifying the rate of levy for property taxes for the 2022 tax year within the City of Fulton.

Mayor Cannell declared the public hearing open at 6:52 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 6:53 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 July 26, 2022.
- b. Approval of the City Council meeting minutes of August 9, 2022.
- c. Approval of the Director of Administration report of July 2022.
- d. Appointment of Michael Stieber to the Human Rights Commission for a three-year term (exp. July 2025).

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

PRESENTATION AND ACCEPTANCE OF THE JULY FINANCIAL STATEMENT:

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

Holschlag reported the first six months of sales tax collections have been recorded, and numbers lie 8% ahead of this period in 2021; use tax collections are up 24% in comparison to the same period.

Holschlag provided a general overview of the monthly expenses and revenues. July was a three-payroll month, and expenses were proportionately higher. Briefly, the topics of increased purchased power costs and health insurance claims were highlighted.

After some discussion, motion was offered by Councilman West and seconded by Councilman Stone to accept the Financial Statement for the month of July as presented. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

UNFINISHED BUSINESS:

There was no Unfinished Business for consideration at this meeting.

NEW BUSINESS:

- a. Blaine Pestle will be present to request permission for the Brick Blast event on Thursday, September 22nd from 2:00 p.m. to 6:30 p.m. in the Brick District.
 - i. This event requires the closure of Court Street between Sixth and Seventh Streets; Drive-through access will be maintained for CVS Pharmacy.

Blaine Pestle and Kristina Bright were present and described the requested road closure. The Brick District, William Woods University, and Westminster College are working collectively to bring students into the downtown area and encourage continued interaction between the organizations, students, and the city.

Following brief discussion, motion was offered by Councilman West and seconded by Councilman Stone to approve the event request as presented. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

COUNCIL CONCERNS:

Councilman West: *Planning & Zoning Commission liaison*

Councilman West stated the next P&Z meeting is scheduled for September 7th.

Councilman West thanked city crews and contractors for their work on the Wood Street asphalt overlay.

Councilwoman Sebacher: *Park Board liaison*

Councilwoman Sebacher stated she has had some feedback from citizens regarding the number of chickens permitted in residential areas. Some people support lowering the restrictions, and other support maintaining the current restrictions.

Councilwoman Rehklau: *Traffic Commission liaison*

Councilwoman Rehklau stated the Traffic Commission will recommend modifying the ordinance regarding street width requirements. The 2nd Street Bridge Project will not be completed until early 2023, and the current road work is progressing nicely.

Councilman Stone: *Historic Preservation Commission liaison*

Councilman Stone stated the Historic Preservation Commission discussed the beehive kiln and letter of support for the Carver School Senior Apartment Project at their most recent meeting.

Councilman Stone thanked crews for recent work on First Street and along the walking trail near McIntire Elementary School.

Councilman Leuther: *Airport Advisory Board liaison*

Councilman Leuther stated the Airport Advisory Board recently discussed the KPA pancake breakfast, project prioritization, grounds leases, a courtesy car, and community education.

Councilman Leuther asked for an update on the Business 54 sidewalk repair near the covered bridge. Kyle Bruemmer, City Engineer, stated the sidewalk is the property of MoDOT, and he is in communication with MoDOT regarding the need for it to be repaired.

Councilman Combs: *Human Rights Commission*

Councilman Combs was absent from this meeting.

Councilman Washington

Councilman Washington stated there are some areas along Westminster Avenue that the city mows, and the grass in others areas is high and unkempt. Robert Boone, Assistant Director of Administration, will touch base with Councilman Washington to understand the specific areas he is referencing.

Councilwoman Nelson: *Public Utility Board liaison*

Councilwoman Nelson stated there was not a Public Utility Board meeting this past month.

Councilwoman Nelson thanked those present this evening who came to speak during Comments from Visitors, and asked the ADDA/City Clerk for clarification on one of the speaker's remarks. A speaker had previously stated the city's regulations allow hunting on 5 acres or more; Courtney Doyle, ADDA/City Clerk, stated this is incorrect. The city's code states hunting is permitted on tracts of land not less than 200 acres. The bow hunting program no longer offered by the Missouri Department of Conservation only permitted bow hunting on specified tracts of city-owned property.

Councilwoman Nelson suggested devoting a future work session to this topic to find the best way to move forward and to eliminate confusion.

RESOLUTIONS:

Resolution No. 3464 was presented for adoption by Councilman Washington.

- a. Resolution No. 3464: 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 Washington and seconded by Councilman Stone to adopt Resolution No. 3464 at tonight's Council meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent.

ORDINANCES:

TABLED

- a. Bill No. 1646 **TABLED**: An Ordinance repealing certain legislation contained within Section 78-111, Discharge of Firearms, Air Rifles, Bows, and Similar Instruments Prohibited. Fulton City Code., and establishing an effective date.

Motion was offered by Councilman West to remove Bill No. 1646 from the table. The motion died due to lack of a second.

Mayor Cannell encouraged citizens with questions to reach out to the ADDA/City Clerk; Doyle noted the code is available online and on the city's website at all times as well.

FIRST READING

Bill No. 1647 was presented for first reading by Councilwoman Nelson.

- b. Bill No. 1647: An Ordinance vacating a recorded public street right-of-way in the City of Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilwoman Nelson and seconded by Councilman West to place Bill No. 1647 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. 1648 EMERGENCY was presented for first reading in its entirety by Councilman West.

- c. Bill No. 1648 EMERGENCY: An Emergency Ordinance fixing the tax rate and levying taxes for the calendar year of 2022 on all taxable property in the City of Fulton, Missouri, and establishing an effective date

Motion was offered by Councilman West and seconded by Councilman Stone to place Bill No. 1648 EMERGENCY for second reading by title only at tonight's Council meeting.

Councilman West expressed frustration with having to pass the annual tax levy by emergency ordinance and asked why the process had changed. ADDA/City Clerk Doyle explained that the County Clerk had notified the city in 2021 that she would require the City of Fulton to meet the September 1st submission deadline moving ahead. This year, the paperwork from the County Clerk's office was delayed and not provided in time to meet the newspaper's publishing deadline; the newspaper graciously worked with the city to ensure the notice made it into the print edition.

Holschlag reported she had been in contact with the State Auditor's Office, and they are aware that Fulton's meeting schedule does not allow for the September 1st meeting deadline to be met; Fulton has, for decades, submitted the tax levy certification following the September Council meeting, and this has never been an issue with the State. In spite of the delay in providing documentation and anticipated levy numbers to the State Auditor's Office and the city, the County Clerk notified the city there would not be an extension of the deadline.

Doyle and Holschlag explained that in order to meet the County Clerk's deadline moving forward, it will be necessary to approve the annual tax levy by emergency ordinance.

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

Bill No. 1648 EMERGENCY was presented for second reading by title only by Councilman West.

Motion was offered by Councilman West and seconded by Councilwoman Rehkla to place Bill No. 1648 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. 1648 EMERGENCY was presented for third reading by title only by Councilman West.

Motion was offered by Councilman West and seconded by Councilwoman Nelson to place Bill No. 1648 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 Councilmembers was as follows: Nelson, YES; Rehkla, YES; Sebacher, YES; Stone, YES; Washington, YES; West, YES; Leuther, YES. Absent: Councilman Combs. Bill No. 1648 EMERGENCY, having received the affirmative vote of seven members of the Council, was declared passed by the President of the Council.

Bill No. 1649 was presented for First Reading by Councilwoman Sebacher.

- d. Bill No. 1649: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri to execute all necessary documents in relation to the Missouri Highways and Transportation Commission Transportation Alternatives Program (TAP) Agreement regarding Federal Project No. TAP-2700(511), and establishing an effective date.

Motion was offered by Councilwoman Sebacher and seconded by Councilman Stone to place Bill No. 1649 for second reading at the next regularly-scheduled Council meeting.

Bruemmer stated the city is excited to have received a TAP grant again this year, and these funds will be used to assist with flashing beacons and crosswalk buttons to aid in pedestrian safety.

Renee Tyler, Director of Administration, stated these proposed grant projects stem from concerns raised by Councilman Leuther and Councilman Combs.

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

ANNOUNCEMENTS:

- a. The Annual Town & Country Dinner, hosted by the Callaway Chamber of Commerce, will be held Thursday, September 15th at 5:00 p.m. at Hatton Vermeer Sales in Kingdom City. Councilmembers and Department Heads must RSVP with the Executive Assistant by Friday, August 26th.
- b. The MML Annual Conference will be held September 11-14, 2022, in Osage Beach for Councilmembers who previously registered to attend.
- c. The next City Council meeting will be held Tuesday, September 27, 2022, at 6:30 p.m.

EXECUTIVE SESSION:

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

ADJOURNMENT:

There being no further business to come before the Council, motion was offered by Councilwoman Sebacher and seconded by Councilman Stone to adjourn this meeting. Motion carried with seven members of the Council voting in favor, and one member (Combs) absent. The meeting adjourned at 8:07 p.m.

Lowe Cannell, Mayor

Courtney L. Doyle, CMC/MRCC
Asst. Deputy Director of Administration /
City Clerk