

PLEDGE OF ALLEGIANCE LED BY MAYOR PRO TEM PETTY

OPEN MEETING

Roll Call taken by Mayor Pro Tem Petty

Tim Cooke PRESENT, Eric Boncuk ABSENT, Kelly Petty PRESENT, Ben McMains PRESENT, Mark Stewart ABSENT, Franklin Hodges PRESENT

Call to order at: 6:31 p.m.

Approve Agenda.

Motion by Cooke to amend the agenda to include new business number 9, Swan Estates discussion.

McMains – Isn't that number 2?

Davis – That's a different item.

Hodges – What is it that you're wanting to put on there?

Cooke – The property owner is here tonight and we've had some discussion regarding moving forward with the project and I told her I would add her to tonight's agenda if possible so we can discuss those matters.

Stewart in at 6:32 p.m.

Hodges – Okay.

Seconded by Petty

Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

Motion by Hodges to approve the amended agenda. Seconded by Cooke
Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

Public Forum

Mary Terry – I do have a question. I was wondering why previous minutes from meetings is not available. The last I see is August 26th and so you come to a meeting like tonight, I would have been expecting last minutes of the meeting available to the public. I don't see it on your website. That's my way of looking for them.

Petty – Meeting minutes are approved during our business meeting which is our second meeting of the month so the last meeting will be approved at the next meeting and this meeting. Our meetings are the second and fourth Tuesdays. The first Tuesday is open agenda and the fourth Tuesday is our business meeting and that's where we approve the minutes.

Terry – Okay. Thank you.

Old Business

New Business

**NORA POWELL TO ADDRESS BOARD OF ALDERMEN REGARDING STOP LIGHT
(Agenda Request)**

Discussion

Nora Powell – I've been here between 6 and 8 years. Had been in Cedar County for years and years and years. I'll give you a little background about me. I've been an investigator with the state, or was, I'm retired, since 1988, been a commissioned deputy for Cedar County since 1993 and I was elected two times as Cedar County coroner, so I've been around a little bit. I moved here, we lost a home to fire and moved the business to be closer to the younger son and it's a beautiful area. We really enjoy the people and it's a good place to be and it seems like it's growing quite a bit. My concern is about the, on 65 northbound, the exit ramp that comes up to CC and 125 Old Mill Road. There's a lot of traffic there when school's released but even when school's not in session or is in session and there's no traffic for those reasons, there's still a lot of traffic that's coming and going. I really get concerned because you've got the two east west but you've also got the turn lane that's going to get back on 65 north and sometimes it takes a long time to get pulled out there. And sometimes people get impatient and try to pull on out. I am very fearful of a t-bone wreck happening there. In my work experience, those can be some of the worse because basically the only thing you've got protecting you is a door. You know, front end, back end you got the car there to start absorbing some of that but not in a t-bone. A lot of cars any more, you've got the door and you've got the console so that don't give much for your body to go. You start talking about your hips getting broken, you look at the pelvis, femurs, is that rain?

Stewart – It's the air conditioner.

Powell – Oh, okay. I was hoping for rain. It can be a dangerous situation. I was hopeful that maybe we could look at getting, I talked to MoDot. They were gonna put in a strip to start looking at traffic numbers of what's coming through there. Some in the community, I think, are kind of hesitant, they don't want a stoplight because of losing the small town atmosphere but I think it's comes down to a issue of safety. What I have found is that when traffic gets backed up, and they get impatient to go, especially with young drivers, they can pull out, a lot of times there will be two cars stacked side by side, one way to go west, one way to go east and the visibility is really cut short. Some might say the answer is to have it where it's a single stack but then you run the risk of, you know, a lot of people getting off work in Springfield, they're backed up on 65 and then you have the possibility of a rear-end stacked up that way. MoDot, they always look at reducing risk for their exposure to litigation. Anymore everybody gets sued any time there's a problem and even aside from exposure to litigation, just trying to protect the citizens I think is a good reason to put something out there. I'd like you to consider it.

Stewart – Correct me if I'm wrong but isn't this a MoDot thing? We don't have any control over this. We can't do anything. It has to be MoDot.

Powell – Well my understanding, and that may be where MoDot says, well the City hasn't said anything about wanting anything. So maybe if the City is behind it saying yes, there is a need, that would help push MoDot further to do that.

Petty – So earlier this year we asked Chief Riggin to get with MoDot to do a traffic study for the crosswalk going across Old Mill at Main Street. MoDot was open to it and hearing the findings, I think they did the first traffic study, have they finished the second one? We'll report out on the findings later but they have been receptive to coming and doing a hazard analysis for traffic flow. I wonder if we can have them come and do that for this location and see what their recommendations are. Knowing this is a concern that has been brought to the City and we would like it formally investigated.

Chief Riggin – Yep. I can ask. I'll contact them tomorrow.

Petty – Thank you.

Powell – My understanding is there's one person that covers, I believe if I understood correctly, the entire district and they're the ones that put the strip across that monitors the number of vehicles that's going across and this is on his agenda to do but it hasn't been done yet. So I was going to start calling them.

Chief Riggin – I've called him. He's really responsive.

Powell – He's a wonderful person.

Chief Riggin – Yeah. When I called about the volume study on Old Mill, they did it in two spots twice and I want to say from my call to completion was about one month.

Powell – Okay. Well I will call again because they were going to do that at the intersection there at the exit of North 65. So I'm just concerned.

Petty – Yeah. Thank you for sharing.

Powell – Alright. And I do appreciate what you all do. I know a lot of times you don't get the credit you deserve.

Petty – Thank you.

Powell – Have a good evening.

Public Comment Open

Brian Zebel, 356 N. Vance – It's been long overdue for a stoplight in this town. 20 years overdue. There's been too many accidents in previous years trying to get on and off of 65. So yeah, you try to come home from Springfield and you can't make a right hand turn, you can't make a left hand turn because of traffic. You have to wait forever to get out of Maverick's parking lot, Summer Fresh's parking lot because of the time of day. There's way too much traffic

and it's progressively gotten worse so yeah, I'd be all for it. Another one that would be a good one would be Main Street at Old Mill right down there cause it's the same thing.

Petty – School traffic is definitely tricky.

Zebel – It's definitely gotten worse over the years.

Petty – Thank you. Maybe we'll find some illuminating data if MoDot does the traffic study.

Stewart – Can they do north and south on 65 when they come in? Because I've had people complain about the southbound exit also.

Chief Riggin – In my experience with MoDot, they always use what they call the 85th percentile and they look at that intersection, and they decide what the 85th percentile is and if it's beyond that then they try to mitigate. My understanding is typically like Old Mill, I was told by their legal counsel I can't tell you what the numbers are but it's a statistical like 20 percentile. The volume and speed for this area is extremely low there so I don't know. I'll call and see and tell them that this is something that we would like to see researched.

Petty – Do they isolate a time of day. I know if you look over a 24 hour period, the volume is spread but do they look at the peaks of volume?

Riggin – Yeah, they give you an excel sheet.

Petty – Sounds fun.

Riggin – And I'm not allowed to share it.

Hodges – When is the worse time, during school and in the evening? The worse times for traffic jams is during school in the morning and after.

Riggin – I would assume so. I don't have the data in front of me.

Hodges – I mean the rest of the day is pretty calm when we're all in the....

Public Comment Closed

DISCUSS AND/OR APPROVE DITCH DIG FOR SWAN ESTATES (Hokanson)

Discussion

Kennie Hokanson – It's been some time back when me and the inspector at that time, we wanted to put in whistles and we figured 18-inch would be a substantial number. Might be places in other areas that might need a smaller one depending on where it's at but for the most part throughout town, 18-inches is what we figured. So when Karla put her drive in she had to lower that whistle in her ditch in order to get her grade level going into the driveway. The ditch on either side of the whistle needs to be kind of dipped out, taken down so the water will flow on out to the highway.

Petty – So it's lower inside the whistle than the in and out?

Hokanson – Well, the whistle's lower in the ground than the bottom of the ditch.

Petty – Okay.

Hokanson – So we need to dig that out, get the water flowing through there.

Petty – Is there any issue from a city standpoint with getting that dug out?

Hokanson – No, just timeframe.

Petty – It's just different than what we had expected?

Hokanson – It will be a little more intense than what we first figured.

Petty – And this is LaFollette that we will be contracting to complete the work?

Hokanson – Yeah.

Petty – How does the cost get back to, does the cost come back to us to dig that out?

Hokanson – Yeah.

Petty – Do we have an estimate?

Hokanson – No. It would just be an hourly wage. I can't imagine it taking, oh maybe 3 hours or so.

Petty – What's the length of the run that needs dug out?

Hokanson – I don't know, probably 75-feet either way.

Petty – Do you need approval for changing...

Hokanson – Yeah, to get them to come in and do it.

Petty – So we would need a motion to approve LaFollette to come in and dig out the ditch for Swan Estates?

Hodges – I've got a question. It's concerned about whistles here in Fair Grove. I asked two or three weeks ago. The Senior Citizen Housing, their whistle is rusted out. Used to be in the past Fair Grove was responsible for digging them out.

Hokanson – We never had done that.

Hodges – Seems like in the past they used to be.

Hokanson – Okay, let me rephrase that. The last 16 years I've worked for them, they don't do that.

Hodges – Then who's responsible?

Hokanson – The land owner.

Hodges – The Senior Housing would be responsible?

Hokanson – Yeah.

Hodges – I throwed some chat in there a month or two ago. The whistle's bad. A big ole' hole like this.

Hokanson – You throwed chat in the hole up on the top?

Hodges – Right. Trying to get it where they wouldn't sink the cars down in it.

Hokanson – Wouldn't that plug up the whistle if you throw chat down in it?

Hodges – It's already fell in.

Hokanson – Huh?

Hodges – The whistles already fell in. I'm surprised you haven't seen it you know, driving by there. Like I said, it's tearing the cars up. I had two people that have stopped and said thank you for taking care of it and I said let me see what the city can do.

Hokanson – So you obstructed the flow of water through the whistle out.

Hodges – It was already obstructed. It fell in, Kennie.

Hokanson – But you said you put gravel in the hole.

Hodges – I put some more in there on top of what was there.

Hokanson – Would it have been better off to put a plate over the top of it?

Hodges – No. The hole's just there. Like I said...

Petty – So this is not on the agenda so we can't actually discuss it.

Hokanson – Oh.

Hodges – But I just, since we was having them come out what, could we get a price on it, see what they'd charge to put a whistle in there?

Hokanson – The City don't pay for that.

Petty – The landowner is welcome to reach out. We can share the contact information but this is not on the agenda so we cannot continue to discuss it.

Hokanson – Okay.

Public Comment Open

Public Comment Closed

Cooke – What is LaFollette's cost per hour?

Hokanson – I'm not sure on the excavator. We'll have to have an excavator and a dump truck cause we'll have to haul the soil off.

Petty – It's per piece of equipment and then it's an hourly rate for the equipment that they are using.

Davis – Which was in the last packet or the packet before. I can't remember.

Cooke – Yeah, I remember seeing it, I just can't remember what the numbers were.

Hokanson – Right off the top of my head, I don't know.

Petty – So do we need to approve up to a certain amount? We would need to be able to calculate that out based off of what their hourly rate is for these pieces of equipment prior to them actually coming in?

Hokanson – It would be hard to put an amount on it really.

Hodges – Can we just wait until the next meeting and have a bid by then?

Stewart – We already have a contract with them.

Hokanson – Yeah, he don't bid it. He just charges by the hour.

Petty – Which we have already approved as a Board but we want to pre-approve him doing the work so I don't know that we have to have an amount approved since we do have a contract with him.

Hodges – Just have him do the job and fix it.

Stewart – It's something that we have to do. If we don't do this, it's going to cause water issues.

Hokanson – Right.

Stewart – It's a no brainer. Anybody else got any questions?

Motion by Stewart to approve LaFollette to come in and clean out the ditches at Swan Estates.

Seconded by Hodges

Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

**DISCUSS AND/OR APPROVE MOVING OR CANCELING NOVEMBER 11, 2025
MEETING**

Discussion

Petty – Which is a holiday.

Davis – Yes.

Cooke – What holiday is that?

Davis – It is Veterans Day.

Petty – We also have the November Thanksgiving, which is the Thursday after the Tuesday meeting. In the past, I know this Board has cancelled some meetings around holidays but we have to have at least one per month so we could either move it on the Veterans Day or cancel it.

Hodges – Is this all the holidays then that we're supposedly, we're gonna be shut down?

Davis – Not supposedly, that we will be shut down.

Hodges – What's this one on June 19th?

Petty – It's a federal holiday.

Hodges – What is it?

Davis – Juneteenth.

Hodges – Huh?

Petty – It is a federally recognized holiday called Juneteenth.

Hodges – What is that? Never heard of it.

Petty – It's a federally recognized holiday that the government closes.

Hodges – I looked at them and said I can't figure it out. Nobody else can tell me so we can't tell it either?

Stewart – I'll let you google it.

Cooke – Yeah, good call.

Hodges – What is it?

Stewart – It has to do with freeing of slaves. FREEING OF SLAVERY.

Hodges – Are you serious?

Stewart – Yes.

Hodges – Never heard of it.

Stewart – I'll let you google it further.

Cooke – Enough of that one.

Petty – So do we want to reschedule or cancel the November 11th meeting?

Cooke – Well to cancel that we would then be required to work one into Thanksgiving week though to have our one per month and that's generally a hard week to get everyone together. So I would say we need to reschedule that first one and cancel the second one. Sara, traditionally there's not a second meeting in the month of November is there?

Davis – Mmhmm.

Cooke – There is?

Davis – Yeah. We always cancel the second one in December because that falls Christmas week.

Stewart – I'm looking at the week of Thanksgiving and...

Cooke – Well I stand corrected then.

Stewart - ...there's nothing. I mean it's the Tuesday before Thanksgiving.

Cooke – It is the week before, isn't it.

Petty – I'll be here.

Cooke – I'll be here too.

Stewart – Yeah, I'll be here. I say we just cancel November 11th. Anybody else?

McMains – Cancel it, is that what you're saying?

Petty – November 11th but keep November 25th.

Hodges – Is there anything we know that's going to be on the agenda that's gonna be important maybe?

Cooke – Not out in November.

Hodges – Not in November then? Nothings out there yet?

Petty – In the event that we have something urgent come up, we can still of course as per usual, schedule special meetings with posted notice 24 hours in advance.

Motion by Cooke to cancel the November 11, 2025, Board of Aldermen meeting. Seconded by Stewart

Public Comment Open

Public Comment Closed

Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

PARK BOARD APPOINTMENTS

Discussion

Petty – We have an application for Jessica Crim.

Stewart – She has been on the Park Board previously and had to step away and she's ready to come back and the Park Board is happy to have her back.

Petty – They recommend appointment?

Stewart – They do.

McMains – Any reason for the step away?

Stewart – I can't remember. It was personal reasons.

Public Comment Open

Public Comment Closed

Mayor Pro Tem recommends Jessica Crim be appointed to the Park Board for a term to expire 10/2029.

Motion by Stewart to accept the Mayor Pro Tems recommendation and appoint Jessica Crim to the Park Board for a term to expire 10/2029. Seconded by McMains
Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

DISCUSS AND/OR APPROVE RAISING CERTAIN APPLICATION FEES. (Davis, Scott)

Discussion

Petty – So this is something that Sara and I had talked about. Right now it cost the City more to, I'll let you go over which applications, to conduct the business for certain applications than we get reimbursed for the cost of that. So an example is for public hearings. We have to publish it in the newspaper and we have to get signs printed and posted on the properties that we may or may not be discussing and...

Davis – Letters to the property owners.

Petty - ...letters, postage. So, Sara, I'm just setting the stage for you.

Davis – Oh, okay. The two that we gave you guys as an example, like the Hill rezone, the city paid out of pocket \$66.62 to have that done after she paid her fee and with the Huff rezone, which was a small legal description, the City paid \$12.19 to have that done. There's a lot of things that we're putting a lot of cost into that we're not even recouping our money on. I gave you guys a list of every application that we have within the city so that you could look over it, study it and decide what you guys wanted to do with them. But we tried to put the cost of everything on this list that we gave you guys.

Hodges – This is what it is right now?

Davis – Mmhmm. And the cost is right....

Hodges – What's your proposal?

Davis – I don't have a proposal. I gave that to you guys to study and come up with something.

Petty – So she's bringing the issue to the Board. Next steps that we could do is look at surrounding cities and look at their cost for each of their permits and applications, compare that to ours. I also appreciate you pulling the cost to the City on top of the application fees to know where we're at with those.

McMains – Where are we advertising? That seems to be the bulk of some of the cost.

Davis – We have to advertise with Buffalo Reflex because that's the paper that's local to us. We also have to print up signs for all of the rezones, well the variances will get signs. There's all kinds of stuff with the variances. We also have to mail out notices to all of the property owners within 250 feet of the property so that then adds on postage and printing cost.

McMains – Well I see the printing and the postage. I was just noticing the advertising is the most expensive in both of these cases.

Davis – Right. Now we put the Hill rezone on here because it was a huge legal description.

Petty – So that's then more letters in the publication.

Davis – Right, in the newspaper. So you can see the difference between a bigger one and a smaller one.

Petty – So we would need someone on the Board...

Stewart – I would like to see us get comparisons to other cities and see where we should be. See if we just need to cut cost. Maybe we're just spending too much money on advertising. I don't even know if that's even possible or if we need to just raise our fees.

Davis – Well we will definitely just have to raise our fees at some point because this is state statute. Everything we do is by state statute, otherwise we would have cut the cost a long time ago.

Petty – Would you guys be able to look around and do we want to start with just a couple, the ones that are maybe most common instead of going through the entire list but our rezone requests or variance request. The ones that are most common that we have a higher cost associated with that we may be paying out of pocket for.

Davis – Yeah, we can do that.

Petty – But I definitely think it's worth looking at. That's the purpose of the fee is to cover the cost associated with having the city look at the issues that they are asking for.

Stewart – I think it needs to happen, we just need to know where to be.

Petty – When's the last time these were looked at?

Davis – They haven't been looked at since I've been here other than the building permits. Those did get looked at but nothing else has changed.

Petty – I think if we can get a list of our most common to start with, maybe we can start whittling through them.

Davis – Okay.

Stewart – So do we need to postpone this until we get that information or can we just...

Petty – Yeah, we'll want to bring it back.

McMains – On these question marks, do we just not have a fee for those or is that something we just couldn't find?

Davis – Can you tell me what page you're looking at?

McMains – Planning and Zoning, Board of Adjustments. It starts with rezone applications as the very first fee. I think it's the only one with question marks.

Hodges – Text amendments, subdivision regulations.

Davis – Oh yeah. That's because we don't know.

Petty – We have not had them.

McMains – Have we ever charged them for that?

Davis – Those have not been a thing since neither Chan nor I have been here and normally the fee is on the application when we get it out but these fees are not so we don't know.

McMains – Gotcha.

Petty – I would need a motion to then postpone this pending further investigation or study or information.

Hodges – I make that motion.

Stewart – I'll second it.

Hodges – You can have it next time.

Petty – So Sara needs a full motion for you to say so she can put it in the minutes. We tried before to say referencing all of the above.

Hodges – I ain't gonna be able to do that. If you can't do it.

Motion by Stewart to postpone this raising certain application fees we have further information that Sara and Chandra can gather for us from other cities.

Hodges – I guess I'll second that then. I think it's stupid but like I said, part of it I guess.

Seconded by Hodges

Public Comment Open

Public Comment Closed

Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

DISCUSS AND/OR APPROVE BUILDING PERMIT SOFTWARE (Davis, Scott)

Discussion

Davis – I brought this back to you like you asked me to.

Petty – Thank you. Did you guys get more information?

Davis – I think you guys had asked what the annual fee would be going further, that was kind of the big thing, and it is going to remain \$3,000 annually.

Petty – And the purpose of this software is to?

Davis – Track permits, it will allow the inspector to, the property owner can notify the inspector that they are ready for an inspection, he can get on there and say you passed or you failed, it will notify the property owner at that point and any notes that he put in there that they need to correct or not correct. What else was there Chan?

Petty – So this digitizes a very manual paper process that the city is having to follow today?

Davis – It allows us to search properties by address so we can see anything that's been done there.

Chandra Scott – It's hard to keep track of building permits and if the permit has been completed or if occupancy has been completed. We have a building permit right now that is expired and the lady is pouring concrete and doesn't even have a building permit. It's just hard to keep track of everything that's going on.

Petty – So does this system generate notifications based off of time ranges that you specify like saying this is valid for the next 6 months and it lets you know hey, this has expired.

Scott – Yes, it will.

Davis – It will send letters to the property owner too letting them know that.

McMains – Have we already had this or is this new?

Davis – It's new.

McMains – Okay.

Cooke – Remind me, what was the startup cost?

Davis – It's the \$3,000.

Stewart – And that's what it stays year over year?

Davis – Mmhmm.

Petty – And if we were to discontinue use of this, we would retain all of the information. We own it?

Davis – Correct.

Petty – How about historical? Can we upload previous building permit applications and notes?

Davis – Yep. And they said they would even help get all of that over into there.

Petty – Included in the startup cost?

Davis – Mmhmm.

Petty – Does this also help, this is maybe a pipe dream, does this also help track the time that the city inspector spends on these?

Davis – Yes, it does and it calculates his fees as well. Which we are also doing by hand and going through inspection slips.

Petty – And he's turning in I think some hand written spreadsheets for phone calls and stuff.

Davis – Yes.

Stewart – This will also help with some consistency maybe.

Davis – Yes.

Petty – Consistency, traceability, accountability.

McMains – Did we ever find an assistant for him?

Stewart – We were just talking about that. I'll get with you after the meeting.

McMains – Alright.

Stewart – We have some good candidates that we would like to schedule some interviews with.

McMains- Gotcha.

Hodges – What you say? I didn't hear ya.

McMains – We discussed hiring an assistant for our inspector several months ago.

Petty – Where does this fall in the budget?

Davis – Well, I don't really have a great budget for it. You guys had budgeted \$1,500 for computers for us. We're not going to use that.

Petty – How much did we budget for printers?

Davis – I'm not 100% sure but we did just do that printer buyout which was \$3,200.

McMains – I say once again we postpone this until we find the money and we know where it's coming from.

Stewart – Yeah, I'd like to see this happen but I'm in the same boat. Let's figure out where the funds are coming from and then let's do what we need to do to make that happen.

Petty – So should the finance committee take a look at the budget and see where we can fit it in?

Stewart – Sure.

Hodges – Who's the finance committee?

Petty – Mark Stewart

Davis – And Kelly Petty.

Stewart – That's right. Thank you, Sara.

Davis – You're welcome. So is that a motion?

Motion by McMains to postpone purchasing iWorq building permit software until we can figure out where the funding is coming from. Seconded by Stewart.

Public Comment Open

Public Comment Closed

Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

DISCUSS AND/OR APPROVE KEY TO THE CITY

Discussion

Hodges – What's the discussion mean of it?

Petty – So every year the Board presents somebody that was nominated and approved by this Board a, what's the word I'm looking for?

Davis – Candidate.

Hodges – Are you talking about for next year?

Davis – No for this year.

McMains – No, for this year at the lighting.

Hodges – I thought Steve Short got it.

Petty – That's a different key that's presented by the Historical Society.

Stewart – The last one was Dennis Roe, he got it last year.

Petty – Thank you, Sara for reminding me and bringing this my attention. So I went to the last Chamber meeting at the Senior Center. Marilyn Meals, their director, did a wonderful presentation. Shared the history, involvement and the impact of the Senior Center overall to our, not only Fair Grove senior citizens, but also to many surrounding cities and counties. Their mission improving the overall health and community of senior citizens who are often isolated and don't move around a lot. This provides them that space to be able to socialize and to move, get up, get out, get their food, walk to their car, talk to each other. So there's a mental health aspect as well as a physical health benefit for the senior citizens. The way that she presented the information and she champions their mission, I was very impressed by and I've been there a few times but to see the level of dedication and commitment not only herself but all of the volunteers at the Senior Center give just to help this vulnerable population within our community I thought was very honorable and I would like to recommend Marilyn Meals for the key to the city for her impact that she has for our senior citizens.

McMains – I think I have to recuse myself from this because we're related. I mean, I would love to see her have the key to the city but based on us just being related I think I might have to recuse myself.

Petty – Any other nominations from Board members?

Hodges – Sounds like she's the winner.

Public Comment Open

Mary Terry – Yes, I agree with you totally. Marilyn Meals had to step into some big shoes when Tim Smith passed away and she's been our Board president, we just reelected her at our last Board meeting to do it for another few years. There's a great amount of time that she spends there. I may be prejudice.

Public Comment Closed

Motion by Stewart to accept the nomination of Marilyn Meals to receive the key to the city.
Seconded by Cooke.

Cooke AYE, Petty AYE, McMains ABSTAIN, Stewart AYE, Hodges AYE

PLANNING AND ZONING RECOMMENDATION TO DENY C HUFF IND PARK LLC REZONE RZ25-09-06 207 W. CHERRY

Discussion

Petty – The Planning and Zoning considered this rezone request to be a spot zone because of the state statutes requirements for rezoning when considering properties and there, there's three

things that the statute calls out. There's the intent and basically the feel of the neighborhood surrounding the property, the proximity to other similarly zoned properties and the distance from the next level as well as the benefits for the community. The finding of the Planning and Zoning was that it does fall under spot zoning, which is illegal by state statute because the property is not near other R2. It is not between R1 and R3 plus. They did recognize that it could be a benefit to the community but because it failed two of the three qualifications, their recommendation is that we do not approve the rezone request from R1 to R2 for this property.

Hodges – I disagree with them 100%. That property there, like I said to the Board in the meeting with it, that place was a mess. The barn was falling down, fell down on the ground, the house was falling down, weeds higher than the house and stuff and then Mr. Huff came in, bought the place, paid to clean up the barn, cleaned up the house to redo something like he's wanting to do. On the spot zoning stuff, that's a bunch of nonsense, my opinion. You've got the garage, you got the transmission shop on the east side right down through there, housing. Should that be there by your spot zoning deal? They did and then you got Kum & Go put in, the store there, they bought the house that was behind it and dozed it down to put Kum & Go in. Has Kum and Go rezoned? Is it spot zoning? Yes, probably is. But I don't see the problem in that deal for the property. The only thing I've heard is that some of the people that's on the Planning and Zoning they got a problem with Mr. Huff because he wants too much for his property is what's been told to me twice and we shouldn't have an opinion like that when we're dealing with people. But I just think it's wrong. I think that small piece of property that's there, it ought to be used for what it's best for. You ain't gonna build a house on it and try to sell it to be looking at the backside of Maverick. If you think you are, Mr. Huff will sell you the piece of property today. So if they could have apartments on it, something like some other places here in town it'd be nice. But I disagree, I think it should have passed.

McMains – In his original application he was wanting a quadplex, wasn't he?

Petty – The application that the Planning and Zoning Commission reviewed at this last meeting was for duplex.

McMains – Just for a duplex?

Hodges – He changed his mind.

Petty – An alternative that was said to him is that it is a large piece of property and it could be split up into multiple lots and would still meet the minimum requirements to build multiple homes on multiple lots within that same footprint.. But the Commission did feel like, based off of Missouri State Statute, that it would be illegal to rezone it from an R1 to an R2.

Cooke – Yeah, the spot zoning issue goes well beyond what we as a community decide. That's a state issue.

Petty – Yes.

McMains – I honestly feel like I would have to look that up more. Cause on that street you do have a business, you've got residential, you've got a business over there. I mean, I understand where you're coming from, I just don't understand enough about spot zoning to make a judgment call on this one.

Cooke – I would be curious, when you're talking about spot zoning, what the circumference of area is.

Petty – It's not defined.

Cooke – It's not defined. Okay.

McMains – If you asked me right now, I wouldn't have a problem with a duplex going right there.

Cooke – Right.

McMains – My issue was the quadplex that he originally wanted to put there. That's a little above and beyond but a duplex for right there, perfect. It wouldn't be a problem with me but once again, I feel like I need to review that statute a little bit more.

Public Comment Open

Public Comment Closed

Stewart – I personally have faith in our Planning and Zoning committee but if we want to postpone it until the next meeting so we can research it ourselves then I'm fine with that too. If that's what you feel better doing.

McMains – Sounds great to me.

Cooke – I do understand what they're saying about the area over there but this was also a unanimous vote, right?

Petty – Yes.

Stewart – I lean on them heavily. They're the experts on it.

McMains – I wouldn't cause I'm on it.

Petty – It would also be helpful if you guys had a chance to review the minutes, you guys would have more insight into the decision making process on this application and talking through the findings of the Planning and Zoning Commission.

McMains – I don't doubt John. He's a very knowledgeable person along with a few others on that committee. Are the minutes done yet?

Motion by McMains to postpone the decision to accept Planning and Zoning Commission's recommendation and deny C Huff Ind Park LLC Rezone RZ25-09-06, 207 West Cherry from R-1 Single-Family Residential to R-2 Two Family Residential until the next meeting to review state statutes and Planning and Zoning minutes. Seconded by Stewart
Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

DISCUSS SWAN ESTATES

Cooke – So I spoke with Karla Lampe last week about some details to her project over there and there seems to be some miscommunication somewhere and I invited Karla here tonight to kind of address some of her concerns with that property, maybe some things that we've done in the past that maybe we will not be doing moving forward. With that being said, I'll turn it over to Karla to ask any questions she might have.

Karla Lampe, Swan Estates – I just found out about this last night, so. Was there a letter I was supposed to have been given by Andy?

Petty – No. There was a letter that he sent to the Board.

Davis – Other than the letter that I've already given you.

Lampe – Okay. Was there another letter from Andy regarding my property?

Petty – There was a letter that he wrote to the Board, to the City.

Lampe – For what? I'm in the dark. What's the concerns?

Petty – It was a follow up to the city and what we could do moving forward. We had previously discussed occupancy and granting that before the work is completed and so I had asked for details about what that would look like so that I could speak to it if that was what you wanted to come talk to us about.

Lampe -- As far as this Phase goes, we're almost done with Phase 1 and I just told the guys to push through, push hard. Get it done with the understanding that it has to be complete before I can get occupancy. The concern is rules changing part of the way through. Andy mentioning bonds was never brought up to me before, ever and now you guys are going to require those for Phase 2?

Petty -- So at our meeting that we had with Andy, at the origination of the Swan Estates project, we had a different engineering firm that we ultimately moved away from due to timeliness of feedback.

Lampe – But it was still Andy.

Petty – He was part of that firm. He's part of a different firm now but it was more of a companywide issue versus a person specific issue. So there were ultimately multiple engineers working for the City on behalf of the original engineering company so we switched to a different

company and now we have a single engineer that represents the city. So we have continuity of information and recommendations and guidance which is helpful. In situations like this where there is miscommunication or inaccurate information to property owners on behalf of the city. So what you're referencing is granting occupancy and occupancy for your duplexes as you complete them. Which I believe that prior, I'm not real sure, I wasn't here but there was a breakdown in communication and ultimately the city granted occupancy after each unit was complete. After talking with Andy from a liability and compliance perspective from various ordinances and state statutes, generally municipalities require developers to complete the project because if the developer, which has happened inside of Fair Grove before, was to go bankrupt and walkaway from the property...

Lampe – On public neighborhoods.

Petty – Yes.

Lampe – Yeah. That's not a public neighborhood.

Petty – But we still have the public that would be occupying the units that we would then be assuming the liability for if the work were to be left.

Lampe – You're talking infrastructure and stuff.

Petty – Yes. Work complete. Which opens us up, you know active construction zones present a safety concern.

Lampe – Even on private property?

Petty – Yes.

Lampe – Okay.

Petty – This is the recommendation from our city engineer who the city contracts with for his professional opinion and what we have been recommended to follow. So previous engineers or companies or specific conversations, I don't know what was said and I don't have a way to reference that. We can only move forward with the recommendation that we are given currently.

Lampe – Okay.

Petty – There is an option for early occupancy, which he had mentioned in our meeting. This is the part that I needed his wording for because I'm not super familiar with it. But basically an option would be to allow the developer to put money into an escrow account accessible to the city for 150% of the value of any incomplete work. So at the time that you wanted to occupy the incomplete work would be available, in a situation with, and all of this is hypothetical...

Lampe – Right.

Petty – If you were to walk away from the project, we would then be able to complete that project to insure that all of the codes were met. So for safety, stormwater and public health. Those are the types of things that we would have to then step in and take care of were the work not completed.

Lampe – Okay. So changing the rules part of the way through, I mean, I'm at 85% completion over there on Phase 1, so I'm just going to get Phase 1 finished up the way you want it. I'll put off those tenants, I'll wait until everything is done to get occupancy on those two. Where does that leave it in regards to Phase 2?

Petty – It would be whatever the engineer recommends as far as how to move forward. I believe the last...

Lampe – What if I don't do Phase 2?

Petty – I don't know. I would have to ask him. I don't know where we stand with that.

Lampe – I'm not putting up a bond. I'm not putting up your escrow. That was never talked about in the beginning. It was not budgeted for. I'm not doing it. I am not the type of person to go around and do something and then ask for forgiveness. I ask for permission. So if I ask for changes and it bothers you, I'm sorry. Too bad.

McMains – What is Phase 2?

Lampe – Phase 2 is 17 more units, it would take about 3 years to do so they're asking me to keep them all empty for 3 years till it's done. Which cannot be done, for me. And maybe it needed to be broken down into 17 phases instead of 2 phases. But it was suggested to me that I do 2 phases because a permit is only good for 18 months and I could not build it all in 18 months. So that's why it was suggested to me that I do 2 phases.

Cooke – Who suggested that to you?

Lampe – At that time, it was the clerks.

Petty – I'd be happy to see if Andy would be available to talk to what it could look like if we broke it down into smaller phases so that you could do portions of the property. It would just limit the area that you could work in obviously and basically kind of piecemeal it together. So we could still accomplish your overall goal of still being able to complete unit by unit and get those rented out to have income to move onto the next phase, assuming that's what your plan is, but that would of course require us to start that part over as far as approving whatever that would like. I think we could probably get a head start if that is how you wish to proceed so that we can continue the work. We want to, and I know part of it is that the rules are what they are today.

Lampe – Yeah.

Petty – I want to help support you to get what you need so you can continue moving forward and completing the entire project.

Lampe – I guess what I need to complete this is, I mean we don't have an inspector right now that can remember what he inspected last week. I had to dig up a sewer line for Kennie again because Carey didn't remember he inspected it. Carey's going through health issues and I feel so bad for him and my concern that I brought to Tim was, I love Carey to death, I have told Carey over there doing inspections, I rely on him to be those eyes between me and my construction workers. To find things that are wrong so I can make sure they're fixed to make sure these homes are safe. I appreciate the hell out of Carey but he's got a medical issue right now that is concerning because things are getting forgotten. Are my buildings still getting checked the way they need to be?

Petty – That's a very valid concern and thank you for bringing that to us. One of the things that Ben mentioned very early in this meeting was where were we at with getting a backup inspector and Mark mentioned that we have a handful of applicants that we think are very qualified that we want to talk to. So that is kind of the next top priority for us and it just happens to coincide with you bringing this issue forward which is good. But also having the software too will be helpful for us with knowing what's active, what hasn't been followed up on, what are the findings, do those findings make sense? So it gives us more visibility into the actual inspection work being done.

Lampe – Yeah, cause right now we go on the honor system and so somebody passes something and then gets pissed off at me two days later, oh, I never passed that.

Petty – So this would help clear a lot of that up.

Lampe – Yeah. You know, we make a call in here to get the inspector, three days later where's our inspector. Somebody forgot who knows what and I'm sitting here with a trench open. What do I do? So the frustration, you know the frustration in building is enough, I don't need anymore.

Petty – I agree.

Lampe – Everybody told me I was an idiot for building here and they were all right. I would never do it again in this town. Ever! I would never sink another dime into this town.

Cooke – So one question I had that I would like to explore. Given the, what was laid out to begin Phase 1, based on the information given at that time I realize we left some holes open, maybe dropped the ball a little bit on the city's end. Are there options available for us to see that through with the remainder of this project? And there may not be but I think it's something worth looking into because I don't think anyone would doubt that there was some false information, incorrect information given at the start of this project and I think it would be a very valid point to look into that to see what we can do on our end to help make that right.

Petty – I very much appreciate that recommendation. My, and this is just me, not speaking for the Board, we can't always go back and change the things that we were told but with the

information and the knowledge that we have today, it is still in our best interest to follow our experts recommendation to mitigate any sort of future liability or risk that we can't foresee. I think it's coming from your heart in wanting to try to makeup for past mistakes, miscommunication, whatever it may be that happened, which none of us were here for but me personally I hesitate to go against the recommendation of our paid experts that we pay to make sure that we're doing the right thing by law.

McMains – Have we contacted our city attorney? Cause it's also his recommendation that we talk to him.

Petty – The recommendation for the city attorney was for talking through the bond. Correct me if I'm wrong. I read it not today.

McMains – It says here any options would be up to the discretion of the Board and should be coordinated with the city attorney so that proper protocols may be followed. So the bond is per city codes and then he goes into the escrow which is just what other cities do that he's worked with. I mean, I would be interested in seeing what their opinion is on it. How they read it.

Lampe – Well don't waste any more money on it with your professionals. It is what it is. It is what it is at this point. The rules have changed midstream through the game. I'm not gonna fight it. I've fought this for 4 years. I'm done. I have busted my ass over there. I've busted my feet over there. I get this shit all the time. Miscommunications, I forgot, this, that. Can anyone here say that property is ugly?

Hodges – Looks great.

Lampe – I've poured my heart and soul and every fricking dime I have into it and I'm in the hole. Why? Why? Why should I keep going? Tell me why. Anybody? Give me one reason to keep going.

Petty – I do believe that the property is valuable to the community. I think it's valuable to the residents. I think it's going to improve, like you said, it's a beautiful piece of property. Every single one of those homes is beautiful. You're providing transitional living which is part of the community plan. All of these are the text book reasons why you should do it but also I want you to succeed. I want the developers in Fair Grove to succeed. I want people to want to build here and I know that your experience has not been good and I'm sorry that that has happened. The new Board is going to try to fix that. I know that's why a lot of the people on here ran.

Lampe – I have never wanted special treatment, I don't want to bend the rules, I want to go by the rules. I want to do everything legit. I don't ever want anyone to say oh, they gave it to her because this or that. No! No! If it's in the book, I'm gonna do it. It's the way it is. It's the way I run all of my businesses, by the book.

Petty – So how can we help support you by the book to continue?

Lampe – We need the book.

Petty – That's not a bad point.

Lampe – We need the book. I mean I need to know what the rules are before, cause like I said that day in here. I looked straight at Andy, if anybody ever told me when I started this that I had to have everything done before I could rent one out, pumpkin patch. It would not have happened. It's not a financial, you can't do it.

Petty – So part of this process that we can change is getting everything that's told to you, those expectations in writing signed by both parties. We don't have any documentation from those previous conversations but we can do that now and you can have something to say here is the communication, not the miscommunication I was given at the start of this project that the City has signed and agreed to moving forward. We can do that today.

Lampe – Yeah, yeah. Cause Board changes, personnel changes, everything changes. This is not an overnight project. Like I said, I bought that property in 2022.

Petty – So we can do things that can protect you moving forward so you won't have to be up here again in 2 years with new faces, maybe, maybe not, trying to recall what was said a long time ago, which is hard for anybody. Definitely me. I have a terribly memory sometimes. There are things that we can do, Karla. And I do want to help support you. I want this project to succeed. It's a needed thing in this community. We've already got some action items. We know we need to get a backup inspector, we're going to look at how we can get the software in the budget and as we review Phase 2, let's talk through getting some documentation in place that we will all be held to moving forward through the completion of this project.

Stewart – Can I throw this in? This is one of my hot topics too. One of the main reasons I'm sitting up here and the police department, obviously they're my biggest boost but the fact that we have so many builders that don't want to build in Fair Grove because of X Y Z. I want to know what those X Y Z's are and everybody's afraid to talk about it so, would you reach out to me? I have a city email address.

Lampe – Yeah. I'll tell you right now.

Stewart – Will you email me? I'm in your Ward. I drive pass that every day. It does look beautiful. Will you please email me and get me involved?

Lampe – Yeah.

Petty – Mark.Stewart@fairgrove.org

Stewart – That's right. Yep.

Lampe – I talked to another building tonight that has built recently in town and I won't even tell you the words he used.

Stewart – That's one of the things I'd like to see fixed also so I'd like to talk to you about it.

Lampe – K.

Stewart – And I think we can figure something out.

Lampe – And like I said, we'll get those done, I just need to know are Phase 1 and Phase 2 two separate entities where everything Andy is recommending to you only pertains to Phase 1?

Petty – I believe so. That was my understanding at our last meeting. But we can get clarification.

Lampe – Because there's no sewer that's going to be affected or anything with stopping on Phase 1.

Hokanson – There's just the two on the end that they have covered up that I haven't inspected.

Petty – So that list that he had sent...

Lampe – No. As far as Phase 2. When Phase 1 is done, everything can be capped and sealed?

Hokanson – Oh yeah, yeah.

Petty – Yes.

Lampe – Everything is individual per unit so. Alright, I'll have them finish Phase 2 per the new rules and get it done. We'll hold off till we hear more about the book. The book, Kelly.

Petty – Okay, the book. Yes!

Lampe – Okay. Thank you!

Petty – Thank you, Karla.

Mayor Report

Petty - Mark Stewart and I approved an emergency purchase for the police department on October 6th. There is a new hire that needed a ballistic vest, and he starts tomorrow. In order to ensure he has the proper equipment on time to ensure his safety, we approved the purchase in the amount of \$1,352. This was a budgeted purchase that could not wait until our next meeting.

McMains – Safety of our officers is number one.

Petty – Yes. And he starts tomorrow. What's his name?

Chief Riffin – Austin Bendel. He couldn't officially start today, it had to do with Army stuff. I want to get him in here and introduce him to you guys. I am hitting him with every mountain of training that I can find right now. *Inaudible*

Petty – Thank you, I'm super excited to meet him. For Mayor's report, I have to set aside my Aldermen stuff. Lots of sidewalk stuff, lots of bond conversations but we have, as of today, an application for the Mayor seat from Mr. Brian Zebel. You guys have the application in front of you. He's a Fair Grove resident. He's been here for 39 ½ years. Mr. Zebel?

Brian Zebel – Yes?

Petty – Would you like to come talk to us about your interest in being Mayor.

Zebel – Oh, I guess.

McMains – Why would you ever want to do this?

Petty – What do you mean? It's fun.

Zebel – Like I said, I've grown up at what's known as 227 South Main and graduated in 1987 from Fair Grove. I moved away for 12 years but then I turned around and came back and I've been here ever since. From what I've, I've attended council meetings over the years and from what I can give is experience. I worked for the City of Buffalo for 10 ½ years. Class D Wastewater license, Class C water license. I operated heavy equipment working in the street and water department. I had to attend board meetings, I had to give department head reports. So what I've done in the past can be experience to help in the future and from what I've seen in the past from city council, and I'm not talking about any of you, but the city in the past was run, I guess you could say backwoods. You had too many people that were elected that would more or less do backroom deals instead of helping the public. Which, that's what they was elected to do but I feel that everyone here, yeah, ready to help the citizens of Fair Grove. And I'm talking to Kelly early this week and I've known Franklin ever since I was knee high so I decided I was going to throw my hat in the ring. The experience like I said, that I have working for the City of Buffalo for 10 ½ years and knowing how the city operates that it ought to help Fair Grove move forward and if I feel like I can't, in the position as Interim Mayor, help the city move forward then I would bow out because I would be defeating the purpose of the position of Mayor. So if any of you guys have any questions, feel free to ask.

Cooke – I do, Brian. I have one question. I'm looking over your application here and it lists your occupation as truck driver. I have done that for going on 23 years now and I spent 17 of that touring the country from behind a windshield.

Zebel – Yep.

Cooke – What is your availability?

Zebel – I am off Monday and Tuesday every week. I work 5 days on and 2 days off and that's guaranteed.

Cooke – Okay.

Petty – Are those 5 days away from Fair Grove?

Zebel – Yeah. I work for Wal-Mart. I've been driving for Wal-Mart, it will be 10 years November 29th. Before that, whenever I left the City of Buffalo in July 2003, that's when I went over the road. Owned my own truck for 8 years, parked right there in the driveway at 227 South Main every week but I got on to Wal-Mart in 2005 and Wednesday through Sunday is my schedule and that is set in stone and then I can set there every February, if I want to I can take Thursday out and have every Tuesday and Wednesday off. But that's guaranteed and then I have, I'm home Thanksgiving and Christmas but I'm always available on the phone.

Cooke – Right.

Zebel – As long as I'm hands free I can talk as long as I want.

Cooke – It also lists your address as 356 N. Vance but you mentioned 229 South Main.

Zebel – 227 South Main. That's where I grew up at.

Cooke – Okay. You currently live on Vance?

Zebel – Yes.

Cooke – Okay.

Zebel – And then the business is listed since my mother is in a nursing home. Long story short, to navigate Medicare, Medicaid and all of that stuff, my brother and I had to create a business in order to secure the house and the property. That's it. And it's not actually active until I come in and we purchase *Inaudible* But I still have power of attorney over that property any way. But then mother in law lives right around the corner and we're related to a bunch of people around here by marriage.

Petty – Alright. A lot of, as far as responsibilities of the position, there's a lot of calls that say hey I need you to come up to City Hall and do this thing.

Zebel – Right and I was gonna inquire about that cause my days off, I can be in here fielding calls if I needed to and doing that kind of work.

Petty – My concern is just that those concerns aren't exclusive to Monday and Tuesday.

Zebel – Yeah well I can understand that and I can sit there and field calls Monday through Friday without a problem because I've always got a voicemail if I'm, just by chance, away from my phone. I don't carry it on me 24/7 and I'll return the call either same day or the next morning.

Petty – Okay.

Stewart – I appreciate your interest.

Zebel – Thank you.

Cooke – 100%.

Petty – This isn't a night of decision. We're probably going to need some time to sit through and process this.

Zebel – Yeah, that's fine.

Petty – If we have questions can we reach out to you?

Zebel – Yeah. And if you, whenever I was with the City of Buffalo I was also on the volunteer fire department so I've got all of the, I've got a three-ring binder full of the certifications for the City and for the Fire Department and I can bring them up if anybody wants to look at them.

Petty – Okay. Thank you.

Zebel – Thanks.

Public Comment Open

Tyler Kline – My question was for Tim. You've got a lot of experience within that line of work and I was just wondering if you thought with this job and the responsibilities of the job could be filled from the road?

Cooke – I think it would be very, very tough to do. That is my main concern. And all credit to you. That is the toughest line of work a person can do besides from our first responders. I spent 17 years not watching my kids grow up and I put effort into that. I would question how you could maintain a city, which is not near as important as being there as a father.

Petty – But just as exhausting, good grief.

Cooke – Yeah. But that is a concern. I wouldn't have been able to do it. When I was driving I could not have maintained running this and being on the road for that length of time.

Zebel – I was volunteering, on my days off I was volunteering over there for Fair Grove. On my days off.

Cooke – It would be a challenge. 100%. It would be a big challenge.

Petty – When we are ready to make a decision, we will reach out to you, Mr. Zebel.

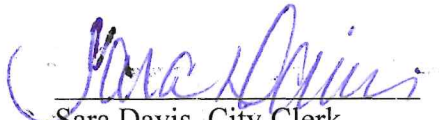
Zebel – Okay.

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Adjournment

Motion by Stewart to Adjourn at 8:01 p.m. Seconded by McMains
Cooke AYE, Petty AYE, McMains AYE, Stewart AYE, Hodges AYE

Adjourned at 8:02 p.m.


Sara Davis, City Clerk

DRAFT