

CITY COUNCIL MINUTES
September 27, 2022

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, September 27, 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 ADDA/City Clerk, and members of the Council present were: Combs, Leuther, Nelson, Stone, and West. Absent were Councilmembers: Rehlau, Sebacher, and Washington. 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: Ramona Elliott, Teresa Chambers, Connie Hale, Keith Hanson, Nancy Hanson, Shelby Hanson, John McAtee, Tamera Tateosian. Taylor Oestreich, Teri Arms, Diane Buchli, John Braun, Cathy Morse, Yasmeen Saadi, Trent Pueppre, Janea Danuser and Andy Bonderer.

INVOCATION:

Invocation was given by Rev. Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Rev. Williamson.

PUBLIC HEARINGS (4):

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

1. The rezoning of an unimproved tract of land located at the end of Manor Drive and west of the North Hornet water tower in Fulton, Missouri, from its current zoning of R-1 Residential to R-3 Residential
2. The rezoning of a tract of land located at 1016 Bluff Street in Fulton, Missouri, from its current zoning of C-NB Central Neighborhood Business District to R-3 Residential District.
3. The rezoning of a tract of land located at 304 East 10th Street in Fulton, Missouri, from its current zoning of R-2 Residential District to C-2 Commercial District.
4. Amendments to the Subdivision Code (Chapter 102) of the Fulton City Code as applicable to existing and new requirements affecting all property in the city. A detailed list of the proposed amendments was published with the public hearing notice.

Mayor Cannell declared the first hearing for the proposed rezoning of Manor Drive open at 6:38 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?

Ramona Elliott, owner of 321 Meadowlark Lane, stated there have been several issues over the past 8 years. Excessive water drainage, flooded yards, and water retention are a few of the

ongoing problems Elliott stated she has previously addressed with Engineering.

Second Call: Is there anyone present who wishes to speak in opposition of this matter?

Teresa Chambers, 505 Meadowlark Lane, stated she would like to keep the greenspace intact as she believes it helps cut noise levels and pollution and is a safe haven for animals.

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?

Nancy Hanson, 1412 Eric Place, stated she is looking to purchase land to build a community for young adults with autism/sensory concerns. Hanson stated this would be great for the community and would allow these young adults to live independently.

Second Call: Is there anyone present who wishes to speak in favor of this matter?

Cathy Morse, 106 E. Chestnut, stated she is a local realtor and supports the rezoning. Morse noted the property is currently for sale and zoned residential; she stated there is currently no control of someone clearing the greenspace.

Third and Final Call: Is there anyone present who wishes to speak in favor of this matter?

John Braun, 1004 Herring, stated he believes the rezoning should move forward in order for Fulton to grow.

Connie Hale, 528 St. Rd. N, stated she is the former manager of Kingdom Projects and supports this project.

Tamara Tateosian, stated she has seen the initial project in Oregon and believes this proposed facility will be a wonderful addition to the community.

Taylor Oestreich, 901 State St., stated he is a special education teacher at Fulton High School and is in support of the rezoning.

Mayor Cannell declared this public hearing closed at 6:51 p.m.

Mayor Cannell declared the second hearing for the proposed rezoning of 1016 Bluff Street open at 5:51 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 6:52 p.m.

Mayor Cannell declared the third hearing for the proposed rezoning of 304 East 10th Street open at 6:53 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?

Diane Buchli, 910 Bluff Street, stated she wants to put in a new building and parking lot with a privacy fence. Buchli stated there is no parking on the street, and the existing parking is not large enough for her business.

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 6:55 p.m.

Mayor Cannell declared the fourth hearing for the proposed amendments to the Subdivision code (Chapter 102) of the Fulton City Code open at 6:55 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 6:56 p.m.

COMMENTS FROM VISITORS:

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

There were no comments from visitors at this meeting.

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 August 23, 2022.
- b. Approval of the Director of Administration report of August 2022.

Councilman West requested to remove the Director of Administration report for discussion.

Motion was offered by Councilman Stone and seconded by Councilwoman Nelson to approve the remaining items of the Consent Agenda as presented. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

APPROVAL OF THE AUGUST DIRECTOR OF ADMINISTRATION REPORT:

Councilman West expressed concerns about the second street bridge replacement and any additional costs if the project is delayed.

City Engineer Kyle Bruemmer stated there would be no additional costs beyond the extension of time. Bruemmer also stated he tried to obtain additional funds from the grant, but none were available.

Councilman West noted the report shows a recent recovery of methamphetamine and fentanyl and asked how the city could educate the public on vigilance as the Halloween holiday draws near.

Police Chief Ladwig said the city hasn't seen the "candy" versions here in town, and he will gather some information to provide to the community and schools.

Councilman Leuther asked about the increase of vehicle accidents.

Ladwig stated there have been more traffic on the roads due to school being back in session.

A motion was offered by Councilman West and seconded by Councilman Stone to approve the August Director of Administration Report as presented. Motion carried with five members of the Council voting in favor and three members (Rehklau, Sebacher, and Washington) absent.

PRESENTATION AND ACCEPTANCE OF THE AUGUST FINANCIAL STATEMENT:

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

Holschlag reported that seven months of sales tax collections have been recorded, and numbers lie 5.8% (approximately \$40,000) ahead of this period in 2021. Use tax collections are up 12% (approximately \$38,000).

Holschlag reported that both Electric and Gas are at a loss for month-to-date and will end at a significant loss year-to-date.

Holschlag stated purchased power costs are significantly higher, and gas will likely continue to lose until December; electric costs have also skyrocketed.

After some discussion, motion was offered by Councilman West and seconded by Councilman Stone to accept the August Financial Statement as presented. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

UNFINISHED BUSINESS:

There was no Unfinished Business for consideration at this meeting.

NEW BUSINESS:

- a. Approval of a request from the Fulton High School Student Council for the annual Fulton High School Homecoming Parade to be held Friday, October 7th, 2022 at 3:00 p.m. in the Brick District.
 - i. This request has been reviewed and approved by Chief Ladwig and Administration; the route remains the same as in years past, and police assistance will be needed.

Taylor Oestreich presented the request on behalf of Fulton High School. Police Chief Ladwig stated he has no concerns with the continuation of this tradition.

Following a brief discussion, motion was offered by Councilman West and seconded by Councilman Stone to approve the request as presented. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

- b. Tamara Tateosian, Executive Director of Callaway Chamber of Commerce, will be present to provide a quarterly update of the organization's efforts since January 1, 2022.

Tateosian stressed the importance of retaining existing businesses in addition to assisting and recruiting new businesses to the area. Tateosian reviewed the Chamber's recent events, trainings, and plans for future business assistance.

COUNCIL CONCERNS:

Councilman West: *Planning & Zoning Commission liaison*

Dennis Houchins, Planning & Protective Services Director, reported the Planning & Zoning Commission met on September 7, 2022 to discuss public hearings for rezoning subdivision and annexation. The Commission met again on September 20, 2020 with the consultant who drafted the code amendments consultant to discuss Subdivision and annexation texts in more detail.

Councilman West expressed concerns over the water drainage as it relates to the Manor Drive rezoning request.

Bruemmer stated the developer will have to address runoff in the plans submitted for review.

Councilwoman Sebacher: *Park Board liaison*

Councilwoman Sebacher was absent from this meeting.

Councilwoman Rehklau: *Traffic Commission liaison*

Councilwoman Rehklau was absent from this meeting.

Councilman Washington

Councilman Washington was absent from this meeting.

Councilman Stone: *Historic Preservation Commission liaison*

Councilman Stone stated there has not been another Historic Preservation Commission meeting since the last report. Councilman Stone expressed his appreciation for Gayla Dunn and issued his congratulations on her recent retirement.

Councilman Stone also stated the work taking place on Ravine Street between Ann Street and Lynn Street had the street blocked with no forewarning to residents.

Councilman Leuther: *Airport Advisory Board liaison*

Councilman Leuther stated he appreciated Engineering and Street staff for addressing safety concerns on the sidewalk near the covered bridge.

Councilman Leuther would like to remind everyone about the upcoming Kingdom Pilots Association Pancake Breakfast.

Councilman Combs: *Human Rights Commission liaison*

Councilman Combs stated the Human Rights Commission elected Sherry Lococo as the new Commission Chair and discussed the Jane Bierdeman-Fike award at their recent meeting.

Combs also expressed concerns about brush/tree limbs hanging over sidewalks.

Councilwoman Nelson: *Public Utility Board liaison*

Councilwoman Nelson stated that power costs have significantly increased and that the Board will be making a recommendation for a rate increase. Councilwoman Nelson would like to remind all that we want to keep control over our Utilities.

Break 7:38 - 7:44

RESOLUTIONS:

There were no Resolutions for consideration at this meeting.

ORDINANCES:

FIRST READING

Bill No. 1650 was presented for first reading by Councilman Combs.

- a. Bill No. 1650: An Ordinance reclassifying, under the zoning code, an unimproved tract of land located at the end of Manor Drive and west of the North Hornet water tower in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Combs and seconded by Councilman Stone to place Bill No. 1650 for second reading at the next regularly-scheduled Council meeting.

Councilman West stated he thinks this is a good project, and he understands the concerns surrounding stormwater issues in the area.

Mayor Cannell reminded the Council they may only consider whether the proposed zoning is appropriate for the specific parcel – not whether they agree with any proposed developments.

Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Bill No. 1651 was presented for first reading by Councilman West.

- b. Bill No. 1651: An Ordinance reclassifying, under the zoning code, a tract of land located at 1016 Bluff Street in Fulton, Missouri, and establishing an effective date

Motion was offered by Councilman West and seconded by Councilman Leather to place Bill No. 1651 for second reading at the next regularly-scheduled Council meeting.

Houchins stated the city's recent zoning code rewrite eliminated the CNB zoning designation; this property was the only property of record with that zoning designation.

Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Bill No. 1652 was presented for first reading by Councilman Leuther.

- c. Bill No. 1652: An Ordinance reclassifying, under the zoning code, a tract of land located at 304 Tenth Street in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Leuther and seconded by Councilman Stone to place Bill No. 1641 for second reading at the next regularly-scheduled Council meeting.

Motion was offered by Councilman West and seconded by Councilman Stone to table Bill No. 1652.

Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Bill No. 1653 was presented for first reading by Councilman Stone.

- d. Bill No. 1653: An Ordinance repealing Chapter 102, Subdivisions, Fulton City Code., enacting a new code chapter in lieu thereof, and establishing an effective date.

Motion was offered by Councilman Stone and seconded by Councilman West to place Bill No. 1653 for second reading at the next regularly-scheduled Council meeting.

Following some discussion regarding street width minimums, motion was offered by Councilman West and seconded by Councilman Stone to amend the required road width minimum to 36' and right-of-way width minimum to 58' (see "Table A" on page 20). Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Motion was offered by Councilman West and seconded by Councilman Stone to add (to page 20, same section): Line 4. Two-way both side street parking is preferred. Any deviations must come before the Council for prior authorization. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Asst. Deputy Director of Administration/City Clerk Doyle stated City Counselor Riley will review the amendments.

The original motion to place Bill No. 1653, as amended, for second reading at the next regularly-scheduled Council meeting was now on the floor for consideration. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Bill No. 1654 was presented for first reading by Councilwoman Rehklau.

- d. Bill No. 1654: An Ordinance repealing Section 120-11, Zoning Classification upon annexation. Fulton City Code., enacting a new section in lieu thereof, and establishing an effective date.

Motion was offered by Councilman Stone and seconded by Councilman Leuther to place Bill No. 1654 for second reading at the next regularly-scheduled Council meeting.

Houchins stated that state statute defines this process, and the city's code requires this update in order to conform with state statute. The proposed language has been reviewed and approved by City Counselor Riley.

Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

SECOND READING

Bill No. 1647 was presented for second reading by Councilwoman Rehklau.

- a. 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 Stone to place Bill No. 1647 for third reading at tonight's Council meeting. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

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

Motion was offered by Councilwoman Nelson and seconded by Councilman Stone to place Bill No. 1647 for final passage at tonight's Council meeting. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Roll call vote of the members of the Council was as follows: Leuther, YES; Nelson, YES; Stone, YES; West, YES; Combs, YES. Absent: Rehklau, Sebacher, and Washington. Bill No. 1647, having received the affirmative vote of five members of the Council was declared passed by the President of the Council.

Bill No. 1649 was presented for second reading by Councilman Combs.

- b. 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 Councilman Combs and seconded by Councilman Leuther to place Bill No. 1649 for third reading at tonight's Council Meeting. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Bill No. 1649 was presented for third reading by Councilman Combs.

Motion was offered by Councilman Combs and seconded by Councilman Leuther to place Bill No. 1649 for final passage at tonight's Council meeting. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent.

Roll call vote of the members of the Council was as follows: Nelson, YES; Stone, YES; West, YES; Combs, YES; Leuther, YES. Absent: Rehklau, Sebacher, and Washington. Bill No. 1649,

having received the affirmative vote of five members of the Council was declared passed by the President of the Council.

ANNOUNCEMENTS:

- a. The next City Council meeting will be held Tuesday, October 11, 2022 at 6:30 p.m.

EXECUTIVE SESSION:

Mayor Cannell said there was not a need to enter into 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 Councilwoman Nelson to adjourn this meeting. Motion carried with five members of the Council voting in favor, and three members (Rehklau, Sebacher, Washington) absent. The meeting adjourned at 8:35 p.m.

Lowe Cannell, Mayor

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