

**CITY COUNCIL MINUTES  
JANUARY 24, 2023**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, January 24, 2023 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. Director of Administration; Kathie Ratliff, City Clerk; and William Ladwig, Police Chief. The meeting was called to order by Mayor Cannell at 6:32 p.m. Roll call was noted by the City Clerk, and members of the Council present were: Combs, Leuther, Nelson, Rehklau, Sebacher, Stone, Washington, and West. Also present were: Candy Johnson, Interim Chief Financial Officer; Darrell Dunlap, Superintendent of Utilities; Kyle Bruemmer, City Engineer; Dennis Houchins, Planning & Protective Services Director; Clay Caswell, Parks & Recreation Director; Kevin Coffelt, Fire Chief; Rev. Bruce Williamson; Michael Shine and Jeremy Polston, Audio/Video; and visitors: Bart Korman, from Lewis-Bade, Steve Myers, Sherry Lococo, Tom Clapp, Tom Riley, and Steve Moore..

**INVOCATION:**

Invocation was given by Rev. Williamson.

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Rev. Williamson.

**PUBLIC HEARING:**

There were no Public Hearings for consideration at this meeting.

**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:**

There were no items on the Consent Agenda at this meeting.

**UNFINISHED BUSINESS:**

- a) TABLED: A Representative of Lewis-Bade, Inc. will be present to request permission to deviate from a two-way parking requirement in Willow Creek Subdivision.
  - i. Requested deviation; 28' wide, two-way traffic, one-sided parking street.
  - ii. City Code Section 102.56(n)(4) Two-way both side parking is required unless the city council approves a deviation from the design standards.

Motion was offered by Councilman Stone and Seconded by Councilman West to Table this request to the next regularly scheduled Council meeting.

Much discussion followed.

Mayor Cannell asked Counselor Tom Riley for an opinion regarding on this matter since it's not a Resolution or Ordinance. Mayor Cannell asked if it would take a motion from a Council Member to change the request and make a street-width compromise instead.

Counselor Tom Riley stated that to make that deviation negotiation, he believed its sufficient for the Council to make its own motion because it's already in the Ordinance for deviation.

Mayor Cannell stated that they will keep working on it and they would like to Table it again to the next regularly scheduled council meeting.

Motion carried with seven members of the Council voting in favor one opposed (Combs).

#### **NEW BUSINESS:**

- a) A Representatives from the Human Rights Commission will be present to request permission for food vendors and product sales in conjunction with their Juneteenth Celebration to be held at the Legends Rec-Plex on Saturday, June 17, 2023, from 12:00 noon to 4:00 p.m.

Motion was offered by Councilman Leuther and Seconded by Councilman Stone to approve the request. Motion carried with eight members of the Council voting in favor.

#### **COUNCIL CONCERNS:**

Councilman West stated that Planning and Zoning will meet on February 8, 2023. Councilman West extended thanks to Assistant Director of Administration Doyle and City Engineer Kyle Bruemmer with thanks to their staff for the great work the road department completes.

Councilwoman Sebacher said the Park board met on January 12, 2023. Sebacher gave praise to the new Assistant Director, Tara O'Shea, and said she's doing a great job. The Councilwoman stated that the year ended with 622 members and 52,000 visitors. The Park Board voted to adjust the Rec-Plex closing time on Friday nights. General admittance will be 9:00 a.m. until 7:00 p.m. This change was created due to lack of visitors entering after 7 p.m. on Friday nights. The 24-fitness center access will not be affected. Councilwoman Sebacher had no concerns to address.

Councilwoman Rehklaun noted the Traffic Commission has not met for a few months. She stated that snow is coming and so is Spring. Travel safe, people.

Councilman Stone said the next Historic Preservation met on January 17, 2023. The Councilman stated that if the Historic Preservation Commission continues to meet at the current time of 1:00 p.m., he will need to step down as liaison as it conflicts with new work hours.

Councilman Leuther stated that the Airport Advisory Board had not met. The Councilman had no concerns at this time, but offered his thanks to the street, police, and fire departments for their work during weather events.

Councilman Combs stated the Human Rights Commission will meet on January 30<sup>th</sup>. He had no concerns to address.

Councilman Washington had no concerns to address at this time.

Councilwoman Nelson shared that she received an email notifying her of a sinkhole that formed under the mouth of a city culvert. She agreed with Councilman Leuther in thanking our crews. She stated that the Utility Board met on January 23. The Public Utility Board made a recommendation that each Board or Commission have the chance to look over the application, visit with the candidate (if they choose), and then pass their recommendation to the Mayor for placement on the agenda. Much discussion followed.

**Break 7:40 - 7:45**

## RESOLUTIONS:

Resolution No. 3471 was presented for adoption by Councilwoman Sebacher.

- a. Resolution No. 3471: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to 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.).

Motion was offered by Councilwoman Sebacher and seconded by Councilman West to adopt Resolution No. 3471 at tonight's Council meeting.

Dunlap stated there is no cost for the City to this grant. He said it's a grant for helping a small group of homeowners in a subdivision outside of city limits. This subdivision's sewer system discharges into Stinson Creek.

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

Resolution No. 3472 was presented for adoption by Councilman Stone.

- b. Resolution No. 3471: 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 Stone and seconded by Councilwoman Sebacher to adopt Resolution No. 3472 at tonight's Council meeting.

Mayor Cannell pointed out that this is an annual recording of destroyed files that have completed their retention life.

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

## ORDINANCES:

### TABLED

Presenter

Stone

- a. Bill No. 1662: An Ordinance reclassifying, under the zoning code, an unimproved tract of land located on the north side of Tennyson Road, just south of Willow Creek Subdivision (Willow Creek South) in Fulton, Missouri, and establishing an effective date.

Motion was offered by Councilman Stone and Seconded by Councilwoman Sebacher to untable Bill No. 1662 for discussion at tonight's meeting.

Discussion began as Councilman Stone asked for a reminder of what questions needed answered about the zoning. Councilman Combs stated that by zoning this area C-2, it opens the area up for future home based businesses which is not the intention of a residential area. Councilman Leuther added that in his opinion, if you have home based businesses, traffic flow would likely increase and complicate a situation with limited parking area already.

The City Clerk interrupted the discussion to remind the Council that at the last Council Meeting on January 10, 2023, Motion was offered by Councilman Stone and seconded by Councilwoman Sebacher to place Bill No. 1662 for Second Reading at the next regularly-scheduled Council meeting. Direction followed that at this point discussion is related to the current motion to move this Bill to Second Reading at the next Council meeting and it has not been approved, as of yet.

Discussion followed regarding rezoning of the entire area. Counselor Tom Riley stated that the Council can call for a rezoning of property, however the rezoning process must follow the law. After more discussion, it was agreed upon by the Council to send this property back to Planning and Zoning to create a new request reflecting a residential zoned area.

Motion failed with eight members of the Council voting in opposition.

### **FIRST READING**

Bill No. 1667 was presented for First Reading by Councilwoman Nelson.

Presenter

Nelson

Bill No. 1667: An Ordinance amending Chapter 102, Subdivisions, Article III, Sec. 56 Streets and Alleys, Item (N)(4) of the Fulton City Code by repealing certain regulations, and establishing an effective date.

Motion was offered by Councilwoman Nelson and seconded by Councilman Combs to place Bill No. 1662 for Second Reading at the next regularly-scheduled Council meeting.

The Mayor asked for clarity in that this Bill would be to repeal the Council rights to deviate from the design standards when permission is requested. Councilman Combs stated that he was correct with that statement.

Councilman Leuther stated that even though this would remove that language from the Council's participation, there is still a process that may allow for deviation.

Councilman Combs stated that a contractor would be allowed to approach the Board of Adjustment and pursue the deviation that may be awarded if the Board of Adjustment were to believe a hardship is involved.

Mayor Cannell reiterated that the Board of Adjustment is a group of citizens whose appointments are approved by the City Council.

Much discussion followed.

Motion failed with five members of the Council voting in opposition (Nelson, Rehklau, Sebacher, Stone, West)

## SECOND READING

Bill No. 1663 was presented for Second Reading by Councilwoman Rehkla.

Presenter  
Rehkla

- b. Bill No. 1663: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri to execute all necessary documents in relation to the Missouri Department of Transportation application for Federal/State assistance for Airport ARPA Funds, and establishing an effective date.

Motion was offered by Councilwoman Rehkla and Seconded by Councilman Stone to place Bill No. 1663 for Third Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

Bill No. 1663 was presented for Third Reading by Councilwoman Rehkla.

Motion was offered by Councilwoman Rehkla and Seconded by Councilman Stone to place Bill No. 1663 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: Leuther, YES; Nelson, YES; Rehkla, YES; Sebacher, YES; Stone, YES; Washington, YES; West, YES; Combs, YES. Bill No. 1663, having received the affirmative vote of eight members of the Council was declared passed by the President of the Council.

Bill No. 1664 was presented for Second Reading by Councilman Combs.

Presenter  
Combs

- c. Bill No. 1664: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri to execute all necessary documents in relation to the Missouri Department of Transportation Traffic Engineering Assistance Program agreement for the TEAP069 Traffic Study grant, and establishing an effective date.

Motion was offered by Councilman Combs and seconded by Councilman West to place Bill No. 1664 for Third Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

Bill No. 1664 was presented for Third Reading by Councilman Combs.

Motion was offered by Councilman Combs and seconded by Councilwoman Nelson to place Bill No. 1664 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; Rehkla, YES; Sebacher, YES; Stone, YES; Washington, YES; West, YES; Combs, YES; Leuther, YES. Bill No. 1664, having received the affirmative vote of eight members of the Council was declared passed by the President of the Council.

Bill No. 1665 was presented for Second Reading by Councilman Leuther.

Presenter

Leuther

- d. Bill No. 1665: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri to execute all necessary documents in relation to the Missouri Department of Transportation Application for Federal/State Assistance for project design by Crawford, Murphy, and Tilly, Inc. (CMT) regarding Airport Runway Lighting Project Number 22-04A-1, and establishing an effective date.

Motion was offered by Councilman Leuther and seconded by Councilwoman Nelson to place Bill No. 1665 for Third Reading at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

Bill No. 1665 was presented for Third Reading by Councilman Leuther.

Motion was offered by Councilman Leuther and seconded by Councilwoman Nelson to place Bill No. 1665 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: Rehklau, YES; Sebacher, YES; Stone, YES; Washington, YES; West, YES; Combs, YES; Leuther, YES; Nelson, YES. Bill No. 1665, having received the affirmative vote of eight members of the Council was declared passed by the President of the Council.

#### **ANNOUNCEMENTS:**

- a. The next City Council meeting will be held Tuesday, February 14, 2023, at 6:30 p.m.

#### **EXECUTIVE SESSION:**

Mayor Cannell said there was a need to enter Executive Session pursuant to RSMo 610.021(2), to discuss or deal with legal actions, causes of action, or litigation.

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

Roll call vote of the members of the Council was as follows: Sebacher, YES; Stone, YES; Washington, YES; West, Yes; Combs, YES; Leuther, YES; Nelson, YES; Rehklau, YES. Motion carried with eight members of the Council voting in favor.

The Council exited to the Executive Conference Room and entered Executive Session at 9:01 p.m.

The Council reentered the Council Chambers at 10:06 p.m. Motion was offered by Councilman West and seconded by Councilwoman Sebacher to exit 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; Sebacher, YES; Stone, YES. Motion carried with eight members of the Council voting in favor.

The Council exited Executive Session at 10:07 p.m.

**ADJOURNMENT:**

There being no further business to come before the Council, motion was offered by Councilman West and seconded by Councilman Stone to adjourn this meeting. Motion carried with eight members of the Council voting in favor. The meeting adjourned at 10:08 p.m.

---

Lowe Cannell  
Mayor

---

Kathie Ratliff  
City Clerk