

Board of Alderman Minutes
81 S. Orchard Blvd.
February 28, 2023
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OPEN MEETING

Roll Call taken by Mayor Stephen Short
Jeffrey Danderson PRESENT, Richard Icenhower PRESENT, Ben Lord PRESENT, Sherry Veach PRESENT, Dennis Roe PRESENT, Leon Beaty PRESENT

Call to order at: 6:30 p.m.

APPROVE AGENDA. Motion by Roe to approve agenda. Second Veach
Danderson AYE, Icenhower AYE, Lord AYE, Veach AYE, Roe AYE, Beaty AYE

PUBLIC FORUM (May speak on any item on agenda)

Old Business

None.

New Business

MASON HARTLEY TO ADDRESS BOARD OF ALDERMAN.

Mr. Hartley wants to discuss the house he built at 295 N. Kellen. He received bills for engineering services from the City. He got a flood plain permit through the City. If he did it through Greene County, he feels they would handle it and absorb all of the cost. Danderson asks Mr. Hartley if he is of the opinion that the City is responsible for these bills. Mr. Hartley feels these bills are the cities responsibility. Mr. Hartley explains that it was a 6-month battle with FEMA and it cost him an extra \$10,000, he had to hire another company to get everyone on the same page. Danderson asks if the house is built and sold. Mr. Hartley said it was. Danderson asks if this is common practice and asks if we absorb the bills ever? City Clerk responded that we do not absorb the bills and they are passed onto everyone if they exceed the deposit amount put down with the City. Danderson disagrees with Mr. Hartley and thinks that Mr. Hartley should pay the bill. Mr. Hartley said he wasn't aware that there would be other charges. Danderson asks if he has ever said anything to anyone about not paying the bill and Mr. Hartley stated he hasn't.

Beaty asks what the company did that we are billing for. Mr. Hartley says Andy with Anderson Engineering explained what a surveyor needed to do, helped guide him through the paperwork and helped him through the process with FEMA.

Roe asks Andy with Anderson Engineers what the process is when someone gets a floodplain permit? Andy says that he looks at plans and permits and as they are received they review them to make sure everything is done by our Ordinances and state law. They give feedback and have the developer correct any mistakes. Mr. Hartley started the process on his own. FEMA and SEMA have requirements and, in this case, there was some issues with those requirements being met. There is a process and there is a reason for it, you should do your homework and make sure the process is followed. The liability for not complying is much greater than not complying.

Roe says he is on planning and zoning and it is his understanding that the building permit is a flat fee and we know that there could be additional costs on these and it has always been our policy

to pass those fees on. It is unfortunate that this process took longer than expected. We employ Anderson Engineering to protect the City's interests. It appears to him that Andy did his job and it appears to him that Mr. Hartley owes the money.

Mr. Hartley thinks the City needs to inform people that they would be paying anything over.

Mr. Hartley says he will make note of that and have a check tomorrow.

CITY ENGINEER TO UPDATE ON PROJECTS

Andy says we finished the Main Street project and the paving projects, if they have any questions to let him know. We have a sidewalk project underway that is currently in the design phase. Anderson Engineering is assisting with a rate study. Happy to answer any questions about any of that. Working on a generator project we want to get bids on and get a bid document set up to do that. Having a process to compare bids is a good plan. Andy wanted to reintroduce himself and answer any questions.

Danderson says he knows that there was a problem with a property owner and asks Mayor if that has been cleared up. Mayor says it has not been. Danderson asks if we can get that cleared up. Andy says there is a permanent easement and temporary easement. Danderson says we need to revisit that with her and a meeting needs to happen. Andy says they are happy to come up any time.

Danderson says that we are coming up to budget time and we had a big, long lists of culverts the city was looking to replace. If the city decided to do something about this, what kinds of permits would we need. Andy says a company out of Springfield generally fabricates those and we would probably need a small crane to put those in. If we are just replacing, we should be fine, if we are changing the flow of the water then we need a Corp of Engineers permit and a State general permit.

PARK BOARD APPOINTMENT RECOMMENDATIONS

Mayor says that by state statute he puts a name before the Aldermen. Danderson asks if before we get to this part, could he address the board about this. We have had these recommendations in front of us, we went a long period of time without anyone interested, he just wanted everyone to know what his opinion is. His view would be to take the order in which they came in. 1, 2 and 3. He doesn't personally know any of these people and if the recommendation isn't to put them on there in the order that we received them he will not vote appoint anyone. The way it is the board takes the recommendation from the Mayor. Veach asks the order. Danderson says it is Becki Carr, Brittany Counterman, Jerra Icenhower, Brandy Dittman and Alycia Ballinger.

Mayor asks if anyone else would like to ask him any questions. Mayor says he looks at it as the ones that he thinks would do the best job. Mayor recommends Becki Carr for a term to expire in June 2024. That name is before the Alderman.

The second is Jerra Icenhower to fill the vacancy that expires June 2023. The third is Brandy Dittman for a term to expire June 2023. Mayor asks for the order that they were received.

The Mayor now puts forward Becki Carr for the term to expire June 2024, Brittany Counterman to expire June 2023 and Jerra Icenhower to expire June 2023.

Motion by Danderson to accept recommendations of Mayor Becki Carr, Brittany Counterman and Jerra Icenhower to go on the park board. Seconded Roe
Danderson AYE, Icenhower ABSTAINED, Lord AYE, Veach AYE, Roe, AYE, Beaty AYE

Leon asks if we will keep the remaining applications on file and announces that the next park board meeting is scheduled for the 13th at 6:30. Krystal says yes, if we have any left. Danderson says that's okay, we can get more.

DISCUSS EMAIL FROM CITY ATTORNEY

Danderson says it looks like the attorney gave us a list and we need to follow the list. Icenhower says we need to get a survey of the property and the easement and he would suggest an easement of a minimum of 30 foot. Beaty says that we have an entrance that we just need to get a blessing from DNR. Beaty said he thought that had been done. Roe says no.

Danderson says that DNR decided this isn't a conversion which means do what we need to do to get it done. The first thing that needs to be done is a survey. Beaty says that the library should pay for the survey. Danderson says he doesn't think that the library needs to pay for the survey.

Roe said that since we are doing an easement he thinks that Street Committee should handle this. Danderson asks if it's okay with the board for the Street Committee to handle the right-of-way on the road. Consensus of the Board to have the Street committee handle it.

Mayor asks turnaround time on survey. Surveyors are still booked out. Icenhower wants to know if Anderson Engineering will have to speak with the library board, Andy says that they will want to talk to the library to make sure they survey the correct property.

Beaty says in his discussion with Regina Cooper she said that their board has approved the purchase and their people will come out and look at the land. If it will work, they will contact City Clerk.

DISCUSS FAIR GROVE MUNICIPAL COURT

Mayor says we are approaching budget time and in 2018 our net income was \$12,000, and more recent budgets show a loss. Icenhower asks what he is saying and Mayor says that it may be time to let go of the court. Icenhower says that the only savings he sees is \$300 a month because we still have expenses. Veach agrees. Danderson says that there are a lot of figures. The first one is the prosecuting attorney and we have to pay him no matter what. Court clerk is still employee so the city will still have that cost. Icenhower is right about the \$300 a month. Danderson says he would have to dig in a little bit deeper. We need to figure out what the figure would be if court wasn't in Fair Grove. He can't tell off of some of this stuff. We don't pay the prosecuting

attorney until he walks into this building. Anyone who wants more figures can contact City Clerk or City Treasurer.

Roe asks Darra her opinion. Darra doesn't think the benefits of going to Associate Circuit are going to make any difference. It might be worse, because court contributes to a lot of different expenses and we will lose all of that. She doesn't think there will be that much gain and there is a lot of work involved in doing it. It wouldn't happen overnight, and it could be 6 months.

Beaty asks chief if there are many cases if an officer has to testify. Chief says the only time an officer has to testify is if there is a trial.

The Mayor thought it would help the City Clerk. Mayor says Sparta told him it took 2 months to transition. Nixa and Ozark said it took them 6 months to transition.

Icenhower asks Mayor why he does things without the consent of the board. You aren't authorized to go out and start things. Icenhower asks if he is going to continue to do it. Mayor says he will continue to do what he thinks he can do. Icenhower says you have committees and he needs to let those people handle it.

Danderson says he didn't know that Mayor called the Labor Department and he never knew about it until after a meeting one night. The Department of Labor didn't say that the City did anything wrong. Danderson says he wishes that the Mayor would ask the board to do these things and then the board will know. It wouldn't be a surprise. It isn't the fact that he does them but it's the way he goes about it. Why doesn't he just tell them. Keep them in the loop. When he identifies himself as the Mayor, he is getting the board involved.

Veach says the only way that they are finding that he is doing this is that he emails to Sara and Sara forwards the email. Danderson says the reason he copies to Sara because it is state statute. We may have an issue that Sara is working on and the Mayor goes in the back door and it could mess up what Sara is working on.

Business Meeting

SEWER AND PUBLIC WORKS REPORT

FINANCIAL STATEMENT

Motion by Danderson to approve the financial statement as submitted. Second Veach
Danderson AYE, Icenhower AYE, Lord AYE, Veach AYE, Roe AYE, Beaty AYE

Mayor would like to see a summary of what checks are wrote and when they were wrote.
Danderson says that clerk and treasurer are in the middle of a gWorks crisis and he doesn't want to stir it up but he would like to see that as well.

PARK BOARD

Krystal says that the playground is done. They got tire mulch and got it installed. Hodges came over and helped. Two slides they had issues with, the problem was that it was so old that it is hard to get equipment.

Danderson asks if she has ever seen anything from MIRMA, Danderson asked Sara to send to Krystal. Have spring soccer, registration just went out. This Saturday is the last day of basketball. Had discussion about Easter Egg program. Having issues with kids going into south parking lot, doing doughnuts. Possibly paving the rest of the parking lot.

Park piggy backed off of our bid, Austin Miller got a paving company to donate most of the paving. We are done paving until budget but if we do paving he will talk to park and get the bids on paving that they need. Danderson says the City would love to help them pave when that time comes.

Krystal talked with Beaty about coming to the next meeting to help explain the deeds.

Icenhower suggests that you have several projects that you would like to do, it all takes money and money is limited. If you would sit down and put together a proposal of what you want to do, put it all together and give us a price, he would not be opposed to doing a lease purchase and get it all done and if you try to wait until you get all of the money, then you will never get it done. Icenhower hasn't spoken to any of the other board members, but his personal opinion is that he is willing to do it. We have the beginning of a park, but we don't have a park. Krystal says that they work so hard on getting things done and then there is always a roadblock. It is hard to do sports when you have to rely on other property.

Beaty thinks a new one needs to be done, once you get the master plan in place then you can work on things individually. Icenhower says that when you build things, you have to present the whole deal.

Danderson says he thinks they could build a splash pad, and office and a bunch of other things that we could do a lease purchase.

Icenhower thinks this board would cooperate with the Park if they lay out a master plan. Krystal says she will take it to the board. Beaty says he will be at next meeting and help answer questions. Krystal says that the board appreciates that offer.

EMERGENCY MANAGEMENT

Sgt. Bridges says that we have two sirens out of the five that are a battery backup.. One at Cottonwood and one at O'Bannon Bank. They did testing and Beaty was with her checking them out.

POLICE DEPARTMENT

Chief says that Officer Witt is getting another medical test tomorrow and hopefully will be back at work April or May. When Officer Steinmetz was out on patrol some kids took off running out of the high school parking lot. They left a backpack behind and with stolen stuff from concession

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stand. They know who it is and they will be referred to juvenile department. Had to put several racoons down. If you see one out during the day, please call. Chief saw several trees uprooted due to the wind. Chief turns in his retirement. Icenhower says he doesn't know how much we appreciate what he has done for this city.

CITY CLERK

COMMITTEE REPORTS

See Sewer Committee report attached.

APPROVE BOARD OF ALDERMAN MINUTES


Motion by Roe to approve Board of Alderman Minutes for December 13, 2022, January 10, 2023, January 13, 2023, February 14, 2023 and February 21, 2023. Second Veach
Danderson AYE, Icenhower AYE, Lord AYE, Veach AYE, Roe AYE, Beaty AYE

Mayor Report

Encourages Icenhower, Danderson and Sara prepare the list and ask the city attorney if the Mayor has done something incorrect. Danderson says it doesn't need to be done and Mayor says he will continue if he isn't stopped. Mayor is doing what he thinks is right.

Adjournment

Motion by Danderson to Adjourn at 8:00 p.m. Seconded by Veach
Danderson AYE, Icenhower AYE, Lord AYE, Veach AYE, Roe AYE, Beaty AYE



Sara Davis, City Clerk