

Board of Alderman Minutes
81 S. Orchard Blvd.
September 10, 2024
Page 1 of 19

PLEDGE OF ALLIEGENCE

Led by Mayor Voorhis

OPEN MEETING

Roll call taken by Mayor Thomas Voorhis

Richard Icenhower PRESENT, Dennis Roe PRESENT, Sherry Veach PRESENT, Kelly Petty PRESENT, Mark Stewart ABSENT, Ben Lord PRESENT

Call to order at 6:30 p.m.

Approve Agenda. Motion by Roe to approve agenda. Second Veach Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

Introduce and Swear in Officer Long

PUBLIC FORUM

OLD BUSINESS

DISCUSS SEWER CONNECTION 70 SOUTH ROCKRIDGE (Icenhower, Roe)

Icenhower – Well, it's kind of a bad situation. Number one, they didn't get a permit and number two, you got the letter from the lawyer in your packets and what they're trying to do can't be done.

Roe – And that's in regards to Section 700.090 Separate Sewer for each building and there is an exception but the exception doesn't apply in this case. So the history here for those who may not be aware of it, there's an accessory building on the property that they've put a bathroom in and they've connected to the house sewer. This ordinance says that every building on a lot needs to be connected separately to the sewer line.

Petty – And had a permit been requested from the city, they would have been notified about that ordinance prior to installing the sewer line to the house.

Roe – I believe that's correct.

Icenhower – That's right. If they had got a permit, they would have known what they could do and couldn't do.

Roe – And they could have made a decision on what to do to move forward. So that's the history there.

Voorhis – So I guess my question is how are we going to proceed. Are we going to proceed with sending them a letter stating what our attorney says and what we decided as a council. That we're going to

Roe – I think that would be the appropriate action. Yes.

Icenhower – Well they will need to dig it, if I understand it right, they've already tapped into the line and they'll have to dig down, disconnect it and Kenny will have to inspect it to make sure it's disconnected.

Voorhis – Is this something that we would need a motion on for you to send the letter to them explaining that Miss Sara?

Icenhower – I don't think we need a motion but a consensus of the Board.

Roe – I think the attorney has recommended that we do a motion.

Icenhower – Is that correct?

Roe – Yeah.

Motion by Icenhower that Property Owners at 70 South Rock Ridge disconnect the accessory sewer from the house and it be inspected by Public Works Superintendent. Seconded by Veach Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

DISCUSS SHIPPING CONTAINER ORDINANCE (Petty, Roe)

Roe – You've got an ordinance for the use on shipping container storage within city limits. This came from Planning and Zoning. We briefly looked at it at our previous meeting so this is the time to make comments about it, changes, recommendations that you would like to see done on this.

Veach – What was that?

Roe – This is the time to make recommendations for changes on this ordinance that's been written, presented by Planning and Zoning.

Veach – Has this changed since the last one we had?

Roe – No.

Veach – I didn't think so.

Roe – The one comment I remember, there was a comment about it was allowed in residential for half acre lots or larger and the comment was made going even larger than a half acre lot.

Veach – I think Richard made the comment about making it be even larger than a half acre lot.

Icenhower – My comment was make it an acre but my actual comment is to be against it all together. I don't feel like they should be in a residential area period. You're opening up a keg of worms here. I read that ordinance about painting them and all this and setbacks and I think we're just opening up a keg of worms personally. I think they shouldn't be allowed in a residential area at all. Commercial's different.

Veach – And my comment to that was, the last time we met, I said that they will withstand winds of 150mph without being tied down, they are air tight, waterproof, bug proof, rodent proof. They will rust but they will not rot like regular metal will and it makes for a sturdier and better protected storage area than they typical portable building that will be wiped out by a good wind.

Icenhower – Well you're not really comparing apples to apples.

Veach – Well, no, you're not comparing apples to apples but what you are doing is you are trying to put in something that is more secure and will last longer than a portable building. It will keep your property better protected from the elements and theft. They do need to be put on a solid foundation of gravel or concrete because if they are not level, they will not open and close properly.

Roe – What is mentioned in here is it would be treated as an accessory building which you have to put a base down. It's recommended that they put a base down for an accessory building. That's how it's written. This was three different cities that was combined into one. The Chairman of Planning and Zoning did this. My original thought was not to allow it in residential at all. I don't like the looks of them but I did agree to a large lot because there's a number of large lots in Fair Grove. I can go either way on that.

Icenhower – Well, I've voiced my opinion.

Voorhis – Just for clarification, currently we do not have anything on the books? People are still allowed to bring them in, so on and so forth?

Roe – Yes.

Icenhower – We've got some already in. Of course, they will be grandfathered in, but I'm going to throw it out there.

Motion by Icenhower not to allow storage containers in residential areas and only allow them in commercial areas. Seconded by Roe
Icenhower AYE, Roe AYE, Veach NO, Petty AYE, Lord AYE

NEW BUSINESS

DISCUSS PLANS FOR SWAN ESTATES (Agenda Request)

Voorhis – Before we call up the owner of the property, I would like to talk about this a little bit. Here at the city, when we have people coming in to build commercial lots we require plans for our building inspector to look at. We keep them plans onsite here at city hall. They're approved by our engineer for commercial properties. The plans approved by this property owner have gotten misplaced. The city is taking responsibility in that, we've acknowledged that and we've commented to this property owner that we are willing to pay for it. I would like to add that we are human, people make mistakes, things do get lost and misplaced. So, we want you guys to know that we have acknowledged that we lost them and we don't know what is done with them. We are willing to provide for them plans to get replaced. I would like to call up the property owner to talk about this.

Ms. Lampe, as I know who you are, if you don't mind just to state your name and the property that we would be talking about.

Karla Lampe – I'm Karla Lampe. I'm the owner of Swan Estates over at the corner of 125 and Swan Street. When did the plans go missing?

Voorhis – Ms. Lampe, we don't have any hard dates. We have been aware of this when our city engineers were needing to look at it. I wish I could give you a date but I can't give you a date because we don't know.

Lampe – Why wasn't I notified?

Voorhis – Ms. Lampe, when we got the plans, the city had approved them plans. We issued the building permits to you. I can't sit here and tell you why you weren't notified. I can say us misplacing it or losing them falls on the city but we've approved your building plan and for that I'm gratefully sorry that we lost it but we approved it so we didn't feel... you know, I can't talk about when they got lost or anything like that but nothing was going to hinder you from building over there.

Roe – Karla, if I could just interject. I think you weren't notified because we weren't aware that they were lost until, if I remember correctly, Carey Breshears asked to see them.

Lampe – Right. Well the disturbing thing is that there's two sets of plans gone. Not one, two. I brought in the original set that the engineer worked off of, the girls worked off of. I brought in a second set when I heard that Phil was retiring and Carey was going to be starting. I brought in a

set and I asked Sara to give it to Carey so that he could get up to speed on the project. There's two sets of plans gone.

Icenhower – I think one set still here, right?

Davis – We do have one set but it's just a copy. It's not an engineered stamped copy.

Icenhower – It doesn't have the engineer seal on it. Isn't that right?

Davis – Yes.

Lampe – They all have the engineer seal on them.

Davis – These do not. Even the ones I believe that Dale is working off of do not have the stamp on them according to Carey, who's sitting right behind Dale.

Dale Whiteside – The set that I have does have the seal on them. The set that he's looked at doesn't have it. I don't believe that's an original copy like the ones you guys have. You guys received those, I believe I'm correct, you guys actually got three sets. You got the one set you looked at to approve that went to the engineer and then that's what the engineers drawn up and put together that had the stamp on it for the final set that she brought in later. So I work off a set, they're identical, nothings changed, but when it went for final approval, the engineers got the stamp. That's where the original set that I have without the stamp but I also have a set with the stamp on it but from memory, that's what I can remember that happened. So technically you guys should have three sets.

Davis – I only remember having two. I think Chandra remembers the same thing, am I right?

Lampe – The first set, they probably disregarded because those weren't done.

Davis – Was that when Darra was still here?

Lampe – Probably.

Davis – Okay. Well then I can't vouch for that because Darra handled everything.

Lampe – Andy probably took those with him to...

Davis – Could have.

Lampe – Cause those weren't stamped.

Board of Alderman Minutes
81 S. Orchard Blvd.
September 10, 2024
Page 6 of 19

Davis – He very well could have.

Lampe – Those we will call the prototype. So those are not in question. They're junk. But the concerning thing is that my engineered stamped plans are missing. Anyone can take those, anyone, in this county or surrounding counties and they can build them. I paid tens of thousands of dollars to have those drawn up. They were locked in a file cabinet but as far as I've been told, Sara and Chandra are the only ones with keys at this time, to this cabinet. Sara and Chandra have nothing to gain in destroying these plans. Nothing. So who had keys to the safe, or the filing cabinet is the question. I don't even care about the answer anymore. It's just going forward, are they going to be safe.

Voorhis – Ms. Lampe, what I can assure you is since this incident, the city has taken steps to remedy this and make sure it doesn't happen again.

Lampe – Cause at this point if they go missing again and Sara and Chandra are the only ones with the authority to open that safe, they're the ones that are going to take the brunt of it, correct?

Davis – Oh yeah.

Icenhower – Well at one time, correct me if I'm wrong, Sara, there wasn't a lock on that door.

Davis – That would be correct, and Darra had the plans up front that she was working with. We didn't move that until recently.

Icenhower – Since then, before we knew you had any missing, there was an issue that came up and we had Kenny put a lock on the door but prior to that, there wasn't a lock. That was not involving your plans at all. That was...

Lampe – No. Because my stamped plans came after Darra.

Icenhower – Well, this was after Darra.

Petty – The lock on the door?

Icenhower – Yes.

Lampe – But do you understand my frustration that if I see one of my buildings going up somewhere?

Icenhower – I understand exactly what you're saying. I'm very sympathetic with you, Karla. It's happened. There's not a whole lot we can do other than pay to get the plans replaced.

Lampe – Well yeah. I talked to Sara about that and that's not the big issue. It's just that there has to be, I mean I need to know that my stuff is going to be safe and that if you've got a lock on there, great. Sara and Chandra understand that if something goes missing, they're in deep water.

Icenhower – I think we addressed that situation when we put the lock on.

Lampe – And they're the only two with keys?

Roe – Yes.

Petty – Is it possible to have a log of when plans are removed, like sign them out?

Davis – Yes. We have since implemented that.

Roe – But with that said, they can't leave the building.

Davis – No. We don't want them to leave the building. You need to look at them here.

Icenhower – We addressed that issue at the same time we put a lock on it. So your question has been addressed but you got caught up in the middle of it.

Lampe – It's frustrating because I brought that set of plans in to try to keep everything on track so Carey could get caught up to speed and make his life easier and then Carey's asking Dale, I need a set of plans, and I'm like they're up at city hall. Go get them. Nobody said a word to me about them being gone. I don't know how many times did you ask for them? Three? Four? Five times? How many months ago? How long has Carey worked here? Nobody told me the plans were gone. Nobody. And people know. I was the last one to know. When I came up last week and asked Chandra where's the plans, Carey needs them. They're not here. Great. I don't need anymore delays. Winter's coming.

Icenhower – I don't think this is going to delay it at all, Karla. It's just the situation. I think there is a set of plans. Carey, you got a set of plans but they don't have the seal.

Carey Breshears – Correct. They need to have the seal.

Lampe – I have a set printed at my office for you but I am going to white out or cut out the seal. I will not provide another seal.

Icenhower – Well, that's up to him and you.

Lampe – I'll let him see it before I cut it out. Cause at this point, this isn't Karla's going to pay for everyone to build a damn house.

Icenhower – Like I said. I will reiterate. I can sit here and apologize all day, Karla but there's just so much we can do. But like I said, it has been addressed as to what happened or how it happened. I don't think anybody has any idea where your missing plans are, but things happen.

Voorhis – Ms. Lampe, I would like to thank you for coming up and sharing that. We greatly appreciate you building here in Fair Grove and as far as the city has offered is that the remedy that you would like to have out of this outcome is us pay for them plans or what remedy were you looking for tonight?

Lampe – I'd like to know who took them but I know that's not going to happen.

Voorhis – We're not going to be able to obviously figure that out and provide that. So with this, is that a satisfactory remedy that we can provide to you is replacing them plans?

Lampe – Yeah. Sara and I talked about it. That will be fine.

Voorhis – Thank you.

Icenhower – I would like to say one thing. I really appreciate what you're doing. It's a big asset in town and I hate that the asset that you're providing for this city, we screwed up.

Lampe – I'm doing everything I can to make the people who live in there be so happy they want to move to Fair Grove.

Icenhower – I appreciate it.

Roe – Thank you.

Voorhis – Thank you very much.

Lampe – And in three weeks, we will be able to give a tour of the first building.

Veach – Karla. Over the years, you are going to be thanked many times over for this. You're heart is so much in the right place and people will, eventually see how much is doing for this.

Lampe – Do you know how much sleep I don't get?

Veach – Yes. This is true, very true.

DISCUSS AND/OR APPROVE DRIVEWAY AT 54 E. WILLOW STREET (Agenda Request)

Voorhis – Before we call the homeowner up, we will have Mr. Roe go ahead and speak about this to kind of give a little bit of background.

Roe – Steve and Gloria Short bought the lot next door to them that had a vacant house. The house was taken down and demolished and hauled off. They did a property line adjustment so it's now one lot. Then they decided that they were going to build a storage unit at the back of this additional lot and the building the complete. It looks beautiful. I went over and visited with Steve about the driveway because for the final inspection he was written up that he didn't have 100 feet of concrete or asphalt driveway per our current code. So, because of the neighborhood, and I'll ask Steve to speak to this. It's an older subdivision that has a lot of driveways that are gravel and even secondary driveways that are gravel. He would like to avoid that cost. With that said, when I visited the property, there is an asphalt driveway that you're using to access that building. There's rock over that and it goes 40 something feet approximately so it's not 100 feet long. I reviewed the ordinance with Steve. Steve acknowledged there's an ordinance that the driveway has to be concrete or asphalt for 100 feet. He wanted to plead his case before the Aldermen board so Steve, if you want to speak at this time, you're welcome to.

Steve Short – 70 East Willow and this is Permit # 24-01 and I'm asking approval for the final inspection and occupancy permit to be approved without the installation of the 100 by 20 foot concrete drive. This is an accessory building, nobody will be visiting this site and it's for car storage, automobile storage and RV storage. As Dennis shared, it does have an existing 25 foot wide and 40 to 45 foot long driveway. The neighbors on both sides of that driveway have secondary culverts to access their backyards and the parcel now has three concrete off street parking spaces and that's in compliance with this parking code that we're dealing with that requires two. So in conclusion, I'm asking for your approval of the final inspection and occupancy permit without having to construct a 100 by 20 foot concrete driveway.

Roe – 100 foot by 20 wide.

Short – 100 by 20 wide. Any questions that I can answer?

Icenhower – Did you do a property line adjustment?

Short – No. I did an adjustment through Greene County.

Icenhower – Why did you go through Greene County? Fair Grove doesn't have any record of it. I think that's supposed to be done by the city of Fair Grove.

Short – I do have, through the county, I have the paperwork for that if I can present it.

Icenhower – My question is why did you go to the county instead of doing it through the city?

Short – My opinion was I didn't need to do a property line adjustment. I wasn't going to do a property line adjustment and I didn't want to move either property line one way or the other. So a property line adjustment wouldn't be necessary in my opinion.

Icenhower – Well you said you done one through the county.

Short – I combined the parcels.

Roe – He combined the parcels into one parcel?

Short – Into one parcel.

Roe – So maybe I misstated that earlier.

Icenhower – Well it changed the property line.

Short – There are at least three other parcels on Willow Street, that are multiple lots. This is a single parcel but Lots 22 and 23. Lots 1 and 2, the first house on the left when you go in, that is two lots but one parcel.

Icenhower – So you don't think you need to do a property line adjustment?

Short – No. There was no need for a property line adjustment.

Petty – Does it affect the assessed value?

Short – Well, again going back to the code, I wouldn't be allowed to put the accessory building on an individual lot because you can only put an accessory building *unintelligible* so I wouldn't be able to put the accessory building on the lot unless it was one parcel.

Roe – With that said, Steve, I can't remember if I shared this with you or not when I visited you but we did have our attorney look at our driveway ordinance and the attorney said it's very black and white that all driveways, the first 100 feet from the street has to be paved. And with it being black and white, that means no gray area obviously and we have asked Carey, our building inspector when he looks at accessory buildings if there is a driveway to it, which you have a gravel driveway to it, we've asked him to follow our ordinances and that's what he's done. So with that said, I don't see any alternative here.

Short – And the reason I asked, 233 North Orchard didn't put any driveway in, zero.

Board of Alderman Minutes
81 S. Orchard Blvd.
September 10, 2024
Page 11 of 19

Roe – He’s using an existing driveway of another house, correct?

Short – He’s using an existing easement.

Roe – How that got missed, I don’t know.

Icenhower – He’s not coming off a street, he’s coming off of an easement. It’s an alley. He’s coming off of a private easement. That’s not apples to apples.

Short – If that’s your decision, I can live with that. I would ask for a few months to allow me to arrange for concrete.

Roe – I understand.

Icenhower – I don’t think that would be a problem at all.

Short – Would you be willing to give me the final and the occupancy with the understanding that I will provide the 100 foot by 20 by 10 foot radius within one year?

Veach – I don’t think that would be a good idea.

Icenhower – I don’t know whether I want to do that or not. Somebody else speak up.

Voorhis – Steve, I think as we all... just this year we’ve had many instances about driveways and for us to change it and for us to give you an exception to it...

Short – And I can understand. It’s a hard pill to swallow.

Icenhower – Well, you open up a keg of worms.

Roe – Do you think you could do this in 90 days? Is that reasonable?

Short – Well, let me tell you that I waited almost 7 months to get the first concrete in the ground.

Roe – I understand. You asked for 12 months that’s the reason I’m saying 90 days. Something on a shorter time frame.

Short – I can try to get it done in 90.

Roe – Carey, are you okay with that?

Breshears – With what?

Icenhower – Well, if not...

Breshears – The property line? Going through Greene County instead of going through the city of Fair Grove? Are you asking if that's okay?

Roe – As a building inspector, if we give him 90 days to complete the driveway, that's what I'm asking.

Breshears – If he can get it done in 90 days, the permit shouldn't be up by then.

Short – How long are they good for?

Breshears – 18 months.

Roe – You're good then.

Short – I got it after the first of the year. I'm 24-01.

Roe – Okay, you're good. Thank you Carey.

Voorhis – Thank you Mr. Short.

Short – Thank you!

**DISCUSS AND/OR APPROVE PLANS TO REVIEW FIREWORKS ORDINANCE
(Petty, Roe)**

Petty – So, a couple of meetings ago, some citizens voiced concerns about the current fireworks ordinance. Concerns with difficulty interpreting it as well as the fact that it allows fireworks year round. In response to that I just would like to ask for another Alderman to review the ordinance with me and bring back a recommendation and that recommendation could be no change, or a suggested change or to not allow them.

Veach – Well, I've already looked at it and what I see and what I've seen in the past years is come fourth of July, we have a few people that complain. After everybody runs out of their fireworks, everything's fine. I don't see anything in here that actually needs to be changed. That's my opinion.

Icenhower – Well, you've really got two choices. Either leave it like it is or completely do away with them. Otherwise, you can't police it.

Veach – That’s right. And if we allow some, then we’ve got to allow all. You can’t pick and choose.

Voorhis – The constituents that came up and complained, they weren’t upset about the fireworks if I recall, they were upset about the times of allowing them to shoot them off at all different times of the night and in our ordinance we already have times.

Veach – Yes. We do have times and during the fourth of July, it doesn’t even get dark until after 9:00 and the ordinance says 10:30.

Voorhis – So if I recall, she wasn’t upset about fireworks year round. She was upset about after the week of the Fourth of July, that they’re shooting until 10:30. We’re already policing the fireworks until 10:30 the way our ordinance reads. So what’s the difference if we roll that time back. If we look at doing that without changing too much to it. I mean, that’s what the complaint was about was children school aged going to school and the fireworks were being shot off at 9:30, 10:00 at night with young children in the house after the weeks of Fourth of July.

Icenhower – Well, then again, like Sherry said, what time does it get dark?

Veach – 9:30 anymore on the fourth. That gives them an hour to an hour and a half to shoot them off.

Roe – I think the bottom line is, is there anyone interested in working with Kelly to review it? If not, then we can make a decision now to not make any changes.

Motion by Veach to leave fireworks ordinance as is. Seconded by Icenhower
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

DISCUSS AND/OR APPROVE BID PROPOSAL FOR FLEET GENERAL SERVICE AND MAINTENANCE

Mailed to two businesses, posted at City Hall, Website and Buffalo Reflex. Received one bid back.

Motion by Roe to approve Premier Automotive for Fleet General Service and Maintenance bid.
Second by Veach
Icenhower ABSTAIN, Roe AYE, Veach AYE, Petty AYE, Lord AYE

DISCUSS AND/OR APPROVE BID PROPOSAL FOR PROPANE

Contacted five businesses for phone bids and received back three bids.
Motion by Roe to approve Thompson Gas for Propane bid. Second by Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

DISCUSS AND/OR APPROVE BID PROPOSAL FOR HVAC SERVICE

Mailed to three businesses, posted at City Hall, Website, and Buffalo Reflex. Received two bids back.

Motion by Roe to approve Cozy Heating and Air for HVAC bid. Second Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

DISCUSS AND/OR APPROVE BID PROPOSAL FOR HEAVY EQUIPMENT CONTRACTOR

Mailed to eight businesses, posted at City Hall, Website and Buffalo Reflex. Received one bid back.

Motion by Icenhower to approve LaFollette Excavating for Heavy Equipment Contractor.
Second by Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

DISCUSS AND/OR APPROVE BID PROPOSAL FOR SNOW REMOVAL SERVICE

Mailed to eight businesses, posted at City Hall, Website and Buffalo Reflex. Received one bid back.

Motion by Icenhower to approve LaFollette Excavating for Snow Removal Service. Second
Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

DISCUSS AND/OR APPROVE BID PROPOSAL FOR PLUMBING SERVICE

Mailed to three businesses, posted at City Hall, Website, and Buffalo Reflex.

Motion by Icenhower to approve DeLong Plumbing for Plumbing Service bid. Second by Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

BILL NO. 24-10 AN ORDINANCE ESTABLISHING THE TAX LEVY ON ALL REAL AND PERSONAL PROPERTY LOCATED IN THE CITY OF FAIR GROVE, MISSOURI FOR THE YEAR 2024. Posted 8/21/2024

Motion by Roe to have the first reading of Bill No. 24-10 by title only. Seconded by Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

MAYOR READ BILL NO. 24-10 BY TITLE ONLY.

Motion by Roe to approve the first reading and have second reading of Bill No. 24-10 by title only. Seconded by Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

MAYOR READ BILL NO. 24-10 BY TITLE ONLY.

Board of Alderman Minutes
81 S. Orchard Blvd.
September 10, 2024
Page 15 of 19

Motion by Roe to approve second reading of Bill No. 24-10 by title only and assign it Ordinance No. 266. Seconded by Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

**DISCUSS AND/OR APPROVE ACTION ON PROPERTY AT 357 S. MEADOWLARK
(Chief Howell)**

Howell – I believe you guys got pictures in your packets about this residency. This is something that isn't taken lightly. It's possible condemnation of property. There's many steps we have to take in order to do something like this. It's something that's not easy to do but we probably need to move forward and alert the owner that we're taking steps forward to try and get them to improve their property. That being said, we originally reached out to the attorneys originally and there are several steps we have to go through. Inspection and reports, which we had gone out, I went out originally during the nuisance checks, made contact with this owner, had a discussion with him, got the door slammed in my face, talked to him about his house a little bit and his property. He wasn't very receptive. I tried to ask him if he was a veteran or anything like that so we could get him some help, he still wasn't very receptive. Just so you know, there is, I just found out today, there is a child that lives in that residence. It is an older child but there is a child in that residence. So that weighs on it a little bit too. The building inspector and I returned, I gave him a date that we would be back, he was gone that whole week, the owner of that residence. So I was not able to make contact with him or have the building inspector go inside the house. The building inspector looked at the outside of the house and drew his reports as inhabitable. From there, just so you know, 505.010 Dangerous Buildings Defined under Section 5 of that *"Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein."* Or 6 *"Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein."* There are a couple of Sections of this that fit in there and number 9 *"Those which are so vermin, rodent, insect, termite or other pest infested as to be dangerous to the health, morals and safety or general welfare of the people of this City."* As you guys can see in the picture of that house it's clear that the roof of that house is decayed and rotted so bad that there are animals living in that roof. I would bet that there is black mold in that roof. There is one section there that there is no roof at all, it's a deep hole with a tarp over it. You are seeing the front side, you're not seeing the back side. The building inspector and myself went on the backside. The back side is worse than the front side. That being said, following our ordinance for condemnation, moving forward, our next step is 2. Notice. We need to provide a notice. The owner, occupant, and anyone having an interest in the building (as shown by the recorder of deeds of Greene County, MO) must receive written notice that the building has been found to be dangerous by the building inspector. Per Sec. 505.040(5) of the city code, this must include "a description of the building or structure, so found to be a 'dangerous building' together with a statement of the particulars which make the building or structure a 'dangerous building' as defined by Section 505.010 of this Chapter and detrimental to the health, safety or welfare of the

residents of the City”. It’s not only the occupants of this residence but it’s the people that live around it too. As well as an order requiring the demolition and removal, securing or repair of the dangerous building. Now part of this is that they start taking action within 30 days to repair, the city can back up and say okay, they are taking action, let’s backup, let’s see what we can do. I’m not saying go forward and just condemn the house. I’m just saying I think we need to serve notice to give this individual notice that we are taking action and that he needs to move forward, the occupants need to move forward in doing something with this residence.

Petty – Has anybody besides the police department tried to talk to this homeowner?

Howell – Not at this time.

Lord – Do you have complaints on the house? Are the neighbors complaining?

Howell – I think there are complaints in the neighborhood about it, about the value of the neighborhood.

Lord – I understand that but have you received complaints of people calling the police and making complaints about this property?

Howell – No, I have not. Other than the nuisance when I had a bunch of complaints, and I went and drove the roads and found the worse houses and that just happened to be one of them. And It’s quite obvious that that house needs some attention. I do think if we have an ordinance that we need to follow that ordinance.

Icenhower – Well, number one, I’m not going to touch it and number two, the city has no liability. That’s private property. So the city has no liability, quote unquote from our attorney.

Petty – I believe that the attorney said that the city would not be liable for not condemning the property if someone gets hurt on their personal property.

Lord – You said there was a child living in the home? What about the DFS route?

Howell – The child age makes it a little difficult.

Roe – Is the child an adult?

Howell – Not quite but close.

Roe – Okay, but close?

Howell – Yes. Which becomes an issue.

Lord – That becomes an issue with DFS?

Petty – Is this like a mandatory reporter situation?

Howell – Can be. If you look at the state statute, it doesn't really fall.

Lord – I put that out there, Chief, just to try... like I get it, you have a problem but there are other ways to tackle this.

Howell – That's what I was looking for and I was trying to see who could kind of nudge to get this owner to move along because something needs to be done with that property. It's not necessarily that we're going to condemn it, it's to get this owner to take action.

Lord – And I see where it's talking about the notice there. It's not just hey, here's a notice that we're condemning the property or demolition.

Howell – No, it's not.

Lord – It also says or repair.

Howell – Yes, repair. It's hey, what can we do to help you get some repairs going. That's what I'm looking at.

Petty – Is there a way to go about this in a non-official way? Is there a way to connect this homeowner with other resources? I know that you mentioned ...

Howell – I was trying that.

Petty – Right. But maybe not everybody has a positive view or relationship with law enforcement. Is there another avenue that we can try to approach this homeowner that might be more positive for them to present resources or opportunities for them to pursue?

Howell – We can try doing that maybe with the Police Citizens Advisory Committee.

Veach – Volunteers to go and help them.

Icenhower – I don't have a problem with that but I am not going the condemnation route.

Howell – And I don't want to go that way, that's what I'm trying to tell you. That is one of my last steps.

Board of Alderman Minutes
81 S. Orchard Blvd.
September 10, 2024
Page 18 of 19

Veach – That may put them on the street. I don't know who it is, don't know anything about them but that is something that could put somebody on the street.

Petty – I could not morally move forward with potentially making somebody homeless...

Howell – And I get that.

Petty - ...and then dealing with the legal process.

Howell – I understand that. But we have to take some action to get this person to move forward.

Petty – Right, so what can we do to help them instead?

Howell – Do you have any ideas?

Jeffrey Danderson – I do. Send somebody other than the police department out there to visit with them. They don't like the police. I'm catching that just sitting here listening. Send somebody else over there to visit with the guy.

Voorhis – Would possibly one of the Aldermen who lives in Ward 3 be able to go talk to him? Would that be something that you guys would volunteer to go do just to get a read? If he's not accepting the police department on behalf of the city, I mean these are constituents that live within your ward, so.

Lord – I can take care of it.

Voorhis – Thank you, sir.

Lord – You're welcome.

Voorhis – Chief, I think we will move on with Mr. Lord making contact with them and we can revisit it at a later time on what he figures out, sir.

Howell – Thank you.

**DISCUSS AND/OR APPROVE PURCHASE OF NEW RETURN PUMPS FOR WWTP
(Roe, Icenhower)**

Roe – I am presenting this as an emergency purchase. You've got before you the bid for two pumps, they're 7 ½ horsepower pumps from Homa Equipment. The combined price is \$11,090 for those two pumps and they added shop assembly. The components are available for these pumps and is it Pennsylvania where Homa has a warehouse? I think it's Pennsylvania. The components are available but it would be 6 weeks for them to assemble the pumps. If the

components are shipping to Kansas City to the shop there (the company the services our Wastewater Treatment Plant) they'll assemble them for \$1,183, so that's \$1,183 and they will install them and make sure everything is right for \$2,200. It's a total cost of \$14,473 when you add all of those numbers together. The reason I am considering this an emergency purchase is we only have two pumps, they're both rebuilt pumps, one went down about two weeks ago so we're getting by on one right now but we've not had any significant rains. That one pump that is down is out for rebuild and these are older pumps so rather than wait and get additional bids, and I think the additional bids are going to fall in this ballpark, I'd like to do an emergency purchase for up to \$15,000 which would cover these two pumps from Fluid Equipment and we can have them in two to three weeks instead of six weeks out of Pennsylvania. Most pump suppliers are saying three to four months to get pumps right now. As you know, inventory is low with everything. So I'm trying to be proactive. Any questions about that before I make a motion?

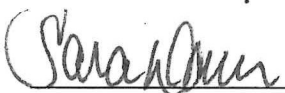
Motion by Roe to purchase two Homa pumps for up to \$15,000 which includes the shop labor, installation and startup. Seconded by Veach
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

MAYOR REPORT

ADJOURNMENT

Motion by Veach to adjourn at 7:32pm Seconded by Icenhower
Icenhower AYE, Roe AYE, Veach AYE, Petty AYE, Lord AYE

Adjourned at 7:32 p.m.



Sara Davis, City Clerk