

PLEDGE OF ALLEGIANCE

Led by Mayor Voorhis

OPEN MEETING

Roll Call taken by Mayor Thomas Voorhis

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

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

APPROVE AGENDA. Motion by Veach to approve agenda. Second Roe Stewart AYE, Petty AYE, Veach AYE, Lord AYE, Icenhower AYE, Roe AYE

Introduce and Swear in Officer Atwood

PUBLIC FORUM

Jeanette Alcorn 284 E. Caddo – I'm here with some neighbors in my subdivision. I just wanted to see if there is any chance of discussing and possibly changing the fireworks ordinance. Or rewriting it is really what I should say. We feel like there is several factors that aren't thought of when you are able to shoot fireworks year round. There's young kids that need to be in bed. Especially during the school year and you shoot fireworks and you're going to wake those young kids up. There's adults that have to be in bed early because they work super early. There's elderly people that go to bed early. Sometimes I go to bed early. People that have PTSD. Animals... My dog is terrified of fireworks. I am sure there are plenty of other animals that are terrified of them and when you don't know when the fireworks are going to happen, they just go off, it's very, it's very hard on the animals, the kids, the people in general. So, I'm not asking for there to not be fireworks be allowed in the city. I'm just asking that it be like, kind of at a set time. Like July whatever to July whatever or June to July. Something like that where it's a set time of year and then maybe even New Years or something like that. Also, I'm not proposing that we take away all fireworks for live events. School events, park board events, the ice cream social, I still want all of that to happen. I feel like that's very different than the residential fireworks. But whenever you've got people just randomly shooting them all the time and you don't know when it's gonna be, I just feel like that's not necessary. I just wanted to see if there is anything you can do to change it. So, that's all I have.

Mayor Voorhis – Well thank you.

David Hall 311 E. Willow I'm one of the people here with her and I agree with everything she said. If there's some way that we can limit it like 7 days before the 4th 7 days after the 4th. I'm one of them that go to bed early cause I get up early and go fishing a lot and I'm asleep by 9:00. Even in the summer I'm in bed early, so we just ask you to think about it. See if there is anything we can do. Not wanting to make anybody mad. Still want Friday night football fireworks, ice cream social, New Years. Thank you!

Voorhis – So I want to speak on this. We do have an ordinance in place for fireworks. Are you guys aware of the ordinance that we currently have in place for the fireworks?

Petty – It currently allows year round fireworks with time restrictions but it's extended on 4th of July and New Years holidays.

Hall – Can I say something else?

Mayor Voorhis – Yeah.

Hall – And the chief might need to answer this, I don't know. It's my understanding that it's year round from like 10:30 in the morning til 10:30 at night, something like that. Does that mean anybody can go to any street in the city of Fair Grove and shoot off fireworks?

Chief Howell – It does.

Hall – So I don't know. I know Ike and I know some of you. Let's just say someone gets upset with me and they come to my house on a Wednesday at 10:15 shooting 'em off. We've got a mom here with kids and these kids are probably in bed by 7:30-8:00 on a school night. If you got kids, you know how hard it is to get your kids back to sleep. So please consider that too.

Ben McMains – I think in that instance you could get them for peace disturbance because their intent is to disturb your peace not to shoot fireworks off.

Hall – But if it's legal to shoot off fireworks...

McMains – But their intent was to do something more than shoot off fireworks.

Hall – No. How can you prove that?

McMains -- That would be the hard part, but...

Hall – And Fair Grove's got good people in it. I don't think they're going to do that. But I'm just saying, it could happen.

McMains – I agree.

Hall – And your hands are tied here

Howell – Unless I can prove they're doing it maliciously.

Icenhower – Has this been a problem? I'm not aware of it. I haven't heard it so I don't know.

Alcorn – Yes. This has definitely been a problem.

Howell – I have received a couple of complaints. Our ordinance, I don't know if you've read it, but it was poorly written, it needs to be rewritten and readdressed and as far as this, I have had complaints about fireworks being shot off at night and disturbing peoples peace but with the ordinance written the way it is, we've had a problem with people knowing the hours and

understanding it. I don't know who wrote it or what they were on when they wrote it but it is poorly wrote, So it does need to be addressed and revamped.

Veach – Richard, do you know how long ago that ordinance was written?

Icenhower – Do what?

Veach – Do you know how long ago that fireworks ordinance was written?

Icenhower – I can't remember what happened yesterday.

Veach – Oh, I forgot. I'll call Genie.

Voorhis – Ms. Veach, it's going to be in 2003. Alright, thank you for presenting and bringing that up. We will look into that. Anybody else?

Tim Cooke 209 E. Meadowlark – As you guys are aware we just had our first National Night Out celebration with our officers and the Police Citizens Advisory Committee. It was a successful event. At this point, with one event under our belts, we are already at the point that we are able to adopt 6 children for the holiday season this year. My purpose for getting up here is because we've had a lot of support from the community, from local businesses and in front of everybody, I just wanted to recognize Kelly, Dennis, Tommy and Sara. You guys stepped up, helped us out in a big way. We appreciate what you guys done for us and we hope to do it again. Thank you.

Voorhis – Thank you. It was an amazing event. Thank you. Anybody else?

Missy Kirkpatrick – I'm not sure if I'm going out of order. Roy and Melissa Kirkpatrick. We're on the agenda. Is this the time that we speak?

Voorhis – Nope. Not quite. We will go ahead and move on.

Old Business

New Business

DISCUSS SEWER CONNECTION 70 SOUTH ROCKRIDGE (Agenda Request Roy Kirkpatrick)

Melissa Kirkpatrick. – So, I'm Melissa Kirkpatrick, Roy Kirkpatrick's right there. Tonight I'm kind of playing the role of the brains and he's being the beauty so I'll be the one speaking on our behalf. I have resided at 70 S. Rockridge for close to 16 years now. Both myself and my husband are graduates of Fair Grove High School. We've been around for a while. We have both served our community in various ways. For instance, my husband has coached mighty mites for many years, he also was heavily in supporting the Quarterback Club and myself, I have actually served

and held a seat on our Fair Grove Park Board in past years. We do have a deep love and connection to our community and that's why we're here today.

I think it was late July or maybe it was early this August, I had two lovely armed police officers and our city inspector, they presented themselves at my home, and they were advising me that they were there on a complaint that I had an illegal connection to the city sewer. This is in regards to a portable building that I have in the back corner of my lot. You guys could probably step and see the back of my home right over there. I allowed them in, they gained their access and they completed their inspection. The portable building in question does in fact have a sewer connection from the building to the clean out of my home. The portable building is in the very back corner of my lot, okay. You might ask, what is the intended purpose of the portable building. We have a very large blended family. We have lots of family gatherings and lots of grandchildren and they love to spend the night with Popa and Missy. So this is like a playhouse, right, like a clubhouse. This building is comprised of two rooms and a small bathroom with a toilet, sink and standup shower. By no means is this space intended for the usage as a living space on a permanent basis but merely a clubhouse.

When my husband and I decided to purchase this portable building for said intentions, we reviewed the building codes that were available online to ensure that we were following the proper procedures. We took a look at Section 700.090 Separate Sewer Connection for Each Building, it says "*A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the City.*" Now, based on the wording of this code, you know, this is kind of why we did what we did and this is the reason why we ran the line from the portable building to the house, instead of the street.

Now, I'm a rule follower, alright. I understand why we need rules in place for a peaceful existence and for protection. I have complied to all requests when advised I was not following proper code. For example, I have a shipping container. I was advised that I was two feet too close to the fence and we complied and moved that shipping container the required distance. I attempted to take the shipping container and then turn it into a green space. When I was originally advised that I needed to move the shipping container, the original city inspector told me that the city found these as an eye sore and so they really didn't want them in the city anymore. So I was like, I would love to turn this into a green space and I'll be quite honest. I was shamelessly stealing the idea from someone else who lives across the street from the bus barn who also has a shipping container. They have this beautiful deck and steps going up to it and I thought that was a great idea to make something that we think is an eye sore a little better, right. I was advised that I was unable to do that so I was asked to remove the deck. Once again, I complied with the request removing the deck. I then stored the wood on top of the container which I was then told that that was not acceptable either and I removed the wood from the top of the container completely.

Now, I was advised by the inspector that due to the driveway wrapping around my house that I did fall under this code, or exception mentioned here in 700.090 and that I am being required to run a separate line, sewer, from the portable building to the street to connect to the main sewer lines. Now, I'd like to address the fact that I do have a full gravel driveway that wraps around my house and this is a direct outcome of the improvements that we made. The driveway and the gravel was introduced to my backyard when the portable building and container was placed on my rock. The full gravel driveway did not exist before but we believed the wording in this code was appropriate for our purposes. In this case, I'm not really understanding the desired outcome from the city or the city inspector but I was advised that the reason I could not leave it as is connected to my house from the sewer line it was explained to me that the city pipes are old and they can't handle the stress. So I ask each of us to consider the amount of waste or sewer that could potentially be flowing from this portable building and if this action alone is what is causing the issues that could potentially cause issues for the city sewer, then I feel like there might be some bigger issues at hand. And the inspector was very adamant that we were putting the city under risk, which I don't want to do that. We don't want to put the city under risk. So I want to talk about some of that risk for a moment and what I feel is the potential impact if I do follow suit with the recommendations and run a separate line.

So, at 70 Rockridge, this road is one of the most pristine, most beautiful roads that we have in our city. The sewer lines are underneath the road. We're going to have to dig up the road. Right here, it is a dead-end street. If I do that, I'm going to cut off 4 people's homes that have access to their homes. Two of which are elderly. I don't know if you went to school here in Fair Grove, if you have kids who went here to school in Fair Grove, you probably know Nola, she probably served you lunch. Nola lives across the street from me. She's elderly. I do not want her to be cut off from having access to her home. The gentleman to the right of me, he is elderly as well. He had emergency services called out to his house just two weeks ago. I'm very concerned that if we run into problems when we cut the road, we have to go maybe days with the road being torn up, that it's going to cause problems for them. I'm also worried about the potential impact to the already stressed lines. You know, if our lines in our city are older, I feel like we're opening the city up to some risks if we open up a new patch into there. If I open up a completely new hole for you guys, I think that opens up some risk to you guys as well. Because it's my understanding that, I had this happen with water, right. We had a water leak. I got very lucky because the water leak was just on your guy's side. If it would have been one inch more on my side, I would have been responsible for paying for it. But it was luckily just an inch over and so I was not responsible for paying for it. So in my mind, anything on this side of the street, if it was to be impacted, I would be responsible. Again, that's why we went with the route that we went.

I feel like by digging into the road and extending out to the road, we have some issues with maybe impacting some water lines. What if we impact water lines, what if we impact electrical lines. We have a buried internet service line here. That can also cause an impact. And I'm going to say, I am a great protector of nature. I love trees. In my front yard, there is a 50+ year old tree that if we go digging up to make this happen, we are going to lose her. And I will say, she is very near and dear to my heart and I think we should think about these things and think about the impacts on the environment that would happen when we make these changes.

Now to the final, let's talk about the cost. So I do have an estimate from United Plumbing that I received on August 2nd and in that estimate, they're proposal is to evacuate the sewer line from the near existing cleanout to the sewer line in the middle of the street approximately 90 degrees. In street, will saw and cut asphalt and haul of debris from the roadway and the driveway. Will install the 4/8ths scheduled Beldt and PVC with two new weight cleanouts. Cleanout will be installed inside a vault with a steel lid for roadway, will make new tap connection in city main. After sewer installed, city will inspect and we will backfill and trench. In roadway we will pour approximately 8" thick concrete pinning to the existing concrete giving an estimate of \$10,500 to complete this. That is just the fees for that. I believe there are some city fees involved as well to hook up to the main which I think it runs between \$750 to \$1,000 when you add up all the different types of fees and so this is where, I just, when you think about what is asking to be done and the impacts and I think the additional risks involved, it just doesn't make sense to me. It doesn't make sense to me to dig up and put the city at risk when your opening up another connection hole, I don't have a big technical term there, and I'm just asking you all if that makes sense as well. I am open to, you know, if there is some fees that the city would want because we did connect to the home cleanout, I am totally open to that. I am totally open to paying any additional fees that the city might be interested in but I really think that the risks involved, not only for the city, but for myself and for my neighbors doesn't warrant what is being asked. So I am asking if we can possibly have an exception, a special permission to be granted by the city as stated in the code, Section 700.090.

Roe – Anna, what's your thoughts on that?

Attorney – As far as needing a new sewer line or the condition of the city sewers, I don't have enough expertise or knowledge to speak on that. I don't have the sewer plans or the drawings for this property or anything, but...

Roe – I...I...

Attorney – to know if an exception would apply...

Roe – That's my point, an exception.

Attorney – I do know that the code does require a permit to make a connection to the sewer and that sewer connection is to be supervised by the superintendent. So I don't know if there's a possibility of an inspection of the connection to see if it is up to the standards of the code and that it's not going to cause any damage. I'm not technological knowledgeable enough to advise on that but I wasn't sure if the inspector would be here today to discuss.

Petty – So I know that their building is classified as a temporary building. And it doesn't necessarily specify in the code, it just says every building. It doesn't say temporary versus permanent. Would it differ in that situation?

Attorney – I think from reading the code, I think it's more about the connections themselves. Being up to the standard that won't cause any damage to the system, making sure that there is no unauthorized materials going into the system and that's why I think it needs to be permanent. I

don't know if, it does just say every building. I don't think that there's a difference in temporary but I think...

Icenhower – I don't think it's different. Any building is what is says.

Veach – Well and then is says the building located behind the main building on the same lot.

Petty – I'm wondering if it's written... Ideally each residence has its own connection. You wouldn't have to accommodate for the volume that a residence produces.

Veach – Well let's look at it this way. If the toilet's not being flushed in the back building, it's going to be flushed in the front building and out. So there is no additional flushing going on.

Petty – Right. It's no additional volume going....

Hokanson – How do you figure that? If they've got a toilet in that building and it gets flooded, where's that water going to go? Where's the water going to go?

Veach – It's going to go down the sewer pipe.

Hokanson – Exactly.

Veach – But, if they don't have a toilet out in the building in the back...

Davis – But they do.

Veach – Listen to me. If they didn't have a toilet in the back and they had to go to the bathroom, they would come up to the front of the house and use the bathroom. There is no additional flushes that are going to be done because somebody is gonna go whether it's in the back or in the front.

M Kirkpatrick – It's not everyday usage. This isn't being used every single day. Nobody is living there. You know, kids come over maybe a night on a weekend, they're hanging out for a bit. Maybe on a Wednesday night when we're having family dinner. You know, somebody needs to use the potty really fast. We have a large family, right. It's not like there's going to be sewer usage or water waste coming out of this every single day. There's just not.

Icenhower – Well, my first question is, did you ever get a permit?

Stewart – I was wondering the same thing.

Icenhower - Do you have a permit?

M. Kirkpatrick – Oh I do not believe. I will ask you.

R. Kirkpatrick – No...

Hokanson – I didn't think there was.

Icenhower – Did you get any kind of permit?

R. Kirkpatrick – We didn't realize we needed one based on that...

M. Kirkpatrick – On this code right here.

Hokanson – Doesn't it say it needs to be inspected though?

R. Kirkpatrick – It doesn't say anything. It doesn't say anything about a permit.

Attorney – Section 700.070...

Icenhower – It plainly says no private sewer connection constructed to a building with an adjoining alley. It very plainly says...

R. Kirkpatrick – Well it was already existing there at the home.

Icenhower – That makes no difference. Did you have any kind of a permit?

R. Kirkpatrick – No. We don't.

Icenhower – You don't have a permit.

M. Kirkpatrick – I do not believe.

Icenhower – So it's null and void.

R. Kirkpatrick – It's a home improvement.

Icenhower – No. Not necessarily.

Hokanson – It's in another building.

R. Kirkpatrick – It's inside our property line.

Hokanson – It's another building.

R. Kirkpatrick – It doesn't matter. It's inside our property line.

Icenhower – If you build another building, you have to have it inspected.

M. Kirkpatrick – And we did apply for an inspection and we did receive, umm, I do believe that you came back out, we have this inspection right here with some additional things...

Hokanson – That’s the building inspector.

M. Kirkpatrick – that we are taking care of. We have no problem with that. I just don’t understand the amount of waste and sewer. And if I look here, based on what United Plumbing was going to use to install is the exact same materials that we used as well. Please back me up if I’m wrong.

R. Kirkpatrick – Yes.

M. Kirkpatrick – We installed 4” Schedule 40 piping which I believe that is what we were supposed to use. We would be more than happy if he wanted to come look at that piping a little bit more and as I said, if the city wants us to pay, I believe there is a \$300 fee, there’s another \$400 fee and I think there’s another \$50 fee for a sewer deposit. We are more than open to paying that. We just don’t feel like it is worth the effort and the time to impact the environment, to the city, to dig up more, to go to the street to make a connection to the city main line. That road will never be the same.

R. Kirkpatrick – That road will never be the same and it’s probably one of the better streets in Fair Grove.

Icenhower – Well my question still is, did you have any kind of permit?

M. Kirkpatrick – I already answered you sir. We did not because I did not understand that was required.

Stewart – Has this connection ever been inspected?

M. Kirkpatrick – He came out and inspected it.

Hokanson – No.

M. Kirkpatrick – Not a full inspection, no.

Hokanson – It’s never been inspected.

M. Kirkpatrick – But he’s been to our location twice now.

Hokanson – I seen where it came out of the floor into the ground. That’s all I’ve seen.

M. Kirkpatrick – And I thought you looked at where it came in because, did you not show them where...

R. Kirkpatrick – No, I did...

Hokanson – Any sewer that goes in in town I have to inspect it.

Stewart – So is the concern, you have a toilet in the back that flushes and a toilet in the front that flushes at the same time, is that the concern? The amount of volume coming from both of them is more than what the lines can handle?

Hokanson – Yes.

R. Kirkpatrick – More than it can handle? Where?

M. Kirkpatrick – That's where I'm a little confused. Like what is the impact? What is the risk to the city?

Hokanson – The risk is two residents on one pipe.

M. Kirkpatrick – So basically...

R. Kirkpatrick – It's our responsibility.

M. Kirkpatrick – Well that would be on my side of the street, right. So I would be responsible for that.

R. Kirkpatrick – If it overflows I gotta dig up and repair it.

Petty – In that situation, the city is responsible for protecting you and your home.

Veach – Okay. I'm going to play devils advocate here. I've got two bathrooms in my house. Both of them were used at the same time. They're both flushed at the same time. I realize that they run in series meaning that when they flush at the same time this one goes out first then this one follows but, if they hooked into theirs, it's still going to be in series. If they flush two toilets at the same time, the one in the front is going to go out first followed by the one in the back.

R. Kirkpatrick – Yes ma'am.

Veach – So, I'm looking at when somebody said it's going to cause an overflow...

Hokanson – I never said that.

Veach – I'm not seeing it.

Hokanson – You got that? I never said anything about an overflow

Veach – No, no, no, no, no...

M. Kirkpatrick – Yes you did.

Hokanson – No, I never said any of that.

Veach – I wasn't referring to what you said. So I'm trying to figure out how this could cause a problem. I know you didn't have a permit, that's already said and done but I'm trying to figure out logically and as an engineer thinks how this is actually going to cause problems if they do have one in the back hooked up into it.

R. Kirkpatrick – You would have to stand there and consecutively flush the toilet.

Icenhower – Well, I'll ask this question. What would be the difference between me going behind my house and building another house and hooking it to the same sewer?

Veach – Yea, but see your talking...

Icenhower – there isn't a but...

Veach – Now this is not a home that somebody is living in.

Icenhower – So I can build a house and put in one shower and one toilet and hook on to my one deal?

Veach – Difference.

Icenhower – No it's not.

Veach – Oh yes it is. It is.

Icenhower – How is it different?

Veach – Because you have residence here, you have a once in a while children playing, flushing a toilet. They're not living in it, it's not going to have the same volume. I got back to the fact that if they didn't have one in the back that they flushed, they're going to be flushing it in the house.

Icenhower – I never said I was going to be living in my back yard.

R. Kirkpatrick – There isn't a reason to flush that toilet then, is there?

Icenhower – Huh?

R. Kirkpatrick – There isn't a reason to flush that toilet then, is there?

Icenhower – Well, you don't understand what I'm saying here.

Veach – Oh, I understand but you're not understanding what...

Icenhower – It's right here in black and white..

Veach – You don't understand what I'm saying.

Icenhower - ...and it don't deviate. Whether it's a portable building, grandma headquarters or whatever. It don't deviate. It don't deviate from that at all. It just very plainly says for each building.

M. Kirkpatrick – So is there more risk of us leaving it as is as opposed to digging up and making another connection to what I have been told is aged pipes?

Hokanson – Who told you that?

R. Kirkpatrick – You did.

M. Kirkpatrick – You did, sir.

Hokanson – I didn't tell you that the pipes in the streets were aged.

R. Kirkpatrick – Yes you did.

M. Kirkpatrick – Sir you told me the reason...

R. Kirkpatrick – Yes you did.

M. Kirkpatrick – You told me that the pipes in our city are older...

Hokanson – I never did say that.

M. Kirkpatrick – and that the pipes can't handle... Okay, I won't sit here and argue back and forth. I know what I heard and that's what I was told and that's why I'm confused. I'm confused how if that is the main concern of the additional pressure and stress on the city's, why am I going to break in to the city's main pipe? That's what I'm having concerns with. It does not make any sense. I have complied with every single code that I feel like makes sense. The things you have told me to do makes sense. My container was too close, makes sense. Didn't like the deck on it, I understand. I've taken it down. But this is one thing that I feel like if we just take a step back and use a little bit of common sense, it does not make sense to continue to tear up a road and do all of this for this portable building that is not going to be used every day. It just does not make sense. This is why I'm hoping that you guys can help me make sense of it because I'm a very reasonable, rational person. It just does not make sense to me.

Stewart – I have two questions. One, if they had made that connection correct and it was actually inspected, does that limit our risks. Are we good to go then?

Hokanson – We would be good to go.

Stewart – Even if they are tapping into their existing line? I'm talking not tapping into the line like the ordinance says, I mean if they tap it like it is now and we go inspect it and make sure it's done correctly, is that possible? Is that even a thing?

Hokanson – That’s you guys call there, not mine. I will inspect the lines and make sure that it’s put together correctly and it has the fall it needs and all of that. But as far as me telling you that I would think it’s okay to do it like that, I’m not answering that question.

Petty – Is that something the building inspector would do?

Davis – Kenny does all of the sewer inspections.

Stewart – Another question I have is, if you guys happen to move out, what keeps the next family coming in from using that back as a full time mother in law quarters?

M. Kirkpatrick – We would take the portable building with us. The portable building would not stay, so that would come with us. As far as the sewer line, I think what you do in most cases. Now I’m going to tell you guys, I’m a little simple minded here, but I think this is where you cap it off, right. You make sure that what would you do with a house that’s no longer there anymore and they have a sewer, right. I’m not very technical about that, I don’t know, but I think we have homes that are no longer there anymore that have sewer and at one point, we cap them off. Same thing, if we were to move, we take everything. We take the shipping container, we take the portable building, it all comes with us.

R. Kirkpatrick – My next question is, if I did cut the pipe out and put a compost toilet in then I can do whatever I want with the compost. I can put it out in the city park. I can throw it in the trash. This makes no sense. It’s compost.

M. Kirkpatrick – I mean

R. Kirkpatrick – There’s no ordinance on compost. But we would rather risk that then let it go in the sewer to start with.

Voorhis – Thank you for coming. I don’t believe right now that we are willing to act on this...

M. Kirkpatrick – I understand.

Voorhis - ...and move forward. We greatly appreciate your comments and talking to us about this. I believe I’m going to have to direct it towards our legal advice, our sewer inspector and more information with communications with the councilmen to move on this unless one of the Aldermen are going to make a motion for something, I believe we are going to move on. I greatly appreciate you unless you have anything else you would like to share. We won’t go ahead and act on this.

M. Kirkpatrick – Okay. Do we wait until we hear from you guys what actions you want to be taken, is that correct?

Voorhis – The city will be in contact with you on where we go. Yes ma’am.

M. Kirkpatrick – Thank you.

Voorhis – We're gonna go ahead...

Hall – Can I...

Voorhis – No sir.

Hall – Just..

Voorhis – No sir. No. We're going to go ahead and move on.

DISCUSS DRIVEWAY AT 633 SOUTH MAGEN STREET (Petty, Roe)

Chris Hodges – Hello. My name is Christopher Hodges and I own the property at 633 South Magen Street. So I guess this has been going on a couple of years now. So what I did, I actually own 629 South Magen also and I bought the property beside me and to access that land, I put a driveway in so I can go in, pull around back whenever I want, you know. In doing that, I never got no permits, which is probably my fault, but Mark Raymond was still the inspector, he told me one thing you know, so we kind of did some things. We were going to pave it and do some things but he said well since you ain't building no building back there you don't have to do that, you can do gravel. Then our other inspector who's no longer here, he said that I could take the curb out and cut the curb so I didn't have to keep driving over it. I didn't know I had to have a permit to cut the curb, so I would've done it.

Roe – If I could just back up so that we have the names correct. The first inspector is Raymond Hopper that you would have talked to. Phil Kent came after Raymond.

Hodges – So, he told me I could cut the curb, didn't know I had to have a permit to do that, which that's my fault. I came up here today and I paid for the permit which was \$100. But I took the curb out. It's got 2-4" rock gravel driveway and then goes up the drive. It's really nice and clean, it doesn't get out in the road. But now I got this notice that I might be in violation of it and I just want to see what we can do here, or what I need to do to fix the problem or if you guys will allow it to be gravel. It's open ground is all it is. I'm in plans right now to sell my property, both properties actually and so I'm assuming that's why I got the notice.

Roe – I'll share with you that I talked to Phil Kent and he remembers talking with you. He said it was shortly after Raymond Hopper left and he said the discussion was apparently about putting some gravel there to get equipment back to the back to build a shop. Now this is his words that he's tell me, okay? And he said in that discussion that yeah, he gave you permission to put gravel in. I said did you talk about what a finished driveway would look like after the building of the shop was complete. He said no. He said it was all about what could you do to have a base that you could get equipment back there to build the shop.

Hodges – So yeah. I was planning on to build a shop which we didn't do. Everything was already done, the gravel, the curb was pulled out. I still to this day, I drove over that curb for a year and

talked to Phil and he told me I could take the curb out so I don't care to put the curb back I can do that. I have the money to put the concrete drive in. It's \$20,000 is what it is. But I would rather not spend any more money. I just wanted to see what you guys will allow me to do. There's no structure back there. Like I said, just open ground. I've got \$100,000 boat sitting there on it right now, so don't know what y'all want me to do.

Icenhower – You already knew the first mistake was when you didn't get a permit.

Hodges – Yeah. That's my fault. Yep.

Icenhower – And in my opinion, you've got two avenues here. Number one, you can put the curb back and you'll have to back your gravel up 10' off the curb or the other alternative is you can leave the curb cut and then you're going to have to concrete it. That's the way I read this. Everybody else can speak up but I'll speak up and say what's here, Chris. If I was you, I'd put the curb back.

Hodges – I get that. It would be cheaper.

Icenhower – So it's up to you whatever you want to do.

Hodges – The way I read it, and it's kind of weird and maybe I'm totally wrong, but the way I was understanding it is that until I built my structure, shop, whatever, I didn't have to do any type of...

Icenhower – When you cut the curb, you screwed up.

Hodges – Is that where it was?

Icenhower – That's where it was.

Hodges – Okay.

Icenhower – That was what got you in trouble right there.

Roe – If you had gotten the permit to cut the curb, you've been given information on what that kind of driveway would look like. Since you didn't do that, Phil Kent told me the same thing that Richard just said, that you, in his opinion, it would be okay if you put the curb back in and remove enough rock to where it doesn't connect to the curb like a driveway. The reason for the 10' is there is a utility easement that's 10' there. So go beyond that easement.

Hodges – So you can't have gravel...

Icenhower – You can put dirt back over it but you can't have gravel over it.

Hodges – Oh really.

Icenhower – I mean, we can't stop you from that.

Roe – There's a shop building on Highpoint Street on the corner, it's got a shop from the back and it's all grass to get to it.

Hodges – There's a couple of other buildings also. One in your neighborhood that actually has gravel going from the road all the way to his new shop.

Icenhower – I don't know.

Hodges – Oh, there is. You know. It's right down the road from you. But there is also one up by your house too where they have no grass at all, no concrete, no nothing all the way to the shop out back on top of the hill.

Roe – That was there when I bought my place.

Hodges – It's not in code.

Roe – That's changing. The new owner is going to start building this fall...

Hodges – But there's a building there.

Roe – I know, there's a building there. Why that wasn't addressed early on, I don't know, like I said, that was there when I bought my place. The shop was there, the gravel drive way. We've only been there seven years. I think the shop's been there 8 or 9.

Icenhower – Well I'll reiterate. What got you in trouble was when you cut the curb.

Hodges – Okay. I get it. I understand that. So is it, let me ask you this, on any property, cause I own more than one property in this town, I can't put no gravel up anywhere in the utility easement that the driveway is on? Cause there's multiple places in this town where gravels at and they use the easement. If that's what we're getting at. They own the property, the can come and put utilities in there with gravel or grass, whatever you want.

Roe – That may have been grandfathered in. If you're grandfathered in, the city can't go back and make you update to the new ordinance. I say that because, like the water was here before the city, the city came and the city sewer came after the city and there's a lot of things done with the city sewer because it came last, afterwards, so.

Petty – How are grandfather properties documented? Where would that be?

Roe – I don't know. That's a good question.

Veach – You can go back and see when the buildings were built.

Attorney – Sometimes ordinances will have a clause in there where someone has a non-conforming type of driveway or something. They go and document that with the city within a certain time after the ordinance has passed so that can be tracked until improvements are made or a property has sold.

Roe – What you have said is true and I will give you an example. There's quite a few 10 acre properties off of Saddle Club, you see horses there. They can have those animals as long as they are the original owners but once the property sells, they can't have them.

Hodges – No, I understand.

Veach – Chris, that's like the cows you can see from my house.

Hodges – Yeah.

Roe – That's an example of how the ordinance will allow grandfathering but once the property sells, it has to be updated but like driveways, that ordinance on the driveway is not written that way.

Hodges – So should I just file a complaint about all of the new structures that's built out here that has gravel driveways? The same way I got complained on?

Davis – Yes.

Hodges – Okay. I'll do that. That's all I got.

Voorhis – Thank you, sir. We'll go ahead and move on.

DISCUSS S.R.O. POSITION

Voorhis – I want to invite Mr. Bell up to the podium. Give a little back story. Here recently I have had many discussions amongst the SRO, amongst the council to pull it all together, Mr. Bell's here. I just kind of want him to explain the meaning of the SRO at the school. What his job functions are and so on. I might have some questions to follow.

Bell – So thanks for inviting me, Tommy. Tommy asked me to be here tonight. I don't really have a presentation. I just want to let you guys know how the SRO program started at Fair Grove School and where we're at now. Back in 2006 I believe the school got a grant to pay for half of the resource officer. The school paid for the other half. That resource officer was there for a short time and then that's when the school took it over. The city didn't have any money once the grant ran out to help with SRO so the school went ahead and took that position over. The city still commissioned them. They hired a reserve officer, I believe that person then was a reserve officer back in the time of 2007 so we hired that person for one year. We've had the position for 17 or 18 years. After that initial year, we had a resource officer for 12 years, Officer Greg Porter, did a tremendous job. Then after him was Officer Bond and he was there for 3 years. Of course this year we had Officer McMains and Officer Castleberry. We've done the resource officer position for 18 years. We've partnered with the city each of those years. In 2020, we actually signed an

MOU. I believe it was Mayor Short that initiated the MOU. It was brought to us by the city. I don't know if it was written by an association or an attorney or who did the MOU. It was pretty well written. We got our attorney to look at it. Missouri Ed Council looked at it and they said it was well written as a partnership from the beginning. The city would agree to commission the SRO and have him a reserve officer for the city and comply with Missouri Police Officer Standards, training requirements, etc. In talking to Chief Howell, everything you would want in a partnership, I think it's in the MOU. I talked with Chief Howell. We talked about some possible liability issues, however if there weren't liability issues, there wouldn't be a resource officer. Whether that's on the school or the city, those are always going to be there. I think that is just something that's inherent with that position. But I think it's a partnership. The city hires them and commissions them as a reserve officer and we hire them as an SRO, I believe it's a good partnership for both the school and the city.

For instance, over the years, there's been issues in the city where our resource officer has come out and they supported the police chief or the officer on duty at that time. I'm not sure if that took place this year. I know in the past there's been several issues where we've been able to kind of help that situation. Obviously, we've got to be able to make that call. Can we afford to let our SRO leave campus lets say when school starts. We've got to look at the situation. Is it a situation where somebody's been pulled over or is the situation where someone's life is in danger, so then we would have to make those decisions but it's been a really good program. It's been a really good partnership. We've had some really good people in that position. A resource officer is a different type of police officer. There not your typical street officer. We try to hire people that will be able to communicate with our kids, community, our parents. We have to have folks that are going to build relationships with the kids in our community. You really can't have that mentality where, I'm not sure what the phrase is, but we need someone who is more calm and can make decisions as a school district. You're not on the street, you're not in a police car, you're not going to an active situation in most cases. However, if those cases arise we want a person to step up and be able to take care of those issues. That's why we send our folks with the Fair Grove Police Department, when they shoot their arms and they go for that training, we try to send our officers with the city to do that training. We also send our officers to school resource officer training as well and we have them pursue online avenues to do that. So we would really like to keep our relationship with the city. Our options are, if that doesn't work out, we can have the county commission us, we've been told that is a possibility. We can do our own resource officer department or we can hire a school safety officer and make them a school protection officer along with some other folks in the district. So those are possibilities. However, we don't really want to do that. We would rather partner with the city and make this relationship work like it always has. It's been a great partnership the past 18 years. Questions?

Voorhis – Mr. Bell, a couple of them. Who oversees the SRO within the school system?

Bell – Within the school, it's myself and the administrators. So bottom line, they answer to me.

Voorhis – We were advised that you met with Mr. Roy last week, he set a meeting with you. Amongst this MOU agreement, it says this agreement will be annually looked at on a yearly basis to decide if any changes are needed or agreed upon. During your meeting with Mr. Roy, was there any changes that you seen fit for this agreement? Mind you, this agreement that the

city has signed with school, Mr. Bell, is 4 years out of date. Since then there has been many laws that have come down through the Fair Grove government and with the Officer Bill of Rights in 2021, case law and so on and so forth. This one was signed in November of 2020 and put into effect December 3, 2020. Since then, has the school, besides this meeting, met to update and to go through any legal aspects to go along with this MOU that we currently have signed.

Bell – We haven't, no. We have looked into other avenues the last year or so, but we have not looked at that. We also haven't received 180 day notice of termination of the agreement which is under the termination of agreement there. We haven't received anything saying that we would like to look at this. However, in my conversation with Chief Howell I'm more than open to revising what needs to be revised. I think Chief Howell, we left it as hey, he's going to bring it back to you guys and your attorney. We would take it to our attorney and present anything that needs to be revised and let them handle it.

Voorhis – I don't think that that was even brought into play Mr. Bell about withdrawing this 180 day. I'll just get to the point where it does say that we will evaluate on a yearly basis. That doesn't mean that we're going to withdraw the MOU, it just means that we are going to evaluate it. As of now, as the superintendent of the school, do you feel that this MOU that you currently have in place fulfills everything that you're asking for after talking with Chief Howell that this is something you guys agreed upon?

Bell – I don't think we agreed upon the terms of the agreement. I think Chief Howell, from my understanding, correct me if I'm wrong, would like to take over the SRO position and the city hire that position for placement at the school. Of course, when we interview, we always have the police chief in to also be a part of the interview process. I think it's only not happened once. I don't think we agreed to the MOU, no. We agreed that he would bring it back to you guys and let the attorney take a look at it. I am more than open to revising the agreement if you guys think it needs to be looked at.

Voorhis – Well, Mr. Bell, I thank you for your time on behalf of me and answering the questions I had. I don't know if other council members will have any questions they would like to ask.

Petty – So what is the schools, how do you feel, do you feel like it would negatively impact the school district for the SRO directly to report to the chief?

Bell – I think it would take our control out of it. If we're going to pay the \$60,000 plus benefits package for that position then we would like to have some control of that position as well. In our experience with the police department in Fair Grove, things change from year to year sometimes. This hasn't happened, we've never done it but one time but what could happen is you get a really good officer one year and the next year get someone who isn't as good. That takes us out of the equation. I'm sure the Chief and the city would take our input on that but with us working together, we all hire the person that we agree on and I think that's a big key component to that. Also we are able to partner together and work together on different issues throughout the year.

Voorhis – Well I said that, but I have another question for you. If the city were to come up with an agreement and reevaluate this, what stops us from putting in there, why is it that the school

wants to control over the SRO when we can come to a mutual agreement on this position just for legality reasons for the city and the school. Why can't it be under the city and not the school? What makes this position so important for it to be under the school?

Bell – It's a partnership. That's what the MOU is for. I think that's what MOU's do. It's a partnership. It's not controlled by one entity or the other. It's partnership and that's what the MOU is for. That's what, in my opinion, has made it such a successful thing. To have a resource officer for 12 years, one for 3 years, we've only had 6 resource officers in the last 18 years. I think it just goes to speak to the success of the program.

Voorhis – Thank you Mr. Bell.

Icenhower – You just need one boss, number one. In my opinion, the superintendent is there every day. The Chief is not there every day. He's not there 8 hours a day or 10 hours a day or whatever. This MOU, Dennis and I had a conversation early today, we know who wrote this and our past attorney, John Housley, signed off on it and said it was great. The school's attorney signed off on it, said it was great as far as any liabilities, anything like that. There wasn't any problems so I don't know why we want to go start changing anything myself.

Roe – It's all because of what he already said. The Officer Bill of Rights that was passed in 2021 after we signed this. It's changed things.

Bell – My question to that is how has the Bill of Rights impacted, this is a question I don't know, because the city is hiring them as a reserve officer and we're hiring them as the SRO how does that change the rights?

Attorney – I can just kind of jump in and kind of generally say, the Officer Bill of Rights requires the city to indemnify the officer and provide for their legal defense if there were any claims. So that means paying for their attorney, paying for judgment, it requires that and if we don't do that, then the officer can actually sue us. So I think that before this was probably fine but since then a lot of these MOUs will have some sort of delineation to deal with that obligation in case an officer gets sued by a parent so it's really just updating to reflect that expense and burden that is now placed on the city. As the entity that commissions the officer and as that officer is a reserve officer for the city. The other thing is that the Officer Bill of Rights requires that for even when the officer is off duty, any action that is taken under color of law, so if they're at the school or not at the school. It's just really anything that they do in the scope of enforcing the law. So that's kind of the difference. It just places a bigger burden on the city in that circumstance. Just some updating, things like that.

Petty – That would be your recommendation regardless of which entity they reported to?

Attorney – Yes, because they would be employed as a reserve officer. It is any officer that is commissioned by the city and has arrest powers. I have some materials that explain that I could give you guys but it's just any officer that you commission and has arrest powers.

Icenhower – Well now, I've got a question here. You said any officer that's employed by the city. Whenever they're SRO, they're not employed by the city.

Attorney – Yes, but because they are a reserve officer for the city and we give them their commission, any acts that they do, even when they are off duty as a reserve officer, we would have to indemnify that officer.

Veach – I have a question. What if they weren't a reserve officer and they were just commissioned through the city?

Attorney – If they weren't a reserve officer and they were just commissioned through the city, I think that maybe changed the indemnity part where we would be forced to pay for their legal defense, but I don't want to opine without doing a little research but also because we are commissioning them, we would still be named as a Defendant in any civil action with that commission.

Icenhower – You're talking in circles.

Attorney – The difference is being named in it but then having to cover the police officer's legal defense too. So the city would be paying for their own and the police officers defense.

Veach – And us commissioning them is going to put that burden on us even if they are not employed?

Attorney – We would still be named as a Defendant.

Bell – If you guys supply a police officer to the school, they would still fall under that?

Attorney – Yes.

Icenhower – Same thing.

Attorney – I don't think anybody wants to see the Student Resource Officer position go, I think a back and forth about how we can update it to protect everybody's interest, both parties and the officer themselves, I think that would be good. I think that's really the decider of the change with the city.

Veach – So if they were commissioned by Greene County, then the city wouldn't have anything to do with it?

Attorney – Yes. The city would be out of it.

Voorhis – I think with that, if we could move on. I would like Chief Roy would like to present on this as well. Mr. Bell, I thank you. Chief Howell, before we get going, I've got a couple of quick questions. A couple of meetings ago, you stated you were going to sit and talk with Mr. Bell.

During that meeting with Mr. Bell, did you happen to present a reasonable update for a transition to what your ideas were for what we currently have in place?

Chief Howell – I didn't get much of a chance.

Voorhis – With your years of being the Chief and having the opportunity to look through the MOU, is there many things inside that you are wanting to change or certain aspects that you feel as Chief of Police that are better for the city to take a stance on for protection of not just the city but the school also with the SRO in that position?

Howell – Well, to back up a little bit, I have been an SRO for 4 years. During that 4 years, I went through NASRO training, I also helped supervise the SRO. It is a very important part of policing. This MOU that I see here does not protect the students, the parent, the police officer, the school, the city, the mayor or myself from liability.

Icenhower – Well you can't get rid of liability period anywhere. You're gonna have liability regardless.

Howell – You're right. But there's a way that you can limit your liability.

Icenhower – You're never going to get rid of liability.

Howell – This right here, you're not limiting your liability. You open a lot of gray. There's a lot of gray in this form.

Icenhower – I'm not saying there's not.

Howell – To quote three different aspects, COPS, Community Oriented Policing; "Law enforcement agencies should have a fully executed MOU with the school districts where SROs are assigned stating that law enforcement should be the controlling factor". That's Community Oriented Policing. NASRO, the US Department of Justice who operates our use of force, deadly force and everything we go by, the guidelines. Supervision, responsibility and chain of command of the SRO, this section must clearly establish a definitive chain of command for the SRO, including the individuals with responsibility of supervising the SRO with rare, rare exception this responsibility lies with law enforcement and it should be the Chief of Police and/or his designee who's in charge of that position. That's from the US Department of Justice. NASRO, National Association for School Resource Officers. They are associated through all of the United States even internationally. The School Resource officer is carefully selected as Mr. Bell said. This should be a joint operation. I was one of those. I had to be vetted in by the school. Specifically trained and properly equipped full time law enforcement officer of a sworn law enforcement authority training in school based law enforcement, crisis prevention and is assigned by the employing law enforcement agency to work in the school as community oriented policing concept. These are three well known, legally touted agencies for the school resource officer program. What we have now is a lot of gray that can leave us endangering children, endangering that officers ability to live, support his family, affect the school, and affect the city. There needs to be a lot of change in this MOU. Most of the time, like I explained to you last time, when it

comes to the SRO, there's an MOU between the city and the school and the city employs them and the school gets them. I'm fully 100% with Mr. Bell, except for the supervision. Only a certified law enforcement officer should be supervising a law enforcement officer, not a school position. They don't have the training nor the ability to know what's legally right. Only a law enforcement officer. Then you have the Officer Bill of Rights. The officer is not protected by the school. I've got to throw that in. There's too much gray in it for the city. We need to protect the children, we need to protect the school, we need to protect the city. All three of these can be found on the internet and you can call them and they will back their word.

Voorhis – Well, Chief. Thank you for sharing with us. One more question for you. Obviously we do have a current MOU in place, as the Chief of Police here I'm sure you've read that as of now. Is there some areas in there where we could fix to adopt this year to get us through on a yearly basis to make it feasible for us to work appropriately that you feel would necessarily protect the city and the school? Amongst the MOU that we have right now.

Howell – I think there is but I think there's a lot that has to be changed. There is a lot currently in the MOU that the school's not upholding to in the MOU. I think that's something that needs to be addressed. There are giant loopholes in this that could cause harm or liability to anybody. You guys sitting up here yourselves.

Icenhower – My next question is, what's your proposal? Who's going to pay for this?

Howell – The proposal, I actually had a proposal at one time. Most agencies do a 75 80 split where they pay 75% or 80% depending on how long the school is and then the city takes up the other 20 or 25%.

Icenhower – Where's that money going to come from in your budget? You don't have that kind of money in your budget.

Howell – Yes I do. If I cut that position, that reserve position, which a reserve works on a reserve basis, not full time in a school under a reserve status. That's another whole iffy subject.

Bell – I'd like to point out one thing is that many schools in Missouri have the same situation in place. It's not just in Fair Grove. If you go through the Missouri School Board Association they have a Safety Commission, they will actually go through and help schools get their own department if they so choose. This isn't something new to Fair Grove. It's not like we're the only school doing it. I would say in our area, more than half the schools in our area are doing it the way that we do it. I actually get a whole list for the entire state of Missouri from the Missouri School Board Association who also gives training to the school resource officer in our state.

Howell – I just went through active shooter training in Springfield, one department there was doing it. Everybody else has either gone to self-commissioning that takes the liability solely to one place and that makes Mr. Bell the C.E.O. of a law enforcement officer and then he has to get his knowledge on the Officer Bill of Rights.

Bell – Mr. Bell doesn't want that. Mr. Bell wants to partner with the city. That should be with the experts.

Howell – Then the supervision should lie on the experts.

Bell – I would agree with that, yes.

Howell – The expert in law enforcement. I was also an SRO.

Bell – It doesn't really make a difference to me when it comes to a law enforcement officer. That is totally different position.

Howell – I know it is.

Stewart – If there's a complaint currently for 4th amendment violation who investigates that?

Bell – If there's an issue with the law, we pass it right on to the city, to the police department.

Stewart – So the Chief investigates?

Bell – They would be the ones who investigates that. We pass on any law violations and stuff like that. We take care of the school. School activities, obviously the school resource officer has powers that the city gives them to arrest but ultimately it's given to the city and goes from there.

Stewart – Do they log stuff into the property room here at the police department?

Bell – You're addressing an issue that Chief Howell addressed with me. I think there were some stories going around that possibly there was a bag of marijuana found at school which it was not. It was a vape pen that had some residue and as far as I know, the testing is done with the police department. For the last 18 years, we've locked things like that, a vape pen, in our lockdown file cabinet in our resource officers office and then when they would file their report they would turn that in and that's what they should have done, is turn that in. Now, again, over the last 18 years, that stuff would be turned in every day, every week, might even be turned in once a quarter, at best. That comes straight from our former resource officer that I talked to today.

Stewart – Turned into who? Turned in, what do you mean by turned in?

Bell – To the police chief of the city. As far as the vape pen, the story that I've heard of the vape pen, there was supposed to be a bag of marijuana with it. When I talked to my high school principal, Mr. Overstreet, my assistant high school principal and our former SRO, that's not the story we got. It was a vape pen with some residue and to my knowledge it was never tested.

Voorhis – Alright, one last question, Chief. As you are sitting as the Chief of Police here, would you feel comfortable signing the current MOU that we have in place?

Howell – I would not.

Voorhis – Okay, thank you. Anymore discussion amongst the council on this? I'd like to move on.

Icenhower – Hold on just a minute. We discussed this and we haven't done nothing.

Voorhis – There's no action to be taken on it, Mr. Icenhower. The only action that we can take on that is to send a withdrawal for 180 days or to continue. There's no effective to remove it on that piece of paperwork.

Attorney – Yes, it's in place.

Icenhower – Why don't we have a MOU drawn up?

Voorhis – We do right there.

Icenhower – But you said you can't accept it.

Voorhis – I never said I couldn't accept it. It's already in place.

Attorney – It's in place, there's no termination date on it.

Icenhower – So what you're telling me is that this is still in force.

Attorney – Yes.

Bell – One more thing. The only thing I would ask is not to get into the weeds of what we've done here. I didn't know I was supposed to present or that I was going to get asked questions. The only thing I would say from the schools perspective if you guys do decide that you want to change this, please give us a heads up. We'll respect whatever decision you make. We want to be able to move forward. You know, 180 days kind of puts us out in the middle of the school year so we'd rather have a heads up. Obviously I don't think you're going to do it tonight but at some point we just need to know. I could talk to my school board and figure out what we need to do in the future. We would love to partner with the city if possible, if not, we'll make it work another way.

Voorhis – Thank you, Mr. Bell.

Icenhower – But this is still in force?

Voorhis – Yes.

Lord – What are you thinking, Mr. Mayor? We need to add some Officer Bill of Rights to a new MOU and get it signed by the city's attorney and the school's attorney and carry on?

Voorhis – Yeah. I believe here later on we can go into a little, we can discuss some of this, talking about legal stuff, when it comes to agreements and stuff, it's a matter that's handled in closed session...

Lord – Understood.

Voorhis – So, we can't talk about agreements and signing contracts as of right now. So we'll move on.

DISCUSS AND/OR APPROVE SITE GRADE PERMIT. (Roe, Voorhis)

Voorhis – A little bit of backstory behind this. Me and Mr. Dennis Roe were contacted a while back from a contractor and he wanted to go ahead and start building without having all of the paperwork done. The ladies up here in the office did some excellent work to get this. As it's a good idea in theory and we'd like to see it move on, I think as of tonight, we're not ready to act on this or really present. We are finding some information that the ladies were able to do for us and I don't think it would be fair to the council to give you guys all of the information. So, as it's a good idea and I think it would do some good, positive change in our community I just don't think we are ready to move on the site grade permit on that.

REVIEW STORAGE CONTAINER ORDINANCE RECOMMENDED BY PLANNING AND ZONING COMMISSION

Roe – There's a lot of details there and I know you've only had the weekend to review it. If you've got some comments now about what you received. If you want more time, let's delay this.

Veach – I think we ought to delay this a little bit to where everybody's got a chance to do a little bit of research. I probably know more about it than anybody in this room.

Icenhower – Well, If it was up to me, I'd outlaw them. I wouldn't allow them period. And second of all, a half-acre is not enough. It's got a half-acre. You have to have a half-acre?

Roe – What would you suggest?

Icenhower – I'd say a minimum of an acre, if you're going to allow them. Personally I'll vote against them.

Veach – Well that depends on the size of them. There's different sizes. There's 20', there's 40' and I do have a 20' and I do have an acre.

Icenhower – Well you're grandfathered in though.

Veach – Yeah. But still.

Icenhower – But still. How many people, I don't know how big the lots are, I don't have any idea, but how many people at Meadowood's up there probably got a half-acre? How would you

like for a storage unit to be looking at your back door? That's what I'm saying. They don't need to be allowed at all as far as I'm concerned. They've got their place but I don't think they need to be in the city of Fair Grove.

Veach – Well, and let me tell you why I went with a shipping container. Number 1, they're rodent proof, they're bug proof, they're water proof, they will withstand winds of 150mph without being tied down. They do not, they rust but they do not rot because they are made of corten. They are safer than any portable building. They're not going to be damaged by the tornadoes we've been hit with. They do have to be on a solid foundation of gravel or concrete. Because if they're not, they will settle, the doors will not open and close right. I feel as though if they're in town, they need to have all of the shipping labels off of them and they do need to be painted.

Roe – Painting is covered.

Veach – I don't agree with just two colors. Because, let's throw this out there. Say the park needed to have one to store sporting goods in. Say the kids wanted to have mural on it of soccer balls, soft balls, bats. By this, the way it's written, they would not be allowed to do that. So I think you would be missing something for the kids by allowing it to represent what the park is actually for.

Roe – I understand what you're saying and believe me, a lot of the same discussion is starting again with the Aldermen group that went through Planning and Zoning. We tried to simplify it to make it easy to enforce. So this is the end result of that discussion.

Icenhower – Well you got setbacks and you got everything else. Like I said, you get your setbacks on a half-acre, you're gonna have a problem.

Veach – See, when I got mine, I covered where the placement was if it had been a portable building. I followed those same rules.

Roe – And this code mentions those rules.

Veach – And the inspector at the time was out there before I ever did it.

Roe – Let me just briefly say John Hayes, our chairman, took three cities ordinances and using the storage containers as, shipping containers as buildings, blended those three together. We went through multiple discussions and this is what we came up with.

Veach – And you and I talked a little bit while you were down in Texas and I'm bringing up the things that you and I had discussed. But, yeah, I did a lot of research before I got mine and as soon as mine was placed on the gravel, I started stripping all of those shipping decals off because I wanted to set an example on how they could look. Now, to bring them in and let them sit for a couple of years like behind me with all of the shipping labels on them, no. I don't like that.

Icenhower – Yeah, you've got one at your back door.

Veach – Yeah. And I was painting mine the weekend of the fall festival the year I got mine.

Icenhower – Well, I spoke my peace. Everybody else speak up. Do you want one at your backdoor?

Stewart – I would like a little longer to review this also.

Veach – And see, what is in my shipping container is my teardrop camper and that's where my mower goes. And there was no way I could have put my camper in a portable building. What I wanted to do was build a detached garage to where when I back in with the teardrop camper I could just back right in. But the way the ordinances are written, I could not put a detached garage at the corner of my garage where I could just go ahead and pull it in. And I couldn't put the container in the back because I've got a wet weather stream that runs under my yard and if I tried that I would be sunk in to the axles. Certain times of the year, you can walk in my backyard and sink to your ankles now. So that's the reason mine's put where it is.

Icenhower – Well if your neighbor moves one in right next door to you, I guarantee it's not going to do anything to your property value.

Veach – You look at what I've lived beside for years.

Icenhower – That was there when you moved there.

Veach – It was not that mess when I moved in.

Icenhower – You don't remember when Dude Terry was there?

Veach – Pat used to keep that place next door to me halfway decent.

Voorhis – Thank you guys for your input. I believe the consensus, if I'm not wrong, is to review this at some point and possibly make some updates and bring it back to city council. Is that a consensus?

Roe – I agree.

Voorhis – We'll go ahead and move on.

DISCUSS AND/OR APPROVE LANDSCAPING BID FOR CITY HALL

Icenhower – Well, I seen that.

Petty – What's the total with the 40% off?

Davis – I think that is the total with the 40% off.

Roe – Yeah, the prices he gave us include the 40% off. He talked to me a month ago when we were talking about the contract for mowing. I told him to put it in writing and get it to city hall. So I came up with \$465 for all of the plants. \$160 for the labor. I'm surprised he only put 2 hours in there for the labor.

Lord – Yeah, that's what I was thinking. What was the total on all of those plants again?

Roe – All of the plants is \$465. He did not put it in here but he said the labor would be cheap if he had a volunteer or two to help. But he only put 2 hours in there almost expecting to have volunteer help but he doesn't state that.

Icenhower – Where is all of this going?

Roe – Around the building of city hall. The two sides I presume. Where the parking lot wraps.

Icenhower – Who's going to water them?

Veach – You are.

Icenhower – No, I'm not.

Veach – We already volunteered you.

Icenhower – That's the Chief of Police's job. He ain't got nothing better to do.

Veach – Okay. Roy, you're on.

Howell – I guess since I don't have anything to do.

Roe – The other thing I notice is there's no soil covering included in this and then we've got the watering. Somebody would have to do the watering of the plants. You can't just put plants in and not water them.

Davis – I'm sure Chan and I can take care of it.

Veach – Kenny, who used to water the flowers we had out here before?

Hokanson – Ronnie. When Ronnie was here, he'd water the bushes but the, whoever they are. Some club that does it under the flag pole, I can't remember their name.

Davis – Sunshine Club

Hokanson - Sunshine Club, yeah. Miss Highfill. She comes up.

Icenhower – I don't think she can do that anymore. I don't think she's in good enough health right now. What did you say it was?

Roe - \$625. What my thoughts are is to make a motion for \$750 or \$800 and stay under that. That way it would allow some purchase of bark, something to cover the ground.

Hokanson – I think he said one time, he was talking to me about it and he wanted to put rock. It's better than putting bark down. You don't have to worry about adding to it all the time cause once you get the rock down, it's there.

Veach – Well and mulch will pull in termites too.

Motion by Roe to approve \$900 to be spent on the plants specified in the July 22, 2024 bid plus rock for Yard-Art. Seconded by Veach
Stewart AYE, Petty AYE, Veach AYE, Lord AYE, Icenhower AYE, Roe AYE

Icenhower – Don't want to get to spending too much money cause I just spent probably \$5,000 keeping you cool tonight.

Veach – Keeping who cool?

Icenhower – You.

Davis – The air was broke in here but the air is still broke in here. He couldn't finish fixing it today because it didn't stop raining.

Icenhower – That didn't work out so good for me.

OPEN BIDS FOR OXIDATION DITCH

Voorhis – We got one bid from Cooperstate, Copperstate. We only got one bid. It's unopened. We'll go ahead and open it. Here's the total bid that has come in for \$90,720.73. It doesn't look like it's broke down.

Icenhower – Is that what the opening bid was?

Roe – Yeah. It's the same as what we got before. I just want to do a quick check to see if the parts is the same.

Icenhower – It's the same as the first quote. Plus we have to furnish an electrician.

Roe – If you go to the second page, Richard it says that.

Icenhower – I know. That's what I'm saying. It will probably cost more than \$90,000 cause now we've got to furnish an electrician.

Motion by Icenhower to accept bid by Copperstate Machine Industrial Services in the amount of \$90,720.73 plus additional costs for electrical for the Sewer Oxidation Ditch. Seconded by Roe

Board of Alderman Minutes
81 S. Orchard Blvd.
August 13, 2024
Page 31 of 31

Roe – It will come out of the sewer capital .

Petty – And this is work that’s already been discussed and budgeted for?

Roe – Yes. We budgeted for this. Thank you for bringing that up.

Stewart AYE, Petty AYE, Veach AYE, Lord AYE, Icenhower AYE, Roe AYE

CLOSED SESSION

Motion by Stewart to go into Closed Session 610.021 (1) Legal Actions at 8:08 p.m. Second
Veach


Stewart AYE, Petty AYE, Veach AYE, Lord AYE, Icenhower AYE, Roe AYE

Motion by Veach to go back to open session at 8:50 p.m. Second Lord
Stewart AYE, Petty AYE, Veach AYE, Lord AYE, Icenhower AYE, Roe AYE
(Closed Session Minutes taken by Kelly Petty)

Mayor Report

Adjournment

Motion by Roe to Adjourn at 8:51 p.m. Seconded by Veach
Lord AYE, Roe AYE, Veach AYE, Icenhower AYE, Petty AYE, Stewart AYE


Sara Davis, City Clerk