

PLEDGE OF ALLEGIANCE LED BY MAYOR VOORHIS

OPEN MEETING

Roll Call taken by Mayor Thomas Voorhis

Kelly Petty PRESENT, Tim Cooke PRESENT, Ben Lord PRESENT, Ben McMains PRESENT, Mark Stewart PRESENT, Franklin Hodges PRESENT

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

Approve Agenda. Motion by Petty to approve amended agenda. Seconded by Stewart

Dodge – When was it amended?

Voorhis – It was posted 24 hours in advance.

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

Public Forum

Jeffrey McConnell, 566 UU Road – I'd like to make comments on what Martha Weeks had to say. Oh wait a minute, she hasn't spoken yet. How do I know what she's going to say? How can I comment on it if she hasn't spoken yet? My last time I was here and I said it at the Planning Commission meeting too, you really should have it the other way around so that people can hear what the comments are, what's the new business, what the staff has to say before we can comment on it instead of coming up here and saying something that maybe we don't know anything about or pass out rumors or leave us sitting in the back unable to speak.

Voorhis – Thank you, sir.

Richard Icenhower – Okay, Mr. Mayor. You were read the Mayor's duties sometime back. Evidently you didn't hear them or didn't understand them. Which is it?

Voorhis – I don't know what you're getting at, Mr. Icenhower.

Icenhower – Well, you're way overstepping your boundaries as the Mayor. You work for the council at their discretion. The clerks work for the council, not you. Did you or did you not contact any of the Aldermen to trade a Planning and Zoning appointment for Board of Adjustment?

Voorhis – I did.

Icenhower – You realize that's illegal?

Voorhis – It is not.

Icenhower – It is too. That is collusion.

Voorhis – Okay, yes sir! Continue to speak, I'll listen.

Icenhower – Okay. That's collusion. The reason why, we know why you don't want to appoint Dennis Roe. Because you lied to him and he called you out. Dennis Roe was on the Zoning Board for 7 years. He has very much interest in the city and because of a personal reason, you don't want to appoint him back to Planning and Zoning. Also, your lawyer told you last week or last month, or last meeting that Planning and Zoning people, being at how they wasn't reappointed they would just stay on there. According to MML, that's not true. They have to be reappointed. They have a term beginning and ending and when their term ends, they're off until they are reappointed. You had a Planning and Zoning meeting last week that's illegal. Any vote they done is illegal. You have anything to say?

Voorhis – Go ahead and continue, Mr. Icenhower.

Icenhower – Ben, every time I see you I get the number one finger.

McMains – You're number one in my book, Richard.

Icenhower – Isn't that kind of childish? That's something I would expect out of a 7th grader.

McMains – You came at me, never mind, you go ahead. Go ahead, Richard.

Icenhower – Grow up!

McMains – You'll get 2 this time, next time.

Voorhis – Anybody else for public forum?

Jackie Robinson – I've got a question. Will you guys take a vote about having this after the meeting....

Voorhis – If you would please, ma'am, please come up here.

Robinson – You know, I know you can hear me. I don't want to walk on these people but I would like for you to say the business first then let the public speak because we don't know what you're going to say like this gentleman said. We don't know. There's nothing right now that we can speak on because you guys haven't brought the business up yet.

Voorhis – Understood.

Robinson – So I would like for you'ns to vote on that tonight. I want you to say that you'll do your business before you let the public speak. Simple as that.

Voorhis – Thank you.

Robinson – So we will know what to say later on our behaves. Are you going to do it?

Unknown Female – I'd like to say something also but I'm going to stand over here so that everyone can hear me. I never saw that this was going on so I haven't been to any of these yet but I've been around the United States and have been to many of this type of thing and it is nice to know what's going to be said first so that then we'll know what we're going to be talking about because then you're just going to get people confused and they're not going to say what they need to say if it's not out there in time. Thank you!

Kelly Anderson – Is this, I'm sorry, I put in a request to speak.

Petty – No, you're on the agenda.

Anderson – Okay, I wasn't sure so I just wanted to be sure. Thank you.

McConnell – Can I speak again?

Voorhis – Sure, Mr. Jeff. Yes sir.

McConnell – I've told some of you my past experiences. I think this has to be put on the agenda to change the agenda and one of my questions was, what does it take to get something on the agenda? Does it take 2 Aldermen to do it or the public with a petition. I've heard different things in different cities so I thought I would ask you.

Lord – I'll put it on the agenda for the next meeting.

McConnell – Is it one or more?

Voorhis – It takes 2.

Cooke – I'll second that.

Robinson – Thank you!

McConnell – Well that answers the question.

Lord – We will see what it takes to get it changed and we'll address it.

Robinson – And you're in our Ward. We appreciate that. Thank you so much!

Petty – There is also an agenda item request form that you guys can fill out with the City Clerk.

Robinson – Can you make that public on the notes so that people know cause no one knows?

Petty – Yes ma'am.

Robinson – Thank you!

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McConnell – I also was sitting over at the Senior Center for a while on my phone trying to see the agenda and I couldn't find it. Maybe it's not phone app ready or something.

Davis – It's on the homepage.

McConnell – You're going to have to show me.

Davis – Okay, I will.

McConnell – I spent 20 minutes looking for it. I think that's all the trouble I'm going to make tonight. Thank you!

Cooke – Sara, regarding these agendas, could we, for those that aren't in tune with the cell phones and stuff, could we print agendas off ahead of time and have them available for pickup?

Davis – We sure can.

Robinson – Thank you!

Davis – You're welcome.

Voorhis – Anymore for public forum? Alright, we will go ahead and move forward to go into closed session. We'll need a motion to go into closed session for legal actions.

Closed Session

The tentative agenda of this meeting includes a vote to close part of the meeting pursuant to RSMo 610.021 (1) Legal Actions.

**Motion by McMains to go into closed session per 610.021 (1) Legal actions at 6:38 p.m.
Seconded by Hodges**

McMains – Is it 110 or 610?

Voorhis – 610.021.0

Petty – I don't believe that the reason we are going into closed session is justifiable to the RSMo. We have no active litigations to talk about.

Dodge – 610.021 (1) includes legal advice.

Petty – It's preceded by the word "and" which means it's connected to the first part of the sentence. I don't feel comfortable.

Stewart – I'm going to stand with Kelly on this one.

Petty NO, Cooke NO, Lord NO, McMains YES, Stewart NO, Hodges YES

Voorhis – Motion fails. We will stay in open session. We will go ahead and move on.

Old Business

PLANNING AND ZONING APPOINTMENTS

Mayor recommends Don Brite to the Planning and Zoning Commission for a term to expire 05/2029

Stewart – Can we get clarification on that? Just the expiration. Does it expire in 29 or is it...

Voorhis – Miss Holly, would you like to answer this question for the people we have?

Dodge – Are we talking about Planning and Zoning?

Voorhis – Yes ma'am.

Dodge – So Planning and Zoning is a 4 year term unless you're appointing to complete a term. I believe these are appointments that have expired. If it was somebody moved out of the jurisdiction or something like that, or resigned then their appointment is for the remainder of the term. I believe you have multiple, multiple expired for multiple years but they have been serving and not appointed in replacement of. That's my understanding.

Stewart – So it's a possibility that we have some that are currently acting on that board that maybe shouldn't be? Is that what I'm understanding?

Dodge – I thought I was given a list of their expiration of terms. Are they all currently serving?

Voorhis – Yes ma'am.

Dodge – I know that for Board of Adjustment you guys have no current appointments.

Stewart – Correct.

Dodge – So for that one, you'll stagger because there's no way to trace that and you need to have a staggering, but I thought I was sent a list.

Lord – So, Holly. There's two men on the Planning and Zoning Board right now, Don Brite and forgive me, I don't know...

Voorhis – Travis Lee.

Lord - ...and Travis Lee, that their term has expired. After the expiration, they did attend a meeting and participate. I got some questions from other members of Planning and Zoning. I didn't really know how to answer the of why are they here, can they be here? I did my own research, which obviously isn't yours, it seems they can't. Once their term expires, they're off the Board until they're reappointed. Even if that leaves them without being able to form a quorum. Is that correct?

Dodge – How far are you saying they're expired? I guess I'm a little without all the facts.

Lord – I mean, it's like on a green bean can at the store I would guess. It either is or it isn't.

Dodge – I don't have the list of expirations so I'm talking about is it expired by a couple of days or are you saying that they had not been given the authority, that their term ended long ago?

Lord – Okay, I don't know. A recent expiration. I don't have the dates. That's as good as I can give you on it.

Davis – They actually expired in 2023.

Dodge – Okay, so that's, but have been serving?

Davis – Yes.

Dodge – Okay. So that's a little different situation. I don't know...

Lord – We just overlooked it and never reappointed them?

Dodge – Well that's what I'm saying. I'm not sure I know enough facts.

Lord – Okay.

Dodge – I don't know why they wouldn't have done appointments in 2024...

Lord – Right.

Dodge – That's why I said. How long are they expired. Are we talking like a day, that's a different situation. I don't know what that situation is. I don't have those facts.

Lord – Okay.

Dodge – I'm not comfortable giving you an opinion on that.

Lord – We may have screwed up on it and not brought the appointments whenever we were supposed to, possibly?

Dodge – It was my understanding that we were appointing shorter than the terms. That we were doing them on two-year terms as opposed to four-year terms and by statute they're four-year terms. So that's why I'm saying that I didn't have that understanding. I'm wondering if the expiration of terms was on that two-year term timeline and really they were four years. But I don't have those facts.

Lord – Okay. So we just need to do some more homework I guess on the appointments and the terms to get this all straight? Obviously it's a hot topic and I'm not trying to hold anybody off this Board but I do have people asking me and I have no idea what to tell them.

Dodge – And if you feel that you don't know whose terms are expired in regards to, because my understanding was the belief was that it was two years, but it's four, that may have an affect on how they're counting those terms. But if the term has expired for a substantial amount of time, I would certainly first and foremost check and see if we've maybe got a record wrong. Normally that's part and it was my understanding part and personal that when you guys have a new session that you guys reappoint.

Petty – So how does that impact decisions that have been made on Planning and Zoning within the past two years, if they have been expired 2 years versus a month if it's been one month.

Dodge – I wouldn't give legal advice on that until I looked at the facts.

Lord – Mayor, do you have the appointment dates of these guys?

Voorhis – I believe Miss Sara sent them to me.

Lord – I mean, do we have them?

Davis – Mmhhh. Yes. I emailed them to the Mayor.

Voorhis – Yes. Don Brite was appointed November 26, 2018 so his would have expired in 2022. John Hayes was appointed April 27, 2021 so hjs would have expired April 27th of 25.

Lord – Can you give me those one more time, Mayor?

Voorhis – November 26, 2018 for Don Brite is when he was appointed, his would expire November 26 of 2022. John Hays who was appointed April 27th of 21. His expired April 27th of 25. Shawn McCormick September 14, 2021, his expires September 14 of 25. Paul Foreman August 23 of 22. His will expire August 23 of 26. Travis Lee, June 25 of 2019 expired June 25th of 2024 and then Darrin Moyers December 14th 2021 was when he was appointed, will expire December 14th of 25. So it wouldn't be...

Lord – I tried to keep up with you Mayor. It appears that the expiration that has ran out is Don Brite, Travis Lee and was there a third one?

Stewart – Yeah I think so.

Voorhis – John Hayes.

Lord – And what was the expiration date on John?

Voorhis – April 27th.

Lord – We can table this and talk about it later. They're not on there if they're not appointed is my opinion and we need to reappoint them. We may of overlooked it in the past. Is that where you're at on it? Is that what you're thinking, Mayor?

Voorhis – Well we need to get them up to date and on Planning and Zoning and that is, Don Brite, if we appoint him tonight, we'll get him up to date. It looks to be the only one we would need to do tonight would be Mr. John Hayes and Don Brite. Travis Lee still has until , nope his was up last year. And Travis Lee. So that would be the

Lord – What's Travis Lee's expiration date?

Voorhis – 25th of June 2024.

Lord – I don't guess you plan on recommending Dennis Roe tonight, do you? Mr. Mayor?

Voorhis – Not at this time as of this second, that is not what I plan on doing. No, sir.

Hodges - *inaudible*

Petty – The last time we had talked about, you're asking the Board to approve these members but I still haven't received any information on Don Brite, Travis Lee. All the members that you're hoping to reappoint.

Voorhis – They are currently, they were currently sitting on the Planning and Zoning.

Petty – Right. But I've never voted to approve them....

Voorhis – I don't have applications, Mrs. Petty, as they weren't provided to me. The didn't come back here and fill one out. They had filled that out prior to me getting on this council. It was just a reappointment. So if that's what you would like to do for Mr. Don Brite and these other gentlemen on here, I'm perfectly fine with that. We can get them to fill out another application for it. All 3 of them currently do sit on Planning and Zoning and John Hayes is the President or the Chairman of Planning and Zoning, so.

Lord – We could invite them to come in here...

Petty – I would like that.

Lord - ...and talk to us. I don't know who these people are.

Petty – I would be happy to talk to anybody tonight that is here.

Voorhis – Mr. Hayes, would you like to continue serving with Planning and Zoning, sir?

John Hayes- Well, my question is on the dates cause I got different dates than what you just mentioned and in regards to that, Shawn McCormick and I joined in the same month and it was a mid-year in September. So technically both mine and Shawn's terms go through September of this year.

Voorhis – All I can tell you is that's what I was provided by the City Clerk are the dates that I have.

Lord – I think obviously we're not where we need to be on this. I'll do whatever you guys want but my opinion is table it, do some research on it, postpone it and during that time, I would inform whoever is past their expiration date that they are not on the Board and shouldn't be attending and participating in meetings.

McMains – So we're going to postpone the Zoning meeting next month since we just lost one, two, three people?

Stewart – If we don't get it fixed by then, I guess they would have to.

Petty – Or we can have a special meeting and invite these members, these applicants that would like to rejoin.

Davis – We still have one meeting left this month before the next Planning and Zoning meeting.

Voorhis – Yeah.

McMains – That's true.

Lord – So if we can get it sorted out then we wouldn't have to...

Stewart – Maybe we could just postpone this until the next meeting?

Voorhis – Miss Holly, can you explain the legal and repercussions the city is going to gather now with not reappointing and with making votes. The legal ramifications of community members and the architects that come in and take action against the city as this council chose not to go into closed session for the item and would like to talk about it in open forum about the legal ramifications the city could face?

Petty – Well I think we're saying that we would like to meet the members and then have a discussion and then what those next steps should be. What Miss Holly is going to tell us hasn't changed in the past three weeks from where we are today. If we have a special meeting to meet these applicants and then vote at that time.

Dodge – Just to be clear, all you have in your old business is Planning and Zoning appointments, so...

Voorhis – Yeah.

Dodge – You need to keep the discussion decision. You can have on the next meeting as you have and I think you made a decision or you proposed postponing it to the next meeting which would be before the Commission meets again.

Lord – Does that need to be a motion?

Voorhis – Yeah.

**Motion by Lord to postpone Planning and Zoning Appointments to the next meeting.
Seconded by Stewart**

Voorhis – Motion by Lord to table the Planning and Zoning Appointments...

Petty – Postpone!

Lord – Postpone please, Mr. Mayor.

Dodge – Table is indefinitely, postpone is until the next meeting.

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

New Business

**DISCUSS AND/OR APPROVE EMPLOYEE HEALTH INSURANCE BENEFITS
(Stewart, Petty)**

Guest: Heather DeHart/ Nixon and Lindstrom

Heather DeHart – We represent the City of Fair Grove for their health insurance benefits, dental, life and vision. I am here this evening to discuss, present and answer any questions that you may have. Regarding the current existing policy, it renews June 1st. I was able to meet with Kelly and Sara and we also had Mark on the phone as well. We did discuss a couple of options. I can answer any questions that you may have first or we can discuss the proposal that we offered and recommended. Whichever you prefer.

Lord – Recommended proposal, please.

DeHart – I had emailed Sara, and I do believe it's in the agenda that there were some options available for the City to consider. So first of all, if you want a little history on where we are, where we've been. We actually were on a grandfathered plan in 2012 and we carried that plan through 2021 and at that time, we decided to transition to the policy that we are on now with Anthem. It's through the Chamber of Commerce so it's an association plan. You're in with 50,000 other members so you're able to purchase insurance at a discounted rate. They extended, the released the renewal, they wanted a decision by the 1st of the month, we were able to negotiate that to get an extension until after the meeting so that you could hear the information, review it and then make a decision. That deadline will be after this meeting this evening to decide how we want to proceed. The renewal unfortunately, was 19%, you can see that there. The first is your current in gray and to the right in green is the renewal offer. That percentage is

offered to you at that 19%. We put together two alternate offers for consideration, review and discussion. The first option is in gray. It's the alternate option with United Healthcare. Still offers employees open access and it's similar to what you currently have available to your employees but the premium is based on age and gender. We refer to that as age banded. Your current policy is a composite rate which allows all employees to receive the same rate per month regardless of age and gender. It did show some savings as you can see there and then to the right we put an alternate plan together after we met to review the Anthem policy, potentially adjusting the benefits slightly but not in a way that would be detrimental to the employees and we offered option 2 in green there. That would be staying with Anthem but making a plan change to the existing policy. As you can see, the current deductible would increase, the current out of pocket would slightly increase as well but all other factors of the plan would stay the same. Currently the City does pay for the health insurance premium for the employees outside of \$50 that they each pay per month. So there's about \$300 that the employees are paying of these numbers that are shown here. There's currently 6 active employees and they all have single coverage. No dependents. We also offer a Guardian plan for dental and vision but the employees pay for that all for themselves. That was a rate hold so those rates don't change. You also offer a United Healthcare Life Insurance policy. It's a \$40,000 benefit. It did adjust slightly but it was very minimal. You're employees receive that benefit and it was an overall total cost of about \$14 to the City to pay for that benefit and continue to offer that benefit. So there was not a significant change there. We did put it out to market, unfortunately on the life insurance we were not able to secure another quote based on your police. Sometimes insurance carriers don't always want to insure that classification of employee so I wasn't able to secure a life insurance quote for that. Any questions about the options? Do you want to discuss them in detail? I was just trying to keep my time short because it looks like you might have a real big evening.

Petty – After meeting and talking about the options, Mark and I were talking through it. I think our recommendation is to renew the current plan. The increase to the total annual cost is \$13,555. I do not think that we should go with the age banded plan. There's no guarantee for what anyone's health insurance will cost, it could be less for the city or it could be more I just think it's higher risk. Then Option 2 is cheaper than the renewal option however, it passes that cost in the deductible and the out of pocket cost onto the employees and if you calculate that out plus the increase that would be to our current plan, it would actually end up costing us more money if we include what the employee has to pay for that coverage. Therefore, my recommendation is that we go with renewing the current plan.

Lord – Do we need that in a motion?

Voorhis – In a motion, yes.

Motion by Petty to accept the renewal offer for the insurance coverage by Anthem for our employees. Seconded by McMains

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

Voorhis – Thank you, ma'am. Next up...

Dodge – Is the intent to execute a contract based on that?

DeHart – Correct.

Dodge – Okay. So, Kelly, were you intending to authorize the Mayor to sign that contract or are you waiting for the contract to come to the Board?

DeHart – The contract is already available and we typically or historically have sent it to Sara to sign. The Mayor has never signed it in the past. It's not required for the Mayor to sign unless you require his signature.

Dodge – The Board really should give that authority unless you have that in the ordinance which grants that authority. Contracts normally are executed by the Mayor. I don't care. You guys can delegate. I just wanted to make sure that you guys have authorized the execution of the contract cause that was not real clear in that motion. That's all I'm checking on what the intent was.

Petty – Can I amend my motion?

Voorhis – Yep.

Dodge – You can make an additional motion too to authorize execution of the contract.

Motion by Petty to approve the renewal offer for the Anthem insurance contract and authorize execution of that contract by the City Clerk.

Stewart – Do we have to revote and do all of that?

Dodge – Yep. You have to have a second.

Stewart – Go for it.

Seconded by McMains

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

**MARTHA WEEKS WITH FARMERS MARKET TO ADDRESS BOARD REGARDING
VENDOR PERMITS (Agenda Request)**

Martha Weeks – I'm Martha Weeks and I manage the Farmer's Market here in town and I've been down there since '22 but I've been a member of this market since '05. My understanding has been since '05 that our craft vendors were required to get a permit to sell but all of the farmers, plant, animal, produce, bakers that home bake and all of that were always exempt from that. I received a Facebook message at midnight one night telling me that all of my vendors had to have those license permits. So I do need to know where we stand, what it is, cause if things changed we weren't notified or what. I need to know what to tell my vendors. Anybody know? Anybody have any ideas? I've called around to other towns, I think I gave you some stuff. I attached some stuff. Most of the towns don't make you do that.

Lord - *Inaudible*

Weeks – *Inaudible* ...in my other markets.

Petty – So, technically, according to our ordinance, all of your vendors would fall under the Peddler/Crafter which is \$10 for one day and not to exceed 72 hours, however we do have an option for Temporary Vendor and I would like consensus of the council to consider looking at the Ordinance to maybe bring back and update to add the Farmer's Market Vendors as an exception. Is that the right word?

McMains – You would almost have to because under limitations you can only allow two permits for that property.

Petty – So adding them into the Temporary Uses Permitted, it would be the C-1, C-2 and M-1? Just the commercial, actually I think it needs to be added to every district because it's in the Historical District that I think the Farmer's Market takes place. What I would like to suggest is that we as a council or if I could have a volunteer to work with me on this to provide an update to the ordinance that this council can then approve or not, based off of our recommendation on how we could help out or honor the Farmer's Market.

Stewart – Maybe put the Farmer's Market in some type of special fee that they pay a fee for the whole duration. Would that be something that would be much more palatable?

Weeks – Yes. We have a lot of vendors that come that actually make no money. We don't even charge them a booth spot cause they don't make any. But they come because they enjoy the people. The people enjoy having them there and it's more of a community thing then it is for making money and we do it. We have, since I took over in '05, we've gone from 5 members to 26 and we're trying to do things to make people come into the community and stuff like that.

McMains – I'd like to see it thrive and continue because I love our Farmer's Market. I don't want to do anything to hinder that.

Cooke – When was the Farmer's Market first established?

Weeks - I think back in 2000. It was established by Peggy Scaletti.

Cooke – So 25 years ago. Is this the first time we have attempted to charge vendors for a permit at the Farmers Market during the 25 years they've been down there?

Davis – I'm sorry, can you repeat that?

Cooke – They've been there 25 years, is this the first attempt we've made to collect permits?

Davis – This is the first attempt that I've made. Now it was mostly for food trucks and such. I know the food truck that's coming down tomorrow night does not have any kind of a permit. There are food trucks that do go down there that do have permits that come into town frequently. It's whatever you guys want to do but it was my first attempt.

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Stewart – I think this is great thing to discuss and figure out if we want to amend it to make it fit better.

Weeks – Can I ask you to contact me professionally?

Stewart – Yeah, I actually have your contact information right here.

Weeks – It was not a good contact.

Richard Icenhower – I think you'll have to rescind that ordinance and make a whole new ordinance.

McMains – It's a mess when it comes to that.

Petty – It's pretty tricky, pretty tricky. Did you volunteer?

Stewart – Yeah. I think that's what's happening here.

McMains – It sounds like you were volun-told.

Petty – Does anybody want to take this? Any two Aldermen want to volunteer to have a look at this to see how we can...

McMains – It's a lot of wording *inaudible* I was looking at this earlier...

Dodge and Voorhis speaking *inaudible*

Roderick Icenhower – Any Ordinance changes will have to go to the lawyer anyway, Ben.

McMains – I know but to right a right is what I'm saying.

Hodges *Inaudible*

Petty – Just a categorization of Farmer's Market. *Inaudible* Temporary Vendor Permit which means each vendor would pay \$25 a year.

Stewart and Lord speaking *Inaudible*

Voorhis – Alright, thank you, Miss Weeks. We'll go ahead and move one.

DISCUSS AND/OR APPROVE MAIN STREET CHRISTMAS EVENT (Agenda Request)

Guests: Rick Stein, Chamber of Commerce President

Lisa Ritter, Main Street Christmas Chair

Rick Stein – Good evening, council. I'm Rick Stein, current President of the Chamber of Commerce and first I would like to thank the City for all of the cooperation we've had in the past for our Chamber events. It's been a pleasure to work with you. This past December the Chamber

proudly sponsored the first all-day Main Street Christmas event on Saturday the 14th. Although Mother Nature saw fit to unleash heavy rainfall that inaugural morning, she couldn't dampen the enthusiasm. Fortunately, her angry clouds moved out by noon so that the rest of the day went pretty much as planned; the square was full of vendors, Santa Claus paid a visit, kids decorated cookies with The Grinch, other Christmas characters milled about adding festive cheer, live music filled the air and visitors enjoyed shopping, dining and the fun and spirit of a small-town Christmas.

Ritter – This year we want to build upon that success to make Fair Grove even more of a Christmas destination with all of the above and more on December 6. That is also the same date as the annual Christmas Parade. The Chamber is once again partnering with the Historical Society and Fire Protection District for the parade and its addition to the Main Street Christmas schedule will make it an extra special day. Others involved in the day's event and planning leading up to it are the Fair Grove Library Branch, American Legion Post 38, Fair Grove Parks along with other businesses and individuals.

Stein – We ask your permission for the closure of South Main Street between Old Mill Road and Walnut Street on Saturday, December 6 from 8 AM until 7 PM for Main Street Christmas events. The parade collaboration also means Main Street needs only to be closed on one day instead of two as was the case last December.

Ritter – In summary, Fair Grove is all about small town charm and that is especially true at Christmas time. Main Street Christmas provides local businesses the opportunity to garner sales, generate sales tax and vendor license revenue for the City and provide exposure to organizations. Above all, we see the Main Street Christmas activities as a time to put a beautiful and twinkling spotlight on Fair Grove where citizens and visitors alike come to make holiday memories. We welcome any questions you may have.

Cooke – That's 6 AM to 7 PM?

Stein – 8AM to 7PM on December 6th.

Petty – I know my kids had fun. I look forward to doing it again.

Cooke – For sure.

Petty – We did approve this in an Ordinance, right?

Voorhis – We did.

Cooke – I have no issue with this whatsoever.

Petty – Consensus?

Cooke – Oh yeah.

McMains – Sounds good to me.

Voorhis – We'll get it written up and then we'll have it on our one of our next meetings and we'll get the Ordinance done.

Ritter – Thank you.

Stein – Thank you.

Cooke – Thank you guys.

KELLY ANDERSON TO ADDRESS BOARD REGARDING FLOODING ISSUES ON HIS PROPERTY (Agenda Request)

Anderson – Thanks, my name is Kelly Anderson. I live at 617 S. Magen here in Fair Grove. I have for about the past 4 years. Hopefully you guys got this in your packets that I had them put in there, some pictures of my property. I've talked to a few of you already as well as the Mayor. I've just got a huge issue with flooding on my property. When it rains, it comes off of other properties above and it floods my property out, knee deep water in my backyard. You'll see pictures in that packet. There's been thousands of dollars put into our property with trying to mitigate that. Franklin's son Chris used to live just to the south of me. He had his mold issues from the water and I'm just at the point that I don't know what to do. So I'm coming to you guys to ask for some help. It's not the first time I came and talked, it's the first time I came to a meeting but I've come and talked to Kelly last year. It's just running off of property above me and it's just killing my property value and I can't do anything with it. I can put another \$20,000 into the property and it's not going to solve the issue. I've talked to my neighbors and they can't do anything because it's coming from the hilltop there as you see in the diagram there and I'm just trying to start a conversation about what could be done. I've been told by members of the Board, this one and previous members that the drain wasn't done right. I've been told that there never should have been a house built there but it wasn't in any of the paperwork, it wasn't discussed when I purchased the house. We've got sump pumps, we've put dried creek beds in and if it rains, my water, like I said, it just flows under my house. My backyard is knee deep and I just don't know what else to do so I just wanted to, again, if it wasn't built right, my point is if it wasn't built right it was signed off by somebody at some point that that was okay. If it wasn't done correctly, someone somewhere signed off on something and I am asking for some help. That's why I'm here for, to start a conversation, what can be done. I know the newest umm, I don't know if it's the strategic plan or whatever they put out, floodwater was brought up so I know it's an issue in this town. I know we have a lot of water because we have all of the ground water that comes up but, this is a creek that's dry, a pond fills up at the top of the hill, The property owner is a former board member, I don't think he was real interested in trying to find a solution at that time cause it's his property that the water runs off of a lot and it just fills up the creek bed, comes through the fence and it just floods my yard. I don't have anything else to say other than that. It was suggested that I come to this meeting, bring it up to you all and hopefully start a conversation about that. I would love some help.

Hodges – Is there a pond up above?

Anderson – There is, yeah, yeah. So you'll see in that drawing, the first page on the left side of that page where that red line starts is about where it runs. In fact it runs down that creek bed by that tree line and then into my neighbors to the north's fence and that's where the flood comes in. And there's a small retention pond that goes in a 12" pipe. That was buried about 4" under the ground and I think it runs into, and I know you just looked into it, and I think it runs into the drainage ditch, somewhere in the city's drainage ditch, somewhere in there. Again, my next move is to just sell the house. I don't want to but at some point, I can't continue that way and it will be somebody else's problem. I hate to be that way, I don't want to but I just, we're at that point.

Petty – So last year this was the very first thing when I joined the council that I got to be a part of. Dennis, Richard and I kind of shared this. Richard was, I think he was chauffeur to the city engineer, but Dennis and I were the ones that were talking with Mr. Anderson. We did some investigation. We asked for the City Engineer, Andy, to go take a look at the property and then we also had our heavy equipment contractor, LaFollette take a look and basically asked what he would recommend for this property. So what is happening is the water is draining off of the hill and in the picture in your packet with the "X" on it, you can see that the water naturally flows right through those two properties. With the "x" and the "y".

Anderson – Kind of where it "y's" off right there on the first page.

Petty – Yeah. And the one just north of it. There has been a detention basin to capture the water before it hits his property, however, it can only hold a certain volume and then it overflows...

Anderson – It's probably 8x8. Maybe at the point 3 feet by the time you account for the sediment just sitting at the bottom and it's a 12" pipe.

Petty – When Mr. Anderson's house was built, the developer, there used to be a larger diameter French drain in the ground to drain the water off of the property that is then directed towards a storm water capture spot, I don't know what it's called, I apologize, but it's directed to stormwater drainage on the street. When Andy looked at it, it looked like it had lessened the diameter of that pipe by putting another pipe inside of it to extend it out further and so the volume of water that can actually move through that pipe is not sufficient to be able to fully empty the water out of the backyard as it accumulates so it just builds up. All of that to say, stormwater management plans were not provided to the city at the time that the developer built this property. The concern for stormwater drainage was never identified or addressed. Ultimately...

Anderson – My thought is it should have been. It's clearly an issue. Franklin told me that the house should have never been built there. You know what I mean. I feel like it should have been addressed.

Petty – So we have the floodwater maps from Missouri, what is it called, DNR?

Stewart – FEMA

Petty – FEMA that does not include that location and that's what the city would go off of to approve or not approve a house being built on a specific lot. Since that area was not located in a flood zone, it would not have been followed up on as a hey, I don't think, as an engineer or somebody approving the lot development, I don't believe that this one would have raised any flags based off of how our floodwater maps exist today with the FEMA drawings. What they did recommend was to replace that French drain with a larger diameter pipe to help facilitate...

Anderson – Whose responsibility would that be cause that's not on my property.

Petty – The French drain in your backyard?

Anderson – Well the French drain is my property but that does not tie into the piping that's on the west side, that 12" pipe, that is not part of my French drain system. That sits on the outside of my fence on the west side.

Petty – So I think....

Anderson – I'd have to, I didn't mean to interrupt, I'd have to put French drains all through my property to get, I mean, if I have a 3 ½ foot crawl space, I have 3 foot of water in my crawl space every time it rains.

Petty – So that's one of the things that they suggested and then to recoup some of the costs, the recommendation was to go after the person that sold you the house and/or the developer of the property because that information was not disclosed at the time that the property was sold to you.

McMains – I highly doubt that they didn't know this was an issue.

Anderson – Well it had to of been. They spent \$6.000 on a French drain system.

McMains – They know that there's a flooding problem.

Petty – That is the history from our discussion last year.

Anderson – So there's not potential recourse or assistance from the city or...

McMains – I don't know how we could. I mean I would love to help you but...

Roderick Icenhower – Can I say something cause I live at the bottom of that hill too? I'm on 220 West Delaina, I'm right at the bottom of the hill. I've been dealing with the same thing. I've done dirt work three different time. There was a drainage ditch put in before I got there, I put in an extra sump pump and it's getting better but without all, him and everybody above me pumping their water to the street where it runs down the curb, I don't think there's anyway I could get the water, because it become hydrostatic.

Anderson – There's no..

Icenhower – I start pumping water up underneath my house. Even when there isn't the river behind my house running, my sump pump doesn't shut off.

Anderson – Mine doesn't either.

Icenhower – So it becomes hydrostatic. So everyone above us, they have water runoff and unless they're able to run all that off to the curb and run it all down the streets. I can't imagine how many tens of thousands of gallons that is when it's raining like that. I just try to mitigate it as much as possible and I truly have. Dad can contest to my cussing session I just had recently putting in a whole new vapor barrier. I just spent \$5,000 myself on my crawlspace. We're trying to keep from having a mold issue.

Anderson – That's where I'm at, so.

Icenhower – I think whenever you live at the bottom of Knob hill, which is the largest elevation in Greene County, you've got to know that there's going to be water runoff.

Anderson – I didn't even know it was called Knob Hill, I'm not from Fair Grove so I had no idea it was called Knob Hill.

Icenhower – I get where you're coming from, but this would be a major undertaking.

Anderson – Well I brought it up to the Board. I was asked to bring it up before the Board a couple of different times, so that 's what I'm trying to do. If there's ever a conversation, I would love to be a part of it. I'm just putting that out there, so.

Icenhower – And as far as the contractor, I might be wrong here, I'm pretty sure he went bankrupt in 2009.

Anderson – I would assume so.

Icenhower – As far as reaching litigation there, I deal with it. I feel your pain. I actually have a 9-month old with a sump pump right below her room. It wakes her up in the middle of the night with it just hammering constantly so I'm trying to mitigate that right now with having soft straps and everything else, but it's a problem for everyone in that neighborhood. Frankling spoke that Chris lived there. Again, that's the largest elevation in Greene County.

Anderson – Well I think part of the problem is that they keep clearing out trees. They keep clearing off property so it just doesn't have anything to slow anything down off of my. I could put \$50,000 in that backyard and it's never going to solve my problem.

McMains – It may solve your problem but cause somebody problems.

Anderson – That's exactly what you're doing is you're deflecting. It's not a good answer for the community to just pass it onto my neighbor.

Icenhower – Which is illegal. I can't pour my water onto you. That is illegal. You can get into semantics there too because my neighbor chose not to run his storm drains off to the road, well he's directing water onto me. Well he's not, he just built a house. Like I said I completely understand where you're coming from but everybody at the bottom of that hill deals with it.

Anderson – Like I said, I was asked to bring it...

McMains – We greatly appreciate it and we wish we could do more.

Unknown Female – Can I ask a questions? When that property was originally zoned was it in a floodplain? Originally, not like the plans of today.

Petty – No ma'am. When it was zoned, it was not.

John Hayes – There's two maps actually. There's the FEMA map for the floodplain and then there's the Fair Grove floodway or water way map and that includes the retention ponds and the runoffs.

Icenhower – He did a ton of water trying to redirect the water.

Hayes – Yeah, I'll trade you bills any day, bud.

Icenhower – Is it your son-in-law?

Hayes – Yeah, my son-in law is an engineer.

Icenhower – He literally took an aerial map and whenever he did all of that work behind his house, he diverted a ton of water off of us.

Hayes – To the retention pond.

Icenhower – To the retention pond. He's just trying to keep the water running naturally away from us. He had a lot of work done and he done it on his own. It wasn't the city that did it. It would be a major undertaking. Like I said, I feel for you.

Anderson – Thank you, I appreciate your time.

Voorhis – Thank you, sir.

DISCUSS AND/OR APPROVE LAGERS BENEFITS FOR EMPLOYEES (Stewart, Petty)

Stewart – Alright, you guys got a whole bunch of information. We're currently on an L1 system and I'm going to assume that you guys don't know how LAGERS works so I'll briefly explain it. Basically you have for the years that you work for the employer times however much you make on an average, for us it's an average of 3 years, you take that average salary, so how long you worked, how much you made and multiply it by the multiplier. So right now we're at an L1 which is 1%. So if you made \$10,000 on average, you would get \$1,000 which is really low, in my opinion. You get paid that for the rest of your life or decide to give it to your wife I guess. I

would like to see us get up to the L6 which is the 2% multiplier. If you look, I did some brief calculations for you guys, currently we pay \$1,300 roughly every month and if we went to an L6, it would raise that cost up to \$3,000 so we will more than double it to do it.

Roderick Icenhower – 2% percent is 50% of your salary. Roughly.

Stewart – Right. Both of us are on 2.5%.

Roderick Icenhower – Right.

Stewart – That's where Springfield sits at. We can't offer that to our employees because we pay into social security. If you pay into social security, they don't allow you to get the L11. Also on these bids, if you guys look, there is a way, it says the present plan and the alternate plan and you got to the bottom of the page and it says increase and actual accrued liability. You can choose to pay that over the course of 20 years each month or pay it all up front and that's the difference in the numbers that you see me presenting there. If you paid it all up front, it drops our number on the L6 from \$2,900 to \$2,270 so it drops it a little bit on the monthly payments but that would also put us paying around \$100,000 up front so that seems a little much to me. I just wanted to start the discussion. I don't think we need to make a decision immediately. Once we do decide what we want to do and go with we have to present it to her and they will do the study and get us the actual hard numbers. These are just rough numbers to do the bid by free of charge and they will only do this hard bid twice a year so we will need to know which one we want them to bid before we ask for it. I don't know if anybody has any questions now or if you just want to digest all of this.

Petty – If we pay the accrued liability, the increase, does it catch them up to where they need to be to move them to a higher category because it basically back dates their entire plan?

Stewart – That's correct. I didn't explain that well. So any years prior service, they wouldn't be stuck with what they're currently at. All their years of service, including prior, by paying that would be at the new rate.

Petty – So you said L1 is 1%?

Stewart – Yes. In the green on this sheet, it has all of the percentages on it.

Petty – Thank you.

Cooke – And your goal is L6?

Stewart – I would like to see us in an L6. I realize that might be a lofty bill for a one-go but maybe we can do that in a couple of years.

Petty – So how much do our employees pay into this?

Stewart – So we are currently paying in 4%, I'm sorry, the employees pay in 4%. We can choose to lower their percentage as they pay into it. I have all of those numbers on there also. Those are

the ones that you see 3 different per each L level. There's 4%, 2% and 0% employee contribution. I don't spend a whole lot of time on those cause I don't really hear a whole bunch of grumbling from our employees on the 4%. Maybe I'm wrong and maybe I'm just not hearing it but I haven't heard any grumbings from them. That's something we can look at in the future but taking on both of those in one go, if you went to an L6 with 0% employee contribution and we pay it all, it would be \$3,741 a month roughly. Also, I'll mention, if you guys look at the police numbers you'll notice they are way lower than our civilians, that's because we've had such a huge turnover in our police department we were actually overpaid so we are well in the green that's why those numbers are so skewed. That's why I gave further numbers, down low you will see that the police number is not skewed. That's just my estimate, that's just me guessing.

Petty – So that's the actually expected monthly cost not this top number?

Stewart – The top number is what LAGERS said we'll pay. I am guessing using my little bit of math that I have, what it would actually look like if we went ahead by multiple years in the police department. It's just taking the percentage that they do times the salary instead of their fancy multiplier they used on this which doesn't make sense to me. Anybody have any questions? Anything else?

Petty – So how does this look with our budget?

Stewart – That's a great question and that's a good thing to be thinking about when we come up with the budget which we'll be talking about shortly.

Petty – Awesome.

Stewart – That's why this was presented now too.

McMains – I was going to say, this definitely needs to be talked about during our budget time.

Stewart – Yes. I think we just need to keep this in mind. Obviously we get to backdate all of the employees so it doesn't matter if we have to wait a couple of months.

Petty – Thank you for putting all of this together. I know you put a lot of work into it.

Stewart – You're welcome.

Voorhis – Anything else for the Missouri LAGERS?

DISCUSS AND/OR APPROVE SERVICE CONTRACT WITH FLUID EQUIPMENT FOR SEWER (Public Works)

Petty – I talked to Jason today. You should have a new contract put in front of you. Fair Grove signed this agreement with Fluid Equipment last year. Contained in that agreement is Fluid Equipment coming once a year to do an 11 point inspection at each of our lift stations and our Wastewater Treatment Plant. The idea is that if we take care of our system before it breaks

down, it's going to be less likely to breakdown. Preventative maintenance plans is pretty standard in most industries and recommended. We haven't had one before this past year but this company is also the company that's done a lot of work over the past 5 years. Installing the pumps, they're who we call when we breakdown. Having this contract guarantees that they will get eyes on all of our equipment, grease things, they check...

Ken Hokanson – Change the oil in the pumps.

Petty – Change the oil, anything else? They check all of the 11 things that are listed there. Also this locks in service rates and a response time. Most companies, when you call for service we're just at their mercy so if we have something go down. How long has it been, Kenny, with that generator and the UV lights? Have you still...

Hokanson – I talked to them today, we're still waiting on Kansas to answer us back.

Petty – So two weeks, three weeks?

Hokanson – Three weeks.

Petty – So three weeks. If we had a critical piece of equipment that went down, three weeks and he still hasn't gotten a call back. This company, so far, has been a really good partner with Fair Grove. What this contract is, is for locking in these rates for the next three years. It is not a pay up front contract. It is a pay for the service after the service is performed, not to exceed these prices that are listed here. Talking to him today, he sent some more information, he said that based off of different parts, how much time the technicians have to spend, the annual inspection is \$5,000 per year. That's the 11-point inspection on all pieces of equipment. That's sending two techs to be here for a 14-hour window. They are DOT certified. There's only certain hours they can work then it becomes the second day. He said if there is a second day that gets brought into this then they are still capped at that \$6,000 rate. Also in here he has 10% discount on all parts and he has us a discounted labor rate if there is an issue and we have to call them in for service outside of this preventative maintenance plan. If we want to add a second time during the year that the check our CC Lift Station and our Wastewater Treatment Plant, basically our higher volume flow, they could add that in not to exceed \$5,000 per year, however he did say that he would send a revised copy of this contract to say that he would send one tech instead of two and not the exceed \$3,000. We can also cancel this at any time. This does not lock us in for three years, it's just a guarantee. I think it's a good idea. I think it's the best option that we have to maintain the equipment we have and keep it running.

Cooke – We've spoke at great length about this with Kenny. Can you kind of explain how viable and useful having this preventative maintenance agreement is on your end?

Hokanson – Well I would sleep better tonight knowing that everything is running. It's like she said, preventative maintenance on the pumps, less chance of anything messing up. If it did happen to be about to go down when they come and check it, they can catch it then, get us back up like we were never down.

Cooke – And you've had very good working relationship with this company?

Hokanson – Oh yeah.

Stewart – Do we need the second inspection?

Hokanson – On the CC Lift Station and the Plant, yes.

Stewart – You think that would be needed?

Hokanson – Yes, definitely.

Stewart – Is that what the Sewer Committee is going to recommend?

Petty – The Sewer Committee recommends and makes a Motion to accept the Fluid Equipment Preventative Maintenance Contract once the revision is received and to authorize the execution of said contract with the Mayor's signature.

Dodge – There's some problems with the form of the contract and the contents of the contract that are illegal. You would have to make those changes.

Petty – Okay.

Voorhis – So, Miss Holly, that would be advised before we move forward with this?

Dodge – Well you, you should have the form of a contract in a manner that you're approving but you can approve it in substance and authorize the execution of it. That's up to you guys how you want to handle that but as the contract is in the form that it currently is, it has problems.

Stewart – So we need them to write it differently or it's just the fact that it doesn't have the second inspection on there?

Dodge – I think your terms are ambiguous and I would have concerns about that. That's a choice, a business choice but there are aspects of the contract that aren't, as a governing body, you guys can't sign. One being that you can't execute a unilateral contract. This is a unilateral contract which does not require signature by the other party so you have to have both parties sign. So it's not something that would kill the substance of the contract, it just needs cleaned up.

Cooke – We had a one-year contract with them previously, right?

Davis – We did.

Cooke – Did that contract look similar to this one?

Davis – It did.

Cooke – And we've had no issues, Kenny?

Hokanson – No.

Voorhis – I don't believe our attorney's or legal counsel did review this contract last year when this council, or the previous council accepted it either.

Petty – Is the motion still on the floor?

Voorhis – We do have one motion. We have a Motion made by you Miss Petty, we would need a second.

Lord – Second.

Motion by Petty to approve and accept the revised Fluid Equipment Contract for three (3) years and allow execution of the contract by the Mayor. Seconded by Lord Petty AYE, Cooke AYE, Lord AYE, McMains AYE, Stewart AYE, Hodges AYE

DISCUSS AND/OR APPROVE QUOTE FOR BULLETPROOF VESTS (Chief Rigglin)

Chief Rigglin – I'm assuming you all have that in front of you. This is just a quote. It's still good even though there may be some dates that says its good for 14 days but I am confident that what you see is good. Just a quick history to this, when I came in, I am currently wearing the former Chief's vest so the ghost of Chief's past is with you because it's not expired. So I'm good with the vest, I'm happy with what I have but I do have an officer with no vest, I have an officer with a non-fitted vest which will not get us reimbursement even if we tried because the vest reimbursement program says it has to be particularly sized to an officer and we have to have a policy that says you shall wear that vest that is particularly sized to you. So what you're looking at is essentially, there's a couple of different things that may be confusing. You'll see that there's female and male stuff that will go on a carrier. So we have two female vests, they will come up to a certain price and we have one male vest that I'm wanting to get and that's for Officer Long. Essentially for three vests, you're looking at the bottom \$4,000 and how that would look is this, he will not come to measure these until we get a signed quote to him so essentially if you say, yeah, go for it Mark, I want you to order these, he'll come down, measure them particularly for the officer, which they will meet the requirement for me to apply for reimbursement later, this won't occur, he said we probably won't even see a bill until July which will be the new budget year anyway. Here's the problem. The other vendors that we had used previously, I've called all around. We're looking at 4 months maybe even more to get a vest. They are turning them over in 6 weeks. So I particularly called this guy, we spent a lot of time talking, he's 100% I can get you 6, 8 would be out of the ordinary so I'm look at 6 or 7 weeks. So what are you're questions on this? What do we need to know?

McMains – Do we have an ordinance, not an ordinance, a policy for Fair Grove stating...

Rigglin – We are going to.

McMains – ...so that you guys can get reimbursed?

Riggin – Yes. I'm currently, well the policy will basically say this, if I give you a vest, you shall wear it. Then that will cover the reimbursement. At this point, I am actually going through Lexipole one by one by one and once, if you guys agree with this, I will hit the one that says vests, I'll hit it and apply it and we will be good so we will have that policy in place.

McMains – If I recall, the reimbursements only for half.

Riggin – It is 50%. That is correct. And the application time is gone right now but I think we can retroactive that so I will call them and get all of the details on what the looks like

McMains - *inaudible* is the one I've done before. You just got to harass them and harass them and harass them in order to get it.

Riggin – Oh yeah, I like doing that, that's fine.

McMains – Okay. They're easy to get it's just getting someone on the phone to....

Riggin – They are. This years awards were five pages long single spaced so they give money out for this because it is important, so.

Hodges – Is that the company they were talking about before in Carthage or somewhere?

Riggin – Yep. They said 4 to 6 months is what Carthage said. Also the one on South Campbell, First Responders Outfitters, same thing, 4 to 6 months.

Hodges – So you're wanting to run with the place in Carthage then?

Riggin – No. This place is almost out in St. Louis area. He's going to drive all the way out here to custom fit the officers.

McMains – You should almost double First Responders timeframe when they say they are going to do something.

Riggin – They were very honest with me. I pointblank said if you can't beat 6 weeks just tell me. They said I can't do it.

Petty – So Mark, we have to have three bids. Would you be able to get two more so that we can compare it and make a decision?

Riggin – If you need two more bids, I can one from Carthage and one from First Responders but the difference will be that they will be cheaper but they are going to be 4 to 6 months.

Stewart – And we can approve the more expensive one as long as we can say.

Petty – Yep.

Riggin – Okay. Is that it?

Petty – Thanks.

DISCUSS AND/OR APPROVE VACATION POLICY (Chief Riggin)

Voorhis – Chief I believe this is you as well.

Chief Riggin – I'm also assuming that you have some of that information as well. What I tried to provide for you was a little bit from the current handbook and some comparables from other cities. When I came here, my officers were very confused and there was some confusion among the city as to what officers were supposed to do, what the policies were and there were some things that I didn't necessarily like with them having to earn so much comp time before they could get overtime and what some people might not realize, especially with our current staffing, we get called all hours of the night and I've already been called in once for sure. I deflected one call-in last night but we get called constantly. Some of the differences and variances in what I'm proposing for you from the current handbook is one of the first things is in the handbook, it requires our officers to go from the 80 hours to 86 hours in a pay period and those 6 hours have to be comp time before they can earn any overtime. I want to remove that and just say if I call you in or you work a late call, that's over time. If you meet your 40 hours a week, your 80 hours in two weeks. What was happening was, and Sgt. Deckard has the intricate web of excel sheets where she's trying to keep track of this many hours over, that's comp. You can't earn time and a half until you get here and although there's only 4 of us back there, she spends about 3 or 4 hours sometimes going through all of these intricate things and trying to work with Quickbooks. But that's not the worst of it. The worst of it is I'm asking someone to come in for 6 hours and then I've got to tell them I can't pay you for that. You can take off some other day when we have staffing which we don't normally do. So I'm trying to clean up the vacation schedule so that when we talk about retention and recruitment as well it's easy to understand. It's fair because when I look at Willard, Strafford, I had to throw Springfield out of the mix because I never showed up for my last year because I had so much time, it's just true, they gave us time. But these officers want to know predictability. What do I get, how and what does it look like. So what I'm trying to present is to replace the bits and pieces from all over the handbook and contain it into one section for the police saying this is what you get on these years, this is what your capped at for this section. For example, sick time and I think it's fair and like I said, I called all around and asked other chiefs what are you doing, because we do that apparently, they are calling me and asking what are you paying your officers because it's about recruitment and retention and I don't want to steal someone's officers but if one wants to leave because we have a great vacation policy, I'm okay with that. And I think that's what this reflects. One of the other deviations that I put in here as far as the policy is call-in. I just had this conversation with my officers. You're going to be on a call-in rotation. That is not negotiable because the Greene County Sheriff made it very clear to me when I took this job, Mark, we will back you and support you in any way possible but there's times you are coming in. We will stabilize your scene and your officers are going to have to come in. I don't want to tell an officer, hey I get to put you on call and when you come in, it's just straight time because the previous Chief, that's what was happening. They were getting one to one hour call-in or one to one hour comp time, which I don't even know if it's lawful when I was looking it up, is to pay somebody one to one

in comp and not pay them time and a half. So the call-in policy would look like what you see there. If I call you in, you're in from the time I demand you come in, when your phone rings, til the time that call for service is over, you're getting time and a half assuming you make your 80 hours that pay period. When I was a call-in for 15 years in Springfield, that's exactly how that worked. From the time that phone rang till the time that call was over, that was call-in time and a half because that would essentially be overtime. So that's not currently anywhere in the handbook, if I call you in and you made your 80 hours for that pay period, you're getting time and a half for that, I'm giving you that time and a half. I put a 2 hour minimum in there because I will tell you that they were times that I have gotten a call, I'm in uniform, I'm in my car, got halfway to the call and was told you can standdown. I don't think that is fair to our officers either when they are so willing to jump in their car and come to Fair Grove. And I've seen it already in the six weeks I've been here. I've had to call Officer Long, I've had to call Sgt. Deckard, get in your uniform and get towards Fair Grove. Matter of fact, that's why Sgt. Deckard just walked out of here a minute ago. She was getting texts, can you come help us. So this vacation schedule looks to retain, recruit, it's fair, it's easy to understand because the handbook is not. We've discussed that, it's a little confusing. Questions? There are caps and carryovers just so you know. I did put in there that I feel it's fair for an officer to be able to earn 80 hours of vacation and carry it over from year to year. But understanding that once you hit that cap, you better start burning your vacation that you are now earning in that year because we're not going to allow you to cap over 80. The current handbook does allow for sell-back for vacation. I left that in here. It actually says under any circumstances actually when an employee leaves, you can sell-back your vacation. Questions?

Cooke – What are the Police Committee's thoughts on this?

Stewart – We love it. Mark and I have been bouncing it back and forth for a while now.

Riggin – Matter of fact, just for Mr. Stewart here, as he was telling me he didn't understand a thing or wasn't understanding, if you look under accrual cap under vacation policy, you'll see an AI note, I actually put into ChatGPT please explain this to a police officer and that's what you get.

Petty – That's an AI note?

Riggin – That's literally ChatGPT and I said please explain this vacation policy to Mark Stewart, police officer. I'm glad he challenged me cause even my wife read it and said I don't know what you're trying to say, ask ChatGPT. So when it starts, when it works, that's what a cop wants to hear. This is what you need to do, here's how it works. What other questions or thoughts do you have? This is again, recruitment and retention. I'm already getting people calling here wanting to work here just so you know. They're hearing there's new Aldermen, they're hearing there's a new wave of things and I think this just adds to it.

Voorhis – Chief, I have one questions here.

Riggin – Please.

Voorhis – What is the unassumed debt that the city is going to be looking at. I'm sure you've looked at the numbers in the budget, right? You're asking for us to approve 4 officers to carry over 80 hours a year plus another 80 hours, 160 hours. If we happen to have officers just leave on us, what is the debt that you have looked at in the police budget.

Riggin – I haven't honestly. I've used what the handbook already said, looked at what looks like it would line out but I have yet to see, and actually I asked our accountant, give me what you guys have put out for your salaries, overtime and so on, what have you actually given for the last budget. What have you guys actually spent and what does that look like and I've not seen that in numbers where I can do all of that math. I really don't know.

Stewart – But if I remember right, they have to work for us for at least 2 years before they can buy back any of their time, right?

Riggin – According to the handbook.

Petty – Two years?

Riggin – Two full years according to the handbook. I have the handbook. I think I quoted, is there a page number on there?

McMains – 24 and 25.

Riggin – If an employee resigns or is dismissed before completing two full years of service, no compensation shall be given for the accumulated vacation here. After completing two full year, if an employee resigns or is dismissed shall be compensated for accumulated vacation credit at his or her regular pay rate. That is page 25 of the handbook that I got when I got hired. 25.

Stewart – So we need to approve this thing? Is that what you need us to do?

Riggin – This was last revised January of 2024. The handbook that I was given when I got hired.

Petty – If we wait to put this into our budget for this coming year, is that going to negatively impact your ability to recruit and hire?

Riggin – Probably not. Probably not really. It's for retention. The officers I have, I feel like they're here for different reasons but this is important to them and if this doesn't occur, it's not like they're going to pack up and go. But I will tell you that it's definitely a hot conversation when I came here because they wanted to know. I don't know what this is. And the other part is the Quickbooks thing and Sara and I talked about this. Quickbooks currently is giving them vacation not at the accrual rate the handbook says it should. It's actually giving more. So Billie's having to go through, Sgt. Deckard, and figure that out what that looks like. Also, I don't think it will basically line all of the steps out at the multipliers that I am proposing so I called the vendor and she said she doesn't think that Quickbooks will do what I'm asking it to do to account for all of that that you see so it's possible that I will have to do this on excel spreadsheets for a while until we can figure out how Quickbooks can do it, cause she couldn't answer my questions on

how to make it happen, or we just find a different program but this is excel spreadsheet stuff at this point.

Petty – And would this carry over to all city employees, not just the police department?

Riggin – That's not what I created it for. That's your guys decision.

Petty – Is it currently separate in the employee handbook as far as what is covered under that policy?

Riggin – I think that there's one section, two possibly, that specifically addresses employees, under employee fringe benefits I think there's one section, police department schedule, police department, there's the work week, then over compensatory pay, police department that's on page 28. That's the thing where you have to work 86 hours before you get time and a half so that's between 80 and 87 that's demanded here to be comp time. Which I didn't understand why that was and none of the officers knew why. So they were earning comp time for 4 or 5 hours getting called in and they were told it was one to one hour so if you work one hour over, you get one hour. And I think that was maybe a misinterpretation of the Fair Standards Labor Act or something. Because there's an exemption for police officers, you have to have 4 employees or under but we have 5 because my reserve is a part-time employee according to FSLA. So we have 5 employees so then this exemption wouldn't apply to us. Officer Ratcliff covers at least a shift a week for us so he's a part time employee.

Stewart – I would at least like to see us change that part if we're not going to do this whole thing today. I think this is something that we're going to adopt if waiting is beneficial, I don't have a problem waiting.

Cooke – I agree.

Voorhis – How many hours overtime do your officers get every two weeks?

Riggin – It's pretty nominal if any.

Voorhis – 10 hours between all of them?

Riggin – Maybe, yeah. I'm pretty tight on what they should and shouldn't be doing. That is if you work a late call, then you work a late call and reports get done on the next day unless there is a 24 hour hold on an arrest, you don't do PC statements, you don't do none of that. So I'm really trying to be tight with what that looks like because money matters to all of us and overtime is money. And they get that, they are totally good with that. Currently since I've been here, I think we've got Sgt. Deckard with maybe 4 or 5 hours over time and maybe Officer Long with one or two max. That's it. That's in 6 weeks. In other words, it's a rarity, Mayor. It's a rarity.

Voorhis – I mean, I think it's feasible. I understand that it will be approximately between \$22,000 and \$30,000 if we change the vacation time. That's just a regular breakdown of \$50,000 a year, right.

Riggin – That's a worse case scenario.

Voorhis – I know that's a worse case, between \$22,000 and \$30,000 is the unassumed debt that the city would look at, we would have to hold onto if all of the employees, 4 of the employees were able to have that spot to have 160 hours say dumped into their vacation time which gives a little time throughout the year as well. I know we already built that into our schedule last year with the...

Petty – We would also, I believe, extend this to all city employees which would include 3 more.

Stewart – We were kind of discussing over here. If for today we want to approve this for the police and then later on discuss, probably yes, I agree, extending it to everybody. I just don't know how that looks. Do you want to propose today to do everybody or do you just do the police? What are you thinking?

McMains – What's the other three's overtime policy right now?

Stewart – It's in the handbook you got there.

Riggin – It's kind of a compilation of different pages. If you look through you can kind of get the idea but this, it's, what I'm proposing doesn't deviate so much from what you're already looking at in this handbook. It's mainly a clarification and it pulls the comp thing out for the police on page 28 or whatever and gets rid of it. Then it mandates that anything over 80 hours is time and a half, which they weren't getting under the past Chief.

Petty – Do we need to have the actual proposed revised handbook or at least that section in hand to approve this...

Cooke – We shouldn't.

Petty - ...comparison and then when that's writing in the proposal or in the revision, it should include who's covered by the policy and who it covers exactly.

Stewart – Good question, I don't know.

Riggin – If you think about it from your perspective, when I am handing a handbook to a perspective employee and then I have to hand them another proposal from us there's that look of, don't you have it together? So, my, to answer your question, if I as an employer for these officers, I would like to see the handbook revised in such a way that meets all of the needs that I'm asking for. I just think it would be great and I know that's probably not a hard sell. It's not a hard leaver to pull.

Petty – I think I also would like to be given time to make sure we can build it into the budget for overtime hours, how much we planned on allowing but that's your budget to build and to manage too but I think if we can do this concurrently and have a revised handbook that would

include this updated policy, knowing that it will fit within the Chief's budget, I think that might be easier overall for us to adopt it and move forward. But I don't want to hold anything up. If there's a negative impact to our officers with the way that it stands today.

Stewart – I agree with where you're coming from, I understand that. The only thing that I would say is a possible negative is that 86 hour rule that he's talking about. I think we might need to get rid of that ASAP if it is illegal or whatever we need to get rid of that. So I don't know if we can approve to get them down to the 80 hours, anything over 80 hours is paid in overtime versus comp time, we can do that today and the rest of this we can just come to a consensus to do at the next budget? That's fine too. Just an idea, I'm throwing it out there.

Petty – Yeah.

Stewart – So, let me look for that list here so I can read off his exact wording. Where's your 80 hours on here, Chief?

Riggin – So, you will find it in two places, there's the handbook version and then this one. Go back to overtime, probably the last page. Nope, I'm looking too. So really it's not so much written in the affirmative more than a negative, it's just not stated that that's what we want. So really, basically, the handbook says that you have to work that 6 hours interim before your time and a half and what this is stating is there's no retro. But it's not specifically taking it out of the handbook, not the way I wrote it.

Stewart – So we have a consensus of the Board that we generally like this idea and we want to have it moved, we want to move forward with it? Okay.

Motion by Stewart that we go ahead and change it to remove the 86-hour requirement before you are paid overtime pay and move it to any time worked over 80 hours is overtime or any time worked over 40 hours in one week. Seconded by Cooke.

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

DISCUSS AND/OR APPROVE QUOTE FROM AUDIO ACOUSTICS

Voorhis – I believe this was asked for by the council, the previous council. I believe Miss Sara got this quote for us, if I'm right.

Davis – I did. Steve Short brought it to the council's attention that he couldn't hear in the audience so I just got a number for you guys to consider possibly for the budget. I would still need to get more quotes from other companies.

McMains – I was going to say, don't we need two more quotes?

Davis – We do, yes.

Petty – Well it's over \$5,000 so it will need to be sealed.

Davis – Right.

Petty – Can you put out for bids?

Davis – I would be happy to, yes!

Voorhis – Any concerns with that? Consensus for Miss Sara to put out acceptance of bids for that?

Stewart – Do we want her to include the projector and projector screen option on that as well?

McMains – I think it should all match.

Stewart – It would be nice to have too cause there's been a few times that I wish we had it.

Petty – I think it would be nice to have that as additional add on options.

Stewart – Yes.

Petty – Just add the visual equipment.

McMains – And it can be used for training purposes and things like that possibly.

Stewart – The LAGERS professional, she couldn't present unless she was on a Zoom and we don't have Zoom capabilities for this meeting so you're stuck with me.

McMains – You did a great job.

Stewart – Oh, thanks!

DISCUSS ORDINANCE RELATED TO LOT SPLITTING (Hodges, McMains)

Voorhis – That would be Section 410.140 Minor Subdivision. Mr. Franklin Hodges had brought this up and this has been talked about in the past. I had spoke with Miss Holly about this as well. If she would share her insight as well as we get talking about this so Franklin.

Hodges – I've had a few people contact me since I became on the Board and everything and there's one family south of Fair Grove on Main up here, they was wanting to split their property up and give each of their kids 4 or 5 acres. With this ordinance, it won't allow them to. If they cut some of the property off, it won't allow them to do it again. Then there's another guy up here, he had 12 or 14 acres up here and they kind of want to sell it but they already cut a piece of the property off from it but they're not allowed to split it again and a contractor couldn't come in and build houses and we should have houses built. Like I said, I've heard other people here in Fair Grove looking at a piece of property and they had some plans in the future but the couldn't do it cause of this ordinance. And I said well, let's see if we can take this ordinance off there or something. I don't understand the ordinance 100%. Some of them that called said well the cut it up and everything and they just leave a little spot. Well it falls back on our Planning and Zoning, you know. You've got to have so much ground to put a house on so if there was somewhat a question there, it ain't going to get passed on Planning and Zoning. So I don't understand why we have that. It's gonna have to go through it and I don't see a problem with it. Like I said,

there's too many people it's hurting in Fair Grove and I said we ought to take it off the books or do something with it.

Cooke – What is benefit to having that Ordinance on the books that says you cannot split your property? Does anybody know?

Stewart – It was explained to me that it was something done in 1999. That's probably a rough estimate.

Hodges - *Inaudible*

Stewart – And it was done because there were no rules in place at all so that was put in place just so there was a rule and it has not been touched since.

Voorhis – I had the opportunity to speak with Mr. Hayes, he's here. He has a lot more knowledge. Mr. Hayes, would you, the opportunity, we spoke about people building homes close together and elaborate on what you know about this ordinance of what we discussed? I know it was a brief discussion, I know it wasn't nothing in detail. Do you have anything else to add to this about this minor subdivision ordinance?

John Hayes – I mean I do. I can give some reasons from other towns and the reason it was put into play but I'd like to hear the legal interpretation of the current right now because the way it's written, maybe it's the original way it was written but I don't find it very useful. I'm with Franklin. I think it's kind of written as a placeholder but we need to update it so that may be part of the discussion and we can make a recommendation and send it back to the Board. You're exactly right, the original, well there's several reasons to do it. Number one, they didn't want a developer coming in and splitting the split of a split. So basically once it's split, in my opinion, as long as each split is legal within our zoning requirements, like lot size like you talked about earlier, road access, you don't have them landlocked where you can't have access to a property. You've got to have a driveway, you've got to have water and sewer available to it without having to get an easement from a neighbor or something like that. If all of those are complied, it doesn't matter how long you split as long as it doesn't fall below our set standards as a city, in my opinion. But, again, that's not the way it's currently written.

Petty – So that basically would be 10. It's saying that we can't split it but 1 through 9 of Part B lists all of those criteria that have to be met to also be able to....

John Hayes – To split it. If a builder came in and bought a tract of land, let's say they bought 110 acres, which is pretty typical. About 110 acres and we had a requirement that there was a minimum of one lot, it doesn't mean you're going to have 110 lots of one acre because you got roads and sewers and everything else to put in with easements but at least as long as it's following that minor subdivision or major subdivision, it should be fine.

Petty – Yep.

Hayes – In my opinion, again. But again, I default to legal, so.

Stewart – Is this something that we would send to Planning and Zoning to have to work up a rewrite of the Ordinance and then we look at it and approve it? Is that how that works?

Voorhis – Well yeah. If we, we would have to put it out there to hold a public hearing on the Ordinance and doing all of that so yeah, we would take recommendations from Planning and Zoning and then we would need to hold a public hearing for the council to change that.

Stewart – Okay. Did you catch all of that? Or most of it?

Voorhis – McMains is the, I'm sure he can bring that up with the Planning and Zoning.

McMains – Yep.

Cooke – So what do we need to do right now to move forward on this?

Davis – I don't think anything.

Voorhis – Yeah, just..

McMains – We have a consensus that I will bring this to Planning and Zoning.

DISCUSS AND/OR APPROVE PARK BOARD CREDIT CARD LIMIT (Stewart, Hodges)

Davis – Mark Stewart.

Stewart – Sorry. So I was contacted by the Park Board. They were having problems with not having enough credit limit on their card to purchase what they needed to purchase. She has asked, her card currently has a \$2,500 credit limit, she's asked to move it to \$5,000 which would put us right at that number where we have to start getting bids and whatnot for the closed bids at least. The concession stand has also asked for their card to be bumped up. They are currently at a \$2,000 limit and she has an order now that's going to be over that \$2,000 so she has asked to bump hers up to \$4,000, \$3,500 to \$4,000. I don't see a problem with it as long as their spending responsibly and obviously they have to get bids and all of that like the rest of us but I can see how you could spend that much money in a month. Especially with the huge baseball program that they have right now. Anybody have any questions?

Hodges – Well I was at the, last Saturday we was working at the ballfield over there, you know, they're putting in two new ballfields and what else I heard them talking over there was they ain't got a credit card for Menards. If they had a credit card, what they purchased at Lowe's, they could have saved \$500 and I said, why ain't you got a credit card for there too, you know, since it would be their other option and it's probably be nice if they had a credit card there too.

Stewart – I talked to Kailey about that today. Further clarification on that, so she had the one card and we have to keep it to the one card so that they have a limit...

Hodges – Okay.

Stewart - ...on what they can spend. The whole going to Lowe's thing, they have an LAR account through Lowe's so that they can charge it through that separate account and that's why. They ran out of credit on the card so they had to go to Lowe's and the items they purchased at Lowe's were more expensive and totaled \$500 more that the Park Board had to spend because they maxed out their card limit.

Hodges – Right.

Stewart – So it's not necessarily needing a Menards card from what it sounds like. We don't even know what that looks like having a Menards account, I don't know.

Hodges – That's what she was telling me over there...

Stewart – Yeah.

Hodges – It was, if they could have bought it there, they could have saved \$500 and I though whew, that's quite a bit of money.

Lord – They have grown a lot.

Cooke – They have. So they wanted to move their main card to \$5,000 and concessions to \$4,000?

Stewart – Correct. So if there aren't any questions, I'll make a motion.

Motion by Stewart to

Voorhis – I do have one thing, Miss Sara, can the city get, just to clarify, Mark, the credit card account is for the whole city, correct?

Davis – Yes.

Voorhis – So can the city, you said when we talked it over, we're at \$25,000 now?

Davis – Yes.

Voorhis – Can we get it to go up to accommodate that?

Davis – I can't guarantee that. I'll try in the morning but I can't guarantee that.

Stewart – Okay.

Davis – I can try if you want to make a motion.

Stewart – Yeah, I'll make the motion and if it allows us to do that much then we will change it.

Davis – Okay.

**Motion by Stewart to change the main Park Board credit limit to \$5,000, the concession stand to \$4,000 and leaving the third at \$500. Seconded by Hodges
Stewart AYE, Lord AYE, Cooke AYE, Hodges YES, McMains AYE, Petty AYE**

**DISCUSS AND/OR APPROVE LEGAL AND PROFESSIONAL SERVICES BUDGET
(Petty, Stewart)**

Petty – Yeah, so...

McMains – That's in depth right there.

Petty – It's very in depth. Thank you, Sara, for printing this off.

McMains – Here you go so y'all can see that.

Petty – I'm concerned we're not managing our legal budget. Our budget for this year was \$20,000, to date we've spent \$35,672. One of my main concerns is that a lot of the services that we're paying for happens via phone call which besides the invoice, we don't really have the ability to verify that the legal services were needed. So I want to make a motion.

Stewart – With that, can I just follow up.

Petty – Yeah.

Stewart – So, part of my concern with all of this is a lot of the time there will be communication and I don't hear about it until like the next, after the meeting is over or something and it's not necessarily that you're trying to keep information from me, it's just it hasn't flowed all of the way to all of the Aldermen. Maybe it will go to two of the Aldermen but there are still four that are left in the dark. So it would be nice if there was a way to have everybody get all of the information from the attorney consistently so we can all have an educated conversation.

Petty – Yeah, cause usually there's a lot of times during meetings that information is presented as the issues are coming up that you may have received prior to the meeting and the share it, well it was the recommendation of our attorney that we x-y-z, when that information could have been shared prior to the meeting and helped us to make more informed decisions.

Voorhis – I assure you most of the people I share information to as Board President, Mrs. Petty, you are copied on 90% of the emails I have with Miss Holly and she's sitting here and she could probably contest. And I do keep this council involved for the personnels that need to know about that. If you guys want to all know about it, I try to limit it to the committees who are in need of knowing the information and the Board President. I can do a better job. If you would like for me to send it to all six of you, it would have to be done in separate emails, I can do that as well.

Petty – Well I would like to make a motion that I think would cover it and fulfill the desire of this council to be informed of what legal advice we are receiving.

Motion by Petty to require all interactions between Fair Grove city officials or anyone communicating on behalf of the City of Fair Grove and the city attorney to be conducted through city email with the City Clerk and Board President cc'd on every email. The City Clerk will then include a print copy of all communications with the city attorney in each Alderman packet along with an itemized invoice to be provided by the city attorney before every Board of Alderman meeting.

Sgt. Deckard – We have a question.

Chief Riggin – Does that include when we send, cause we use the legal services when sending tickets or getting clarification on prosecution stuff. So like this week alone, I've had to send three or four emails to the law firm, specifically not for legal advice necessarily but as part of us presenting charges and clarification on presenting charges and clarification on processes, so.

McMains – There's information they send that we cannot be privy to.

Riggin – Right. So there's stuff like...

Petty – Excluding closed police cases.

Voorhis – Miss Petty, allow me to read what you just made cause I didn't have that all written down.

Riggin – Right but the CCing the emails is where I have concern cause I don't want to CC...

Cooke – Can we just exempt the police department?

Lord – Don't worry about that.

Riggin – Perfect, thank you!

Stewart – So how do you want, do you want to just exempt the police department from it or do you wanna...

Petty – Excluding confidential police information.

Stewart – Information regarding cases?

Deckard – Do we need to be, so we've got to be specific?

Riggin – Yeah, because...

Deckard – Cause there's a lot of information that we can't disclose to the public.

Stewart – Right. So we're struggling with figuring out a way to word it.

Riggin – Yeah, I know because there's very few times I'm ever going to send an email to any of the associates over there that's not case related or process related. Like clarifying who uses what court, what judge is on, that was this week because none of us knew how the process worked.

Petty – So excluding closed police files.

Riggin – So it could be an active case so I say any records that we produce to send to our attorney would not be privy to the council.

Petty – Active and closed police cases?

Cooke – How about officer discretion?

Stewart – Correspondence with the police department?

Petty – Excluding correspondence with the Police Department.

Riggin – That would probably be better, it's a catch-all.

Stewart – Cause all we're interested in is the city business. I don't need to know what you guys have going on with this case and that case.

Unknown Female – Of course wouldn't it be illegal if you did CC it, correct?

Deckard – Yes.

Unknown Female – That's what I'm gathering.

Petty – Alright, I sent the motion to you from me and I included excluding correspondence with the police department.

Voorhis – Do we have a second?

Stewart – Yeah, I'll second that.

**Motion by Petty all interactions between the Fair Grove city officials or anyone communicating on behalf of the City of Fair Grove with the city attorney will be conducted through city email with the City Clerk and the Board President CC'd on every email. The City Clerk will include a print copy of all communications with the city attorney in each Alderman packet along with an itemized invoice to be prepared by the city attorney before every Board of Aldermen meeting excluding correspondence with the Police Department.
Seconded by Stewart**

Hodges – Alright, let me get this straight. We got something, say I gotta talk to her and it's more private to her, it needs to be private. Are you saying we can't do that, we gotta tell everybody on the Board what we want to discuss?

Cooke – Holly, what is your role as far as Board members coming to you with private conversations as far as how you handle that information?

Petty – It has to be the majority of the Board.

Voorhis – Yeah.

McMains – You can't talk to her on your own.

Petty – The people, the citizens of Fair Grove are whose paying for this and so we have a responsibility to make sure we are making the right decisions in engaging legal counsel.

Hodges – Is that right?

Voorhis – That is correct, Franklin.

Hodges – So if I want to call her and talk to her about something?

Petty – You cannot.

Hodges – You cannot do it?

Stewart – You would have to have consensus of the Board.

Hodges – Do what?

Stewart – You would have to have consensus of the Board.

Petty – And then you would have to email.

Stewart – Yep. The Mayor can reach out without consensus of the Board but an Alderman has to have consensus of the Board. That's the difference.

Hodges – It don't sound right but.

Voorhis – I would like to add that I do talk to Miss Holly about some stuff the Board isn't always aware of. Like I said I do provide, I believe 90% to 95% of the stuff, I do talk to her about other city business that I believe is in the health and wellness of the city that I am not ready or always prepared to share to this council until the time has presented itself and that is my role as Mayor is to make sure the city and the health and financial stability goes as needed, so.

Petty – And it's our responsibility as a Board....

Voorhis – And I will provide that information, Mrs. Petty.

Petty - ...to hold you responsible.

Roderick Icenhower – It's not the Mayor's city.

Voorhis – And I do, I do, I do provide that information to you guys as needed.

Roderick Icenhower – It's an Alderman's meeting, it's not a Mayor's meeting.

Unknown Male – Absolutely.

Roderick Icenhower – The Mayor doesn't run the city.

Lord – We had a second on this.

Voorhis – Yep.

Lord – Mayor, I think it's time for a vote.

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

Voorhis – Set budget meeting is next.

Petty – Before we set the budget meeting I think we need to make sure that we are in line with our Ordinance with our members of our committees. The information, Tommy, that we received regarding the Mayor sitting on the committees is not accurate that you shared that the attorney shared with us. Therefore,

Motion by Petty to remove the Mayor from all standing committees and to add Mark Stewart to the finance committee to meet the ordinance that requires two (2) Aldermen to serve on every standing committee.

McMains – What's the uh...

Voorhis – Yeah, some clarification on that cause Miss Holly was sitting here when that was approved and I believe that when I had presented the committees, I asked for the committees to be approved as is as I provided the list. I didn't read that out. This council voted that was and Miss Holly can elaborate if she feels so necessary as I spoke with that issue as she arrived that day cause I am well aware of what the Ordinance says, Mrs. Petty.

Petty – So are we in violation because we don't have a second on the finance committee.

Lord – I'll second that motion.

Petty – Thank you, Ben. If you would like...

McMains – Yeah, I would like clarification on all of this.

Voorhis – We did have a **motion by Mrs. Petty to remove the Mayor from any standing committee on the committee list and appoint Mark Stewart to them committees. We had a second by Mr. Lord.** Now we're up for discussion.

Lord – And that puts you and Mark on the finance committee?

Petty – Yeah.

McMains – Is that the only committee that we're talking about that he's sitting on?

Petty – No. Human Resources, Planning and Zoning is different...

Stewart – No, cause you can have two.

Petty – because by ordinance it has an Alderman and the Mayor. The Public Relations, Human Resources, Finance, was there something else?

Cooke – Finance, public relations.

Petty – So we did approve that, Mr. Mayor...

Stewart – The RSMo that was sent, or it was SAID to be an RSMo, we couldn't find it in the RSMo anywhere. Kelly sent it to me and I looked also. We were able to find it in some other local municipalities but not us.

Petty – Yeah, so what you presented to me, Mr. Mayor, was a Branson Ordinance that you said the attorney gave you as justification for adding you to our committees.

McMains – It happened last meeting?

Petty – It did. So, we have to vote.

Voorhis – Any more discussion on this?

Lord AYE, Stewart AYE, Cooke AYE, Hodges No, McMains I am conflicted on this one but I'll say AYE, Petty AYE

Voorhis – Next up is Mayor's report.

Petty – We haven't finished the discussion on the agenda item.

McMains – We have to set budget meetings.

Voorhis – Oh, Board of Adjustments, I'm sorry.

Petty – But I would like to make a follow-up motion. Due to not truthful information being provided to this Board and supported by the attorney, I would like to make a motion.

Motion by Petty to terminate the current engagement contract for legal services provided to the City of Fair Grove, Missouri by Lauber Municipal Law, LLC and for the City Clerk to provide thirty (30) day written notice of termination in accordance with the contract terms and to request copies of all City of Fair Grove files. Seconded by Stewart

Voorhis – Mrs. Petty, if you would send that to me as well please.

McMains – When's our contract up for this?

Stewart – What's that, I'm sorry.

McMains – When's our contract up for this?

Davis – We don't have a contract. It's just a 30 day deal.

Stewart – We just have to do a 30 day written notice.

Hodges – Explain it to me. I don't know what you guys are talking about here. Make it simple.

Voorhis – Mrs. Petty...

McMains – They want to fire our attorney.

Voorhis - ...wants to cancel our legal fees agreement with Lauber Law.

Hodges – That's not you.

Voorhis – That is with Miss Holly.

Hodges – That is with you?

Dodge – Yes.

McMains – They want to fire hire. What was your basis on that again?

Hodges – Yeah, what's the reason?

Petty – I don't believe that the Mayor is using , I believe that the law firm that we as the Board of Aldermen have engaged with for legal services supports the Mayors attempts to go around this council and to make actions that are outside of his scope.

McMains – So they are just hearing his side?

Petty – Uh huh.

McMains – Gotcha.

Chief Riggan – Umm, ramifications as well, it's neither here nor there.

Petty – We have thirty days to find legal counsel, including the city prosecutor.

Riggan – Thank you. I just wanted to make sure that we were covered. Thank you.

Voorhis – Mrs. Petty, I don't believe I've done that in any such manner as I've been very open in sharing information...

Audience Members – 90%

Voorhis – That is, that is discussion of city business that is not always in the best need of the city to be put out there regarding legal advice...

Jackie Robinson – You're employed by the citizens....

Voorhis – ...to put the city, to put the city at risk to be sued.

Petty – It specifically..

Voorhis – So, I do

Petty – I do have a very specific example of inaccurate information being used to try to overstep.

McMains – Can I see that?

Petty – Yeah. Let me get it.

Jackie Robinson – Excuse me. This is why need an open forum after the meeting. I just want to remind you, Mayor, that you are a city servant. You work for the city so it should be 100% transparency on your part and if it's not it needed to be a long time ago. So right now you're not being completely at 100%....

McMains – I would...

Robinson – You're employed by the city, us. The community. Know your role please.

Voorhis – Thank you, ma'am.

McMains – Ma'am, now I don't disagree with you what you said. I would say that you have two Aldermen sitting over here that can very well speak for you...

Robinson – I understand that...

McMains - ... I just wanted you to know.

Robinson - ...that's why I wanted you to have it at the end of the meeting so we could speak.

McMains – And we agree with that, we are going to put that on the next agenda. I know it's messed up right now...

Robinson – It's been messed up for a while.

McMains - ... our public forum is here and it should be here and I don't disagree with you. It needs to be down here so we can discuss that as well.

Cooke – I would agree to that as well.

Robinson – Alright. Thank you very much!

McMains – 100% but for right now, we need to be your voice.

Robinson – Well then be our voices.

Unknown Male – Then be it!

McMains – We are.

Crowd – No you're not.

Voorhis – Some of the uh...

McMains – We are.

Voorhis – Some of the information that I guess Mr. Petty is relating to, find it, I'm willing to hear it but as far as behalf of just telling the council all the time as what I talk to the city attorney about does have to do with legal stuff or ramifications and I do share that to this council so I believe that Lauber Law has been here

Lord – Part of what she's saying, I'm sorry to interrupt you, and I understand that that's what you think, Mayor, but your idea of what legal matters you need talk to the attorney about and this Board's idea of what legal matters that we need to talk to the attorney about, I think there's a big difference there. I think that's part of this problem. And it's probably part of us being over \$15,000 out of budget and I'm not taking a shot at you there, I know we've dealt with some personnel issues that we needed some legal counsel on. Lauber's did us a good job on that but

it's not personal. We are way over budget. It's my opinion that you're kind of out on your own a little too much on this and I think this is the Board's President her attempt of kind of reign this all in. We're spending a lot of these folks money. \$35,672.50, this budget year...

Petty – To receive a Branson Ordinance to support the Mayor to be on committees.

Lord – So we got a second on this...

Voorhis – Alright!

Lord – I'm done.

Lord AYE, Stewart AYE, Cooke AYE, Hodges NO, McMains I'm going to vote NO on this one, Petty AYE

Voorhis – Next up is the Mayor's report. Legal advice, you guys want to know what I talk to the city about as it is my best interest to provide the city...

Davis – We have to set budget meetings.

McMains – We still have 13 and 14 under new business.

Voorhis – Okay, new business.

DISCUSS AND SET BUDGET MEETINGS

Davis - So Larry is on vacation from the 15th through the 28th and then he will be able to help do the budget as he's done every year. So whatever works for you guys. Normally committees do their budgets first and then get them over to Larry and he inputs them. Then we start with the first meeting, the first budget meeting. He will pull up all of the numbers and you guys can tell him what to change. I just need to kind of get some ideas from you guys so I can make sure Larry is here.

Stewart – Okay. When did you say Larry will be back?

Davis – Larry will be back on the 28th. I know he's meeting with Public Works on that day.

McMains – I will be on vacation from the 26th through the 3rd. I'm not sure what you need on the budget. I'm on Planning and Zoning.

Petty – So, Public Works Committee has a meeting scheduled with Larry for when he returns but we need to meet and I think that we can meet, this coming Monday we have the Wastewater Treatment Plant tour to take our new Board members through. Thank you, Kenny.

Hokanson – You bet.

Petty – Then I think the following Monday we should maybe set aside that time to review our budget. I know that we want to talk about the Titus Twister, we want to talk about the Bond and how all of that is going to work. The projects that we need to be able to budget for that will not be in that as well as the Phase 2 and Phase 3 sidewalks so if possible, Sara, would you be able to pull together documentation that you have on the Bond and the sidewalk projects so that I can help review with Tim and Franklin at, not our next Public Works meeting but the following.
Davis – Yep!

Cooke – The following will be Memorial Day. Are you good with that?

Petty – Well shoot! I mean, Sara's not working on Memorial Day.

Davis – Neither is Kenny.

Petty – Kenny's not working on Memorial Day.

Cooke – So the 27th? Tuesday?

Hokanson – I'm on call 24/7 so it really don't make a difference to me.

Petty – The 27th at 3?

Cooke – Okay. Are you kosher with that?

Petty – And we have a Board meeting.

Cooke – Perfect.

Petty – Super. 27th please.

Davis – I will add that for you, I got it.

Petty – And then overall budget committee, Mark?

Stewart – You and I?

Petty – Mmm-hmmm.

Stewart – Yeah, I just got appointed to this so we'll have to discuss.

Petty – Great, we'll get back to you.

Davis – Okay.

Petty – Thank you.

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Davis – Thank you.

BOARD OF ADJUSTMENTS APPOINTMENTS

Voorhis – Next up is Board of Adjustment. As I see where this is leading, I'm going to go ahead and suggest that we don't appoint anybody to the Board of Adjustments tonight. Is anybody against that?

McMains – Nope.

Voorhis – Next up is the Mayor's report.

Petty – Do we have to make a motion to postpone it to another meeting?

Cooke – Hold on. I'd like to speak on the Board of Adjustments if I can.

Voorhis – Certainly.

Cooke – We have, how many total applications do we have for the Board of Adjustment here, Sara? Do you know?

Davis – Uhhh, probably 11?

Cooke – Okay, we'll go with 11.

Davis – With Ted Wolf.

McMains – I've got 12.

Davis – Maybe 12, there you go.

Cooke – 12? How is it that we have 12 applications for the Board of Adjustments when nothing has publicly been put out there that we're taking applications for the Board of Adjustments?

Davis – Are you asking me that question?

Cooke – I'm asking anybody in general.

Stewart – It's posted, I believe.

Voorhis – Yeah, right out here.

Petty – So we had 0 for 2 years...

Stewart – Yeah, nobody every put in.

Petty – and now we have 12.

Stewart – Yeah, we did suddenly get an...

Petty – 0 to 12.

Stewart - ...influx of people that are interested. Which is very weird.

Cooke – That is weird. That's just my question. Why the sudden interest in this?

Davis – Would you like for me to answer that question?

Cooke – Please!

Davis – Back when Richard was on the Board, him and I had discussed this so he spoke to a few people and a few people applied. That would be Mike Bell, Lisa Chapman, Jeffrey Danderson.. umm..

Stewart – The ones that are hand written?

Davis – Yeah, the 18th ones. Mike, I said Mike Bell?

Stewart – Yeah.

Davis – Brandon Wolf and I think that's it.

Petty – Lisa Chapman.

McMains - *Inaduable*

Davis – Lisa Chapman. What was that?

McMains – How long ago did you have the discussion it Ike?

Davis – It was back around the election time...

McMains – Weird timing.

Davis - ...probably a little before then just because we haven't had a Board of Adjustments for a while.

McMains – But we felt the need when this new Board came on to get one.

Davis – Well, I mean, we've always wanted one but...

McMains – I just find that interesting.

Davis – Well we've reached out to several people and nobody applied. When I gave the Mayor the applications, he later submitted Dayna Ault and well the rest of them. Except for Steve Mallard, he came in too and filled his out.

Cooke – That's all I have.

Davis – That's the answer.

Voorhis – Do we need that to be tabled?

Davis – I think it would be postponed or tabled, whatever you want to do there.

Roderick Icenhower – Can I ask a question?

McMains – Sure Roderick, whatcha got?

Icenhower – So what applications was present whenever you done your committee placement?

McMains – For what, the Board of Adjustments or?

Icenhower – Yeah, what applications were present whenever the Mayor made his recommendations for all of the committee placements?

Voorhis – There are two separate things that you're illuding to. I don't understand, What do you mean committee placements?

Icenhower – So it's appointment, you're appointing a Board of Adjustment, right? It's by your recommendation. Is that not correct, Mayor?

Voorhis – That is correct.

Icenhower – Okay. So what applications were present whenever you made the committee recommendations. The Board application recommendation, what Board applications were present when you made those recommendations?

Lord – I think I can answer it for you, Rod with the date on the applications. Mike Bell is dated 4/18, Richard Icenhower doesn't have a date on it, Jeffrey Danderson is dated 4/18, Steve Mallard's is dated 4/23, Brandon Wolf dated 4/18, Lisa Chapman dated 4/18, 4/22 for Chris Goins, 4/22 for Sawyer Padget, 4/23 for Steve Short, 4/23 for Brady Dickens, 4/23 for Dayna Ault, Ted Wolf 4/22 and I think that's the last one I've got.

Icenhower – So all after the meeting when the Mayor made his recommendations?

McMains – You got half before the meeting before and you got half after if that's what your illuding to.

Icenhower – Okay, I also wanna say...

Voorhis – I haven't made any recommendations to the Board of Adjustments, Mr. Roderick.

Icenhower – I understand that but what I'm saying is that you didn't make a recommendation when you had applications in your hand.

Voorhis – Of course.

Icenhower – Right.

Voorhis – Yeah.

Icenhower – Okay. The second thing is, I don't understand why whenever you're making committee recommendations that they aren't read into the record. That is the craziest thing I've ever heard. You're asking these people to sit here and be in, I don't know, Disney Land of who is getting placed on what Board, what committee. You didn't read it into the record....

Voorhis – Thank you, Mr. Roderick, I greatly appreciate it.

Icenhower – All you said was...

Voorhis – Yes, sir.

Icenhower - ... I want the council to take my recommendations.

Voorhis – Understood, thank you.

Icenhower – Right. And that's what's read into the minutes, right?

Voorhis – Yes, sir. I greatly appreciate it.

Petty – Something that, something that I, moving forward, I don't plan on making decisions on anything that's presented to us without having the information prior to the meeting. That's just for your information. That is just how, as a council member, I will....

Icenhower – I think it's responsible that any recommendation they Mayor is making for anything. Not placed under the table of this is my recommendations.

Voorhis – Thank you, sir. Anything else, sir?

Icenhower – No.

Voorhis – I greatly appreciate it. Anything else to discuss on the Board of Adjustments?

Crowd – You've got a hand up.

Voorhis – Do we want to postpone that?

Crowd – You’ve got a hand up.

Voorhis – Yes ma’am?

Kathy Anderson – I have been told over and over and over that a Mayor cannot make decisions. They are just here to keep order.

Voorhis – That is correct. The councilmen vote.

Anderson – Okay. So you’re not making any moves on your own?

Voorhis – Not without this councils approval to approve anything I would do with the financial welfare of the city, no ma’am.

Anderson – Alright.

Petty – Do you have the list that you wanted to approve tonight for the Board of Adjustments?

Voorhis – I do have the list.

Stewart – Still not making any recommendations?

Voorhis – But I’m not going to make any recommendations tonight.

Petty – Okay.

Mayor Report

Richard Icenhower – Boy you don’t have any backbone do you?

Roderick Icenhower – None.

Voorhis – Yes, Richard. Thank you.

Richard Icenhower – No backbone.

Voorhis – Okay.

Richard Icenhower – Stand up, big boy. You let your mouth run.

McMains – Okay, order.

Hodges – Just be quiet. This ain’t the way the meeting should be ran.

Voorhis – This is the Mayor's report. I see where these people are coming from and I'll go ahead and effectively resign from my position effective immediately. That's what you guys want to do, that's what I'm going to do.

Crowd – Thank you!

McMains – I believe that you are next up.

Petty – Really?

Davis – Can you do adjournment please?

Voorhis – Good job, Richard.

Richard Icenhower – Thank you!

Adjournment

Motion by Lord to adjourn at 8:56 p.m. Seconded by McMains

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

Adjourned at 8:56 p.m.



Sara Davis, City Clerk