

City Council Minutes: June 1, 2009

CITY OF FULTON

REGULAR COUNCIL MEETING MINUTES

JUNE 1, 2009

5:30PM

Mayor Pro Tem Bill Loerop called the meeting to order and directed the clerk to call the roll. On roll call, Mayor Pro Tem/Alderman Bill Loerop, Aldermen Charles Dykstra, Gene Field, Merle Sterenberg, Charlie Letcher, Warren Juist, Wes Letcher and Ron Roels answered present. Mayor Larry Russell was absent. Also in attendance were Randy Balk - City Administrator, Bill Shirk - City Attorney, Heather Bennett - Tourism Director, Clink Kettler - Zoning Officer and Officer Dave Bartels - Sergeant at arms.

The pledge of allegiance was recited. Pastor Mathews from the Fulton Assembly of God Church gave the invocation.

Michael Walton, project engineer, gave a brief update on the highway 30 project. Six alternative alignments were screened against 23 factors within the four major categories of traffic and safety, social and economic, environmental and cost. The alignments were then scored and ranked. The Citizens Advisory Group will be meeting next week to give their input on the alignments.

Mayor Pro Tem Loerop began by moving the Martin House agreement from the Old Business section of the agenda up to the communication from visitors section since there were many people in attendance who wished to speak on the matter.

Loerop explained that recently the council voted to have the city attorney prepare an agreement between the city and the Fulton Historical Society which would return the maintenance of the house and property to the society. The agreement was written and included in the packets for the May 18, 2009 council meeting. At the meeting a revised copy of the agreement was presented to the council. The revisions were made to clarify whether or not the funds were separate from the house. At that meeting, the council voted to table voting on the agreement until the next meeting.

Neal Luker, representing the historical society addressed the council, stating the society would like to take over the care of the house again, using only the interest money from the funds. They would like to suggest a 5 year or 10 year agreement. The house is the oldest brick home in Fulton and although it is not completely handicapped accessible historic buildings are not required to be altered. When the upstairs is filled, they plan to make a video than can be shown to visitors not able to go upstairs. As in the past, they would provide the city with a monthly financial report.

Ald. Dykstra brought up the fact that the society believes all the money stays with the house and the city's belief that if the house goes to the Presbyterian Church, the money remains with the city to be used on a museum or community center. The city's attorney and the society's attorney have both given their opinion that the money does not have to go with the house if the city gives up the house. Several members of the society present at the meeting said they believed the Martins' intent was for the money to remain with the house.

City attorney Shirk said the only way to settle the difference in interpretations of the Martins' will is with a judicial decision. Either two parties are in a dispute or someone sues the city over the use of the money before the court can issue a declaratory judgment.

Randy Balk brought up the possibility of F.A.C.E. (Fulton Association for Community Enrichment) taking and managing the Martin House funds. Loerop thought 2 aldermen (C. Letcher and Roels) could meet with Neal Luker plus one society member to work something out, possibly with the assistance of the city's attorney and the society's attorney.

It was agreed that no action would be taken on this item tonight and it will be placed on the next agenda under Old Business.

Ald. Field moved, seconded by Ald. Sterenberg to approve the May 18, 2009 regular council meeting minutes. Roll call vote/all yes/motion carried.

Ald. C. Letcher moved, seconded by Ald. W. Letcher to pass Ordinance No. 1390 Enacting and Adopting a Supplement to the Code of Ordinances. Roll call vote/all yes/motion carried. This is necessary whenever we update the code of ordinances book with ordinances passed since the last update.

Ald. Dykstra moved, seconded by Ald. C. Letcher to approve the Mayor's appointment of Paul Wolf to the Zoning Board of Appeals. Roll call vote/Ald. Sterenberg, Roels, Loerop, W. Letcher, C. Letcher, Field and Dykstra voted yes/Ald. Juist voted no/motion carried.

Ald. Roels moved, seconded by Ald. W. Letcher to approve the Windmill Cultural Center Budget adjustments. Roll call vote/all yes/motion carried.

Old Business. Randy Balk said there will be some information for the next meeting on public use of streets criteria.

New Business. The city has been contacted by a circus that wants to use the Drives Park soccer field on June 17, 2009 for two performances at 5:30pm and 7:30pm. They would need a space of 150 feet by 200 feet and will have horses, ponies and llamas. They would pay the \$15 permit fee. It is not known at this time if the soccer field will be available that day.

Ald. Juist moved, seconded by Ald. W. Letcher to allow the circus to use the Drives Park soccer field on June 17, 2009 contingent on the availability of the field. Roll call vote/all yes/motion carried.

Ald. Roels moved, seconded by Ald. W. Letcher to adjourn. Voice vote/all yes/motion carried. The meeting adjourned at 7:05pm.

Minutes recorded by,

Linda Hollis

City Clerk

