

**CITY COUNCIL MINUTES  
FEBRUARY 14, 2023**

The Council of the City of Fulton, Missouri, met in Regular Session on Tuesday, February 14, 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 7:00 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: Darrell Dunlap, Superintendent of Utilities; Kyle Bruemmer, City Engineer; Clay Caswell, Parks & Recreation Director; Kevin Coffelt, Fire Chief; June Skamenca, Human Resources Manager; Rev. Bruce Williamson; Michael Shine and Jeremy Polston, Audio/Video; and visitors: Garry Vaught, Michelle Kidwell, Robert Algieri, 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 a public hearing at tonight's meeting to consider the following:

1. For the purpose of considering the rezoning of a newly annexed unimproved tract of land located at 4940 County Road 304, Fulton, Missouri, to its requested zoning of C-2 Commercial.

Mayor Cannell declared the hearing for the consideration of the rezoning of the tract of land located at 4940 County Road 304 hearing open at 7:07 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 7:08 p.m.

## **COMMENTS FROM VISITORS:**

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 Councilwoman Nelson and Seconded by Councilwoman Sebacher to remove this item from the table for discussion.

City Engineer Bruemmer stated that Lewis-Bade responded that it would not be cost effective for them to meet the larger street width requirements of the design standards. Lewis-Bade offered that if the City wanted to pay the cost of the added width, they would move forward. The City declined.

Councilman Stone made a motion to allow for a deviation on the subdivision ordinance concerning street width to allow for a 30' one-sided parking two-way traffic for the proposed subdivision. Mayor Cannell asked for a Second. There was none. Motion failed.

Motion was offered by Councilman Washington and Seconded by Councilwoman Sebacher to accept that which is set before us at the 28' wide two-way traffic, one sided-parking street. Motion failed with three members of the Council voting in favor, five opposed (Leuther, Nelson, Rehklau, Sebacher, and West).

## **NEW BUSINESS:**

- a. Garry Vaught, on behalf of the Brick District, will be present to request permission for the annual Morels and Microbrews event to be held Saturday, May 6, 2023, from 11:30 a.m. – 4:00 p.m. in downtown Fulton.
  - i. Council consideration is requested for the following:
    - closure of Court Street from Fifth to Seventh Street along with additional portions of Fifth and Sixth Street to be closed as well during the event; and
    - closure of said streets with the 500 block of Court Street being closed the afternoon of May 5<sup>th</sup> for tent setup; and
    - trash receptacles, dumpsters, street barricades, and electrical hookups.

Mr. Vaught reported that the event was in its 11th year and that the footprint had not changed. He shared that the Festival was awarded the Missouri Department of Tourism Pathfinder Award in 2022.

Motion was made by Councilwoman Sebacher and approved by Councilman West to approve the request. Motion carried with seven members of the Council voting in favor, one (Washington) opposed.

- b. Tanglewood Golf Course Rate Fee Proposal. This proposal was reviewed and recommended by the Park Board at the 1/12/23 meeting. \*Added 2/13/23 3:30 p.m.

The rates increase at Tanglewood Golf Course was summarized by Clay Caswell, Parks & Recreation Director. He added that the average increase was between \$2 and \$4, with Twilight tee times having the greatest increase of \$5. He added that the predicted income for this increment based on 2022 figures is \$53,000. He said the rates were comparable in cost to other courses.

Motion was made by Councilwoman Sebacher and approved by Councilman West to approve the rate increase. Motion carried with eight members of the Council voting in favor.

- c. Public Information Officer, Michael Shine, will give a presentation of the new City of Fulton website to the Council.

Council seemed pleased with the new, updated layout and thanked Shine for a job well done.

### **COUNCIL CONCERNS:**

Councilman West stated that the Planning & Zoning Commission met on February 8, 2023 in regards to the zoning matter on tonight's agenda. Before voicing his concerns, Councilman West congratulated the Kansas City Chiefs on their latest Super Bowl victory and wished everyone a Happy Valentine's Day. He remarked that he hopes the hospital may be reopened and that the topic isn't dead, since there is a need in our community, and that "we" might work on it in some way. He mentioned that the Rotary Club is celebrating their 100th anniversary and proposed that the City issue a proclamation. He asked of Director of Administration Tyler if late fees are imposed if a utility bill is due on the 15th and falls on a weekend. She stated that she would look for an answer and respond by email.

Councilwoman Sebacher said the Park board meets again in April. She asked Public Information Officer Shine to include a link to the City Code on the new website because she feels it's difficult to locate at this time. He claimed that it is now conveniently located in the upper right corner of the website. Councilwoman Sebacher reminded Director Tyler of a previous conversation regarding the need to update our Code to reflect that Animal Control is now under the Police Department. She proposed that a new Ordinance be filed.

Councilwoman Rehklaun noted the Traffic Commission has not met for a few months. She shared that she's pleased regarding the repair of the downtown sidewalks.

Councilman Stone said the next Historic Preservation will meet in March and no concerns to report.

Councilman Leuther stated that the Airport Advisory Board met on February 7, 2023. He shared highlights from that Board meeting. Throughout the Lewis-Bade exchange over the Willow Creek Subdivision proposal, he was worried that the Council was letting their constituents down and not being a good community partner. He proposed some form of work session to allow the council to come together and establish common ground in going forward.

Councilman Combs stated the Human Rights Commission met on January 30, 2023 and the next meeting is in April. He noted that Fair Housing Month is in April and that the Commission would have a postcard contest similar to last year. They are also putting in a lot of effort for the Juneteenth event. Future Commission initiatives revolve around educational opportunities. He stated that he attended the Personnel board meeting on February 1, 2023, and was pleased with the improvements that were implemented in the employee handbook. He also noted that he and others have noticed our Fulton Police officers at numerous community events, taking the effort to create positive relationships.

Councilman Washington expressed his concern for the Crestwood Drive households. He claimed that the area has been neglected for over 40 years and believes that the need to handle this area is higher than some of the others under consideration. The neighborhood in issue is part of the Fourth Ward and is in serious need of curbs and walkways due to heavy traffic, Washington declared. He would want to see the Council develop a strategy to prioritize areas that need to be addressed first, even if it has to be done in stages.

Councilwoman Nelson shared that the Public Utility Board has not met since the last Council meeting. She complimented our Street Department for contacting local businesses in the area of the Second Street Bridge repair project that will most likely be impacted.

Mayor Cannell voiced his thoughts regarding the roundabout. He stated that the Fulton Garden Club will be making some adjustments and enhancing that focal point of our town this year. He added that a County resident made a claim about an incident with a Fulton Police officer. Mayor Cannell stated that after watching the bodycam footage with Chief Ladwig and Director Tyler, it is a fantastic example of the quality of our staff and the value of bodycams. He was pleased with the Officer's reaction and softly thanked him. He also shared that one of the coolest things he's done as Mayor, was presenting Walter Baumgartner with a resolution on behalf of the City in honor of his 100<sup>th</sup> Birthday on that day.

#### **RESOLUTIONS:**

Resolution No. 3473 was presented for adoption by Councilwoman Rehkla.

- a. Resolution No. 3473: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to execute an Agreement with the Callaway County Health Department, to provide Drug Testing Services at the Callaway County Health Department.

Motion was offered by Councilwoman Rehkla and seconded by Councilwoman Sebacher to accept Resolution No. 3473 at tonight's Council meeting. Motion carried with eight members of the Council voting in favor.

Resolution No. 3474 was presented for adoption by Councilman Combs.

- b. Resolution No. 3474: A Resolution authorizing the Mayor, on behalf of the City of Fulton, Missouri, to sign all necessary documents in relation to a Contract with Precision Concrete Cutting of Holland, Michigan, for the removal of trip hazards from uneven downtown sidewalks.

Motion was offered by Councilman Combs and seconded by Councilman Stone to adopt Resolution No. 3474 at tonight's Council meeting.

According to City Engineer Bruemmer, this isn't a perfect solution, but it is a cost-effective, trip-reducing method for enhancing downtown access for our citizens and visitors. According to the report, the company will be able to complete 227 removals, but 44 are outside their ability to repair.

Councilwoman Nelson expressed concern that it would not leave much money in this fund if other needs arose. Engineer Bruemmer stated that if something happened that required immediate repair, there are other line items from which he might obtain concrete funding. Motion carried with eight members of the Council voting in favor.

## ORDINANCES:

### FIRST READING

Bill No. 1668 was presented for First Reading by Councilwoman Nelson.

Presenter  
Nelson

- a. Bill No. 1668: An Ordinance amending Chapter 110 of the City Code by enacting a new paragraph (d) of Section 110.361. Overtime and unlawful parking., related to the charging process of electric vehicles.

Motion was offered by Councilwoman Nelson and seconded by Councilman Stone to place Bill No. 1668 for Second Reading at the next regularly-scheduled Council meeting.

Director of Administration Tyler stated that this Ordinance added to the unlawful parking Code that if you are not actively charging your electric vehicle, you are breaking the law. She clarified that this is similar to municipal code around the United States related to electric vehicle charging stations.

Councilwoman Nelson asked for a review of reported usage data at this point. Director Tyler stated in January, there were two vehicles in the usage report and as of this week, there has been 20. Motion carried with eight members of the Council voting in favor.

Bill No. 1669 was presented for First Reading by Councilman Washington.

Presenter  
Washington

- a. Bill No. 1669: An Ordinance repealing Chapter 110 paragraph (b) of Section 110.312. Penalties for violation. of the City Code and enacting a new paragraph (b) of Section 110.312. Penalties for violation., related to the charging process of electric vehicles.

Motion was offered by Councilman Washington and seconded by Councilman Stone to move Bill No. 1669 for Second Reading at the next regularly-scheduled Council meeting.

Mayor Cannell stated that the fine would be \$20 if someone is found parked, while not actively charging, in an electric vehicle charging station.

Councilwoman Nelson asked if we are in a trial period or if we have purchased the station and at what cost. Director Tyler stated that we purchased the charging station for \$7100. Darrell Dunlap, Superintendent of Utilities, was called on to review the revenue. He noted that the City has generated a little more than twenty dollars on those 20 charges so far. as it seems people are topping off their car while doing a bit of downtown shopping. He mentioned that the cost is .26kwi, as opposed to .10kwi at home. Motion carried with eight members of the Council voting in favor.

Bill No. 1670 was presented for First Reading by Councilman West.

Presenter

West

- a. Bill No. 1670: An Ordinance authorizing the Mayor, on behalf of the City of Fulton, Missouri, to declare a city-owned tract of land located at 322 West Ninth Street, Fulton, Missouri, to be surplus property, authorizing its distribution, and establishing an effective date.

Motion was made by Councilman West and Seconded by Councilwoman Sebacher to place Bill No. 1670 for Second reading at the next regularly-scheduled Council meeting.

Mayor Cannell clarified that this is a small plot of land granted to the Carver School project for a financial consideration of \$10. The Council has been working on this for some time and is glad to see it completed. Motion carried with eight members of the Council voting in favor.

Bill No. 1671 was presented for First Reading by Councilwoman Sebacher.

Presenter

Sebacher

- b. Bill No. 1671: An Ordinance reclassifying, under the zoning code, a newly annexed unimproved tract of land located at 4940 County Road 304, Fulton, Missouri, and establishing an effective date.

Motion was made by Councilwoman Sebacher and seconded by Councilwoman Mary Rehkla to place Bill No. 1671 for Second reading at the next regularly-scheduled Council meeting.

Mayor Cannell called for discussion. There was none. Motion carried with eight members of the Council voting in favor.

#### **ANNOUNCEMENTS:**

The next City Council meeting will be held Tuesday, February 28, 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 hiring, firing, disciplining, or promotion of an employee of a public governmental body.

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

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

The Council exited to the Executive Conference Room and entered Executive Session at 8:54 p.m.

The Council reentered the Council Chambers at 10:18 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: YES; Rehklaue, YES; Sebacher, YES; Stone, YES; Washington, YES; West, Yes; Combs, YES; Leuther, YES; Nelson, YES. Motion carried with eight members of the Council voting in favor.

The Council exited Executive Session at 10:18 p.m.

**ADJOURNMENT:**

There being no further business to come before the Council, motion was offered by Councilman Combs and seconded by Councilman West to adjourn this meeting. Motion carried with eight members of the Council voting in favor. The meeting adjourned at 10:20 p.m.

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Lowe Cannell  
Mayor

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Kathie Ratliff  
City Clerk