

CITY COUNCIL MINUTES
October 25, 2022

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, October 25, 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, Nelson, Rehklau, Stone, West, and Washington. Absent were Councilmembers Leuther and Sebacher. 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; Robert Boone, Assistant Director of Administration; Rev. Bruce Williamson; Michael Shine and Mike Haldeman, Audio/Video; and visitors: John McAtee, Ray Buchli, Diane Buchli, Sara McDaniel, Holly Broadway-Yates, Garry Vaught, Emily Omohundro, Teri Arms, Nancy Hanson, April Redmon, Joey Mirth, Logan Nichols and Tom Riley.

INVOCATION:

Invocation was given by Rev. Williamson.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Rev. Williamson.

PUBLIC HEARING:

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

- a. The proposed rezoning of a tract of land located at the intersection of State Road O and State Road UU, Fulton, Missouri, from its current zoning of R-2 Residential to M-1 Industrial.

Mayor Cannell declared the public hearing open at 6:39 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?

April Redmon, 5000 Red Maple Lane, approached to speak in favor of the rezoning; after briefly speaking, she stated she misunderstood which rezoning request was at hand.

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 6:41 p.m.

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 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 Director of Administration report for the month of September.
- b. Appointment of Crystal Aulbur to the Historic Preservation Commission for a three-year term (exp. July 2025).

Motion was offered by Councilman Stone and seconded by Councilwoman Nelson to approve the Consent Agenda as presented. Motion carried with six members of the Council voting in favor, and two members (Leuther, Sebacher) absent.

PRESENTATION AND ACCEPTANCE OF THE SEPTEMBER FINANCIAL STATEMENT:

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

Holschlag reported the eight months of sales tax collections have been recorded, and numbers lie 5.8% (approximately \$190,000) ahead of this period in 2021. Use tax collections are up 12.2% (approximately \$42,000).

Holschlag reported the electric fund experienced a gain month-to-date but continues to operate with a loss year-to-date. The gas fund experienced a loss both month-to-date and year-to-date.

Councilman Stone asked if we have exceeded the expected public safety threshold on the use tax; Holschlag stated she believes the city is ahead of the \$200,000 allocated to public safety.

After some discussion, motion was offered by Councilman West and seconded by Councilwoman Nelson to accept the September Financial Statement as presented. Motion carried with six members of the Council voting in favor, and two members (Leuther, Sebacher) absent.

UNFINISHED BUSINESS:

There was no Unfinished Business for consideration at this meeting.

NEW BUSINESS:

- a. Garry Vaught will be present on behalf of the Brick District to request permission for the following events:
 - i. Halloween Trick-or-Treating, Mon. 10/31, 3:00-6:00 p.m. in the Brick District
 - The event route remains the same as in years past and will require partial street closures on Court, 5th. Nichols, and 6th Streets; accommodations for CVS drive through traffic will be made.
 - This request has been reviewed and approved by Administration and Police Chief Ladwig.

Garry Vaught stated the Brick District is trying to improve the flow of foot traffic for the annual event by creating a walking loop. The event will start at the Brick District Playhouse, then go west on Sixth St. to Nichols St., down Nichols to Fifth St., then to Court St. up one side then back down Court St. on the other side of the street.

Vaught stated the Brick District has spoken with CVS Pharmacy, and this plan will not impede upon the pharmacy's operations.

Motion was offered by Councilman Stone and seconded by Councilwoman Nelson to approve the request as presented. Motion carried with six members of the Council voting in favor, and two members (Leuther, Sebacher) absent.

- ii. Holiday Open House, Fri. 11/04 5:00-8:00 p.m. in the Brick District
 - This request remains the same as in years past. No street closures are requested; carriage rides will be offered.
 - This request has been reviewed and approved by Administration and Police Chief Ladwig.

Vaught stated there are no proposed changes, and both the Brick District and carriage ride provider have insurance coverage for the event.

Motion was offered by Councilman Stone and seconded by Councilwoman Nelson to approve the request as presented. Motion carried with six members of the Council voting in favor, and two members (Leuther, Sebacher) absent.

- b. Debbie LaRue will be present on behalf of the Brick District Playhouse to request permission for the Shakespeare's Mummy Red Carpet Test Screening on Saturday, October 29, 2022.
 - i. This event will require the closure of Court Street between 6th and 7th Streets on the west side only. Use of parking cones is also requested.
 - ii. This request has been reviewed and approved by Administration and Police Chief Ladwig.

Councilman Leuther arrived at 6:57 p.m.

Vaught stated he was asked to present this request on behalf of LaRue who could not attend tonight's meeting.

Following a brief discussion, motion was offered by Councilman West and seconded by Councilwoman Rehklaue to accept the request as presented. Motion carried with seven members of the Council voting in favor, and one member (Sebacher) absent.

- c. Authorization for a letter of support to be drafted on behalf of the City of Fulton for the YMCA of Callaway County to seek grant funding.

Sara McDaniel stated the YMCA is applying for state ARPA funding for an indoor aquatic facility; the organization's application requires a letter of support from local elected officials.

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

- d. Authorization for the Director of Administration, with the advice of the Superintendent of Utilities, to book natural gas commodity purchases when the city's proposed cost falls to \$5.70 or less for an allowable term of up to five years.

Darrell Dunlap, Superintendent of Utilities, stated the Public Utility Board met yesterday and unanimously recommended this item for Council approval. Dunlap stated this measure allows the city to book commodity purchases quickly when prices drop.

Mayor Cannell asked if Dunlap/Director of Administration Renee Tyler would please send an email to the Council if and when the purchases are made.

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

COUNCIL CONCERNS:

Councilman West: *Planning & Zoning Commission liaison*

Councilman West reported the Planning and Zoning Commission recently met on October 12th to review the rezoning requests.

Councilman West expressed concern that the Council has not yet seen a budget and the end of the year is rapidly approaching.

Renee Tyler, Director of Administration, stated that it will be a tight schedule with the Evergreen Solutions compensation study data not in yet. A draft budget will be made available in the coming weeks.

Councilwoman Sebacher: *Park Board liaison*

Councilwoman Sebacher was absent at this meeting.

Councilwoman Rehklaue: *Traffic Commission liaison*

Councilwoman Rehklaue had no concerns at this meeting.

Councilman Stone: *Historic Preservation Commission liaison*

Councilman Stone stated the Historic Preservation Commission are working on historic property inventory designations.

Councilman Leuther: Airport Advisory Board liaison

Councilman Leuther did not have any updates or concerns at this meeting.

Councilman Combs: Human Rights Commission liaison

Councilman Combs stated the Human Rights Commission has been working on the Juneteenth Celebration for 2023.

Councilman Washington

Councilman Washington has no concerns at this meeting.

Councilwoman Nelson: Public Utility Board liaison

Councilwoman Nelson shared there was a Public Utility Board meeting on October 24th.

Dunlap provided a chart showing projected base rate increases; these proposed increases would bring base rates to a sustainable level while also remaining fair and competitive.

Councilman Stone asked if we are comparable with usage rates. Dunlap showed the comparisons, and reassured that the city remains competitive.

RESOLUTIONS:

Resolution No. 3465 was presented for adoption by Councilwoman Nelson.

- a. Resolution No. 3465: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents needed to amend the existing agreement with the Fulton Professional Firefighters Local 2945.

Motion was offered by Councilwoman Nelson and seconded by Councilman Stone to adopt Resolution No. 3465 at tonight's Council meeting.

Tyler stated she has been meeting with the Fire Union, and there have been concerns raised with not being able to effectively manage shift trades.

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

Resolution No. 3466 was presented for adoption by Councilman West.

- b. Resolution No. 3466: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to the Master Services Agreement with Missouri Public Utility Alliance Resource Services Corporation (MPUA RSC).

Motion was offered by Councilman West and seconded by Councilwoman Rehkla to adopt Resolution No. 3466 at tonight's Council meeting.

Dunlap stated this allows the City to contact MPUA should it be necessary to utilize their line crew.

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

Resolution No. 3467 was presented for adoption by Councilwoman Rehkla.

- c. Resolution No. 3467: A Resolution authorizing the Director of Administration, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Memorandum of Understanding with Fulton Public Schools to allow for relocation site availability.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to adopt Resolution No. 3467 at tonight's Council meeting.

Dr. Holly Broadway-Yates stated that an emergency operations plan is underway for Fulton Public Schools. Dr. Broadway-Yates has been in touch with Clay Caswell, Parks and Recreation Director, about using Legends Rec-Plex as a relocation site for students and staff in the event of an emergency.

Councilman Leuther asked about security considerations. Dr. Broadway-Yates answered that they must have the ability to secure the area.

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

ORDINANCES:

TABLED

- a. Bill No. 1652 Tabled: 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 West and seconded by Councilman Stone to remove Bill No. 1652 from the table. Motion carried with seven members of the Council voting in favor, and one member (Sebacher) absent.

Asst. Deputy Director of Admin./City Clerk Courtney Doyle reminded the Council there was a motion at the September 27, 2022 Council meeting to place Bill No. 1652 for second reading at the next regularly-scheduled meeting. Discussion regarding this motion follows.

Councilman West stated he and Councilwoman Sebacher have a concern about changing the zoning as they believe it moves commercial zoning down the street into residential areas.

Motion to place Bill No. 1652 to second reading at the next regularly scheduled Council meeting carried with seven members of the Council voting in favor, and one member (Sebacher) absent.

FIRST READING

Bill No. 1655 was presented for first reading by Councilman Combs.

- a. Bill No. 1655: An Ordinance reclassifying, under the zoning code a tract of land located at the intersection of State Road O and State Road UU in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilwoman Rehkla and seconded by Councilman Stone to place Bill No. 1655 for second reading at the next regularly-scheduled Council meeting.

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

Bill No. 1656 was presented for First Reading by Councilman Washington.

- b. Bill No. 1656: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute an Agreement with the County of Callaway, Missouri, for public emergency communications operations services for the City of Fulton for the years 2023-2024.

Motion was offered by Councilman Washington and seconded by Councilwoman Nelson to place Bill No. 1656 for second reading at the next regularly-scheduled Council meeting.

Tyler stated that she met with Callaway County Presiding Commissioner Jungermann to discuss the contract; initially there was a proposed increase in the annual rate, but there is now a decrease following those meetings.

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

SECOND READING

Bill No. 1650 was presented for second 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 Leuther to place Bill No. 1650 for third reading at tonight's Council meeting.

Councilman West expressed stormwater concerns raised by citizens and would like to see the city consider addressing this issue in the future.

Bill No. 1650 was presented for Third Reading by Councilman Combs.

Motion was offered by Councilman Combs and seconded by Councilman Leuther to place Bill No. 1650 for final passage at tonight's Council meeting.

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

Roll call vote of the members of the Council was as follows: Leuther, YES; Nelson, YES; Rehlau, YES; Stone, YES; Washington, YES; West, YES; Combs, YES. Absent: Councilwoman Sebacher. Bill No. 1650, having received the affirmative vote of seven members of the Council was declared passed by the President of the Council.

Bill No. 1651 was presented for second 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 Councilwoman Rehkla to place Bill No. 1651 for third reading at tonight's Council meeting.

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

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

Motion was offered by Councilman West and seconded by Councilman Leuther to place Bill No. 1651 for final passage at tonight's Council meeting.

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

Roll call vote of the members of the Council was as follows: Nelson, YES; Rehkla, YES; Stone, YES; Washington, YES; West, YES; Combs, YES; Leuther, YES. Absent: Councilwoman Sebacher, Bill No. 1651, having received the affirmative vote of seven members of the Council was declared passed by the President of the Council.

Bill No. 1653 AS AMENDED was presented for second reading by Councilman Stone.

- c. Bill No. 1653 AS AMENDED: 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 AS AMENDED for third reading at tonight's Council meeting.

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

Bill No. 1653 AS AMENDED was presented for second reading by Councilman Stone.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehkla to place Bill No. 1653 AS AMENDED for final passage at tonight's Council meeting.

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

Roll call vote of the members of the Council was as follows: Rehkla, YES; Stone, YES; Washington, YES; West, YES; Combs, YES; Leuther, YES; Nelson, YES. Absent: Councilwoman Sebacher, Bill No. 1653 AS AMENDED having received the affirmative vote of seven members of the Council was declared passed by the President of the Council.

Bill No. 1654 was presented for second reading by Councilman Stone.

- 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 Councilwoman Rehklau to place Bill No. 1654 for third reading at tonight's Council meeting.

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

Bill No. 1654 was presented for third reading by Councilman Stone.

Motion was offered by Councilman Stone and seconded by Councilwoman Rehklau to place Bill No. 1654 for final passage at tonight's Council meeting.

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

Roll call vote of the members of the Council was as follows: Stone, YES; Washington, YES; West, YES; Combs, YES; Leuther, YES; Nelson, YES, Rehklau, YES. Absent: Councilwoman Sebacher, Bill No. 1654, 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, November 8, 2022 at 6:30 p.m.

EXECUTIVE SESSION:

Mayor Cannell said there was a need to enter into an Executive Session pursuant to 610.021, Subsection Two (2), RSMO, to discuss or deal with legal actions, causes of action, or litigation and personnel matters.

Motion was offered by Councilman Stone and seconded by Councilwoman Nelson to enter into Executive Session.

Roll call vote of the members of the Council was as follows: Washington, YES; West, YES; Combs, YES; Leuther, YES; Nelson, YES; Rehklau, YES; Stone, YES. Motion carried with seven members of the Council voting in favor, and one member (Sebacher) absent.

The Council exited to the Executive Conference Room and entered the Executive Session at 7:57 p.m.

The Council reentered the Council Chambers at 8:44 p.m. Motion was offered by Councilwoman Nelson and seconded by Councilman Leuther to exit Executive Session.

Roll call vote of the members of the Council was as follows: West, YES; Combs, YES; Leuther, YES; Nelson, YES; Rehklau, YES; Stone, YES; Washington, YES. Motion carried with seven members of the Council voting in favor, and one member (Sebacher) absent.

The Council exited Executive Session at 8:44 p.m.

ADJOURNMENT:

There being no further business to come before the Council, motion was offered by Councilman West and seconded by Councilman Leuther to adjourn this meeting. Motion carried with seven members of the Council voting in favor, and one member (Sebacher) absent. The meeting adjourned at 8:45 p.m.

Lowe Cannell, Mayor

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