

PLEDGE OF ALLEGIANCE LED BY MAYOR PRO TEM PETTY

OPEN MEETING

Roll call taken by Mayor Pro Tem Petty

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

Call to order at 6:31 p.m.

Approve Agenda. Motion by Cooke to approve agenda. Seconded by Boncuk
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

PUBLIC FORUM

OLD BUSINESS

DISCUSS AND/OR APPROVE LAGERS SUPPLEMENTAL VALUATION (Stewart, Petty)

Discussion

Stewart – Has everybody had a chance to go over this thing? Any questions? Anything you want me to ask her?

Cooke – Negative.

Stewart – I think it's something we need to do. It's a great recruitment tool to be able to say that we have a 2% multiplier. The next step is to post it. Don't we have to put it out for 45 days or something like that? Isn't that what Robin said?

Davis – I think so.

Stewart – Something like that. So do we need a motion to do that or do we post it then...

Davis – I think you make the motion and then we post it.

Petty – Motion to adopt or approve?

Davis – I think approve cause that's what you guys are wanting to do, right?

Stewart – Yeah.

Davis – If that's what you're wanting to do, I think in order to post it, it has to be approved by the Board first.

Petty – So we wanted to do the buyout split between the different departments. So do you want to do a quick recap for the public here so they know what we're talking about?

Stewart – Yes. As far as what this is for?

Petty – Yeah.

Stewart – So what this is our retirement system for our city employees called LAGERS. Currently they're on a 1% multiplier so if you retire and you have 10 years of service then your multiplier is 10% cause it's the 1% times years of service and that's how much of their final salary they would get paid in their retirement. This would up it to 2% doubling it and bringing it in line with what most cities are doing from what I understand. This is going to cost us a good amount of money but we budgeted for this on the, when we did the budget and we're going to spread it out across different sections of the budget. Since some employees have been here longer, it cost more to get them up to speed. So their section will be paid out from their portion then from like the police department who has much younger employees. Does anybody have any questions about it?

Ricky Icenhower – Do they have a match on the front side also?

Stewart – Say again?

Ricky Icenhower – Do they have a match? You know like a retirement match, like the city puts in 3 and the employee puts in 3?

Stewart – Right now the employees are putting in 4%, right?

Davis – Yeah.

Ricky Icenhower – And the city is matching that?

Stewart – What does the city put in? It's more than 4%.

Davis – It's more than 4. I think it's 8% or so for the city employees but it's really low for the police department. It's like .60 or something.

Stewart – Yes.

Petty – So it's not like a retirement program that you would have at other employers. It's similar to, well any state, government retirement program where the employees are required to put in a certain percentage based off of whatever package we have and the city always pays a certain amount of the employees salary from the account that we pay them.

Stewart – We can choose to pay more and they'd pay less, which is something that we can negotiate in the future. Right now, the plan is to leave it at 4% their contribution but we are going to up it to the better rate which will be on us.

Ricky Icenhower – So if you have an officer that's drawing \$50,000 a year and they are with you for 10 years and then they leave the department and go somewhere else, is that payable then? Is that what you're saying?

Stewart – Yeah. Yes, unless if they go somewhere in Missouri then they can take LAGERS with them and they can just continue that terms of service so now you have 11 years of service, 12 years of service.

Ricky Icenhower – But the additional that you're talking about now, the 2%, that goes with that also?

Stewart – Correct.

Ricky Icenhower – And that is, say you have a \$50,000 employee and they're with you for 10 years, what's that money look like? You're saying 2%, 2% of what? 2% of each year?

Stewart – 2% of your salary whenever you retire will be paid out...

Inaudible

Ricky Icenhower – Do you have that to where they have to stay so many years before they're eligible for it?

Stewart – 5 years.

Ricky Icenhower – If that's something you can budget for then you're fine but we know that the City of Springfield got in trouble with that. That's why we had an increase in taxes to take care of firefighters, police because you had these guys leaving them with these huge sums of money that they couldn't manage.

Stewart – They're still trying to get out from underneath it.

Ricky Icenhower – Yeah. We're on a lot smaller scale so we just need to make sure we can manage it.

Stewart – Right. So this one, LAGERS is maintained by the state so we don't ever have to worry about funding anything as long as we're a part of it, the state takes care of it.

Ricky Icenhower – But the money comes from the city to fund that, right?

Stewart – Correct but backed by the state’s investments. So they can invest their multi-million dollars and feed off of those interest rates to pay us.

Petty – And once their employment ends, it’s then the states full responsibility. We no longer contribute or pay anything into the retirement account. It’s just...

Ricky Icenhower – I get that. You’ve just got to be able to budget for all of that. The pool of the money that you’re having to pull from is getting smaller and smaller here, so. But yep, I got it. Thank you!

Stewart – Anybody else got any questions?

Public Comment Open

Petty – Public comment is officially open if anybody would like to speak or ask questions about the LAGERS increase.

Public Comment Closed

Motion by Stewart to approve LAGERS Supplemental Valuation and pay the buyout of \$154,000 with \$95,000 from the sewer and street budget, \$31,000 from the general budget, \$28,000 from the police department budget and move from L1 to L6. Seconded by Petty
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

NEW BUSINESS

**DISCUSS PETITION SUBMITTED TO CITY FOR WATER DRAINAGE ON
TIMBERLAND AND HIGHPOINT**

Discussion

Petty – So just a high level overview. The residents from Highpoint and some from...

John Hayes – All the ones that started down below with like Roderick and Kelly, those guys.

Davis – Magen.

Petty - ...and Magen.

John Hayes – Yeah, Magen and Delania.

Petty – and Delania. Several residents from that street impacted by this issue submitted a petition to have the city review the water drainage from Highpoint down into some of the neighboring properties. I asked our city engineer, Andy Novinger, if he could do a preliminary look with some of their findings from the petition. The petitioners did some investigation and research along with their information they provided so I provided that to Andy. He did some additional investigation and some preliminary thoughts on if the city did wish to move forward with taking this on as a project. I did ask him to come here tonight to be able to speak to it if he wanted. Do

you guys have any initial thoughts about it or would John or Andy, would either of you like to speak and share your findings with this council?

Andy Novinger – Yeah, I can give kind of a quick summary too. You already kind of summed it up but basically the petition that was submitted to add this culvert up there. They did a great job at putting it together and putting some thought into it. I just went up and took a brief look at it and visit with a couple of people while we were out there. Looking it over, we didn't do a detail design or anything at this point, we were just kind of looking at it. Does this fit? Does this make sense? There's a lot of different ways to tackle it. Different amounts you can invest in a project like that. The goal is to get the water so it's not being retained by the people downstream of it. Where it is right now, it kind of is. Kind of get it pointed back towards the north instead of going east. It makes sense to do it at some point. Years ago when there was some culvert work done up there, it kind of change the drainage area and that's part of why there's an issue. If you go back before that the water probably would have drained more northwards anyway so this is kind of undoing a change that was put in years ago. When we looked it over and started coming back with ideas, it was, how much is this going to cost. I know the city way, is this something of interest to you guys to take on or not. That's always a factor so we had tossed out some numbers but you know, those were very general on what we had talked about that day. There's a lot of different ways to do it. One of the first things we said was, that water, when we change the direction from going east, where it does now underneath the road, to going back north under Timberland, it's going to send a little bit more water on somebody else. We have to take the water from somewhere and we have to put it on somebody else. We don't want to apply and we don't want you guys to get in a situation where you've caused someone else a problem taking it off of another person. So hence, we recommend right of the bat to get with the Icenhower's and make sure that they're comfortable with it as well and to make sure that we have a place for this water to go. The cost of improvements like that, we always figure by the time you put a pipe under a road and do some stuff like that, you're spending \$50 to \$100 a foot, depending on the size and the type so it does add some cost fairly quick. I think the best thing to do up there is on the upstream side of this area, this problem, right now these ditches come in from the steep hill side, they do a lot of digging before it crosses any roads right there. We could put a pipe and do some grading and make that better and it might hold up okay. But over time you're going to have to keep coming back to that and I think the experience in the area is that's kind of what they've been fighting too. So I think the best way to handle that is put an inlet box up there where the water drops into it and go to a concrete box drop in versus having a dirt area. Just because of the velocity of the water coming off of that hillside. So that would be ideal but like anything, a inlet box is probably about \$5,000 installed. Numbers change and when you get to do it, it might be \$3,000, it might be \$6,000. But again, there's a cost to it. If it's a simple concrete box and a pipe running across the road and some dirt work and run it north, which we talked about at the time, that might be a \$20,000 to \$25,000 project. But again, we haven't done a design yet so there's a lot of variables in there. The simple approach might be a \$10,000 solution and then on up from there. But we do think it's worth considering. We do think it does provide some benefit to those downstream. But you've got to have the people on the other side where the water is going on board too. Are there any questions I can help with?

Stewart – I don't think so. Moving forward what we would do is ask you to do a full write up and figure out exactly what you recommend? Is that how this works?

Novinger – Yeah. For something like this, this is kind of a basic thing that I hate for you guys to spend a bunch of time and money with us trying to do a full set of plan and calculations when we kind of know what needs to be done. Especially on construction when you're talking a \$10,000 or less project, it doesn't make sense for me to run a survey crew up here and get too detailed with it. I think a contractor can handle a lot of that in the field. I think it would be better if I met them up here and talked with them through it and we had a basic sketch plan which we could do. I do think having a plan for a contractor will be good but I think we can keep it pretty general, more of a sketch plan to get the idea across and then let's work out in the field.

Petty – Thank you, Andy.

[Public Comment Open](#)

Dennis Roe, 329 W. Timberland – I live in the area affected and I have a question for Andy. If I listened carefully, you said there was a change made some years ago in that area. What was that change?

Novinger – Well when that road was originally put in a pipe was put in to the east.

Roe – Under Highpoint?

Novinger – Yes.

Roe – So that pipe was not there when Highpoint was put in? It was added later?

Novinger – Well the whole street, if you go back....

Roe – When the whole street was put in.

Novinger – If you go back far enough when it was just a hillside in the country...

inaudible

Roe – Natural flow?

Novinger – Natural flow, it tends to go north. So somebody had to put a pipe in and make ditches to make it go east the way it does. So when they did that, that changed the water patterns. It's been that way for a while. I understand that. *inaudible* I think we've looked at issues there before. Some people have done a great job adapting to that and kind of making their own works to take care of it and some people further down the hill maybe haven't.

Roe – I had a conversation with Ricky yesterday afternoon kind of explaining that when Timberland was put in, that redirected all of that water over to the east side of Highpoint.

Because Timberland, that road's built up, you've got that ditch there facing east instead of north. So that's the change. That was 20 years ago when that road was put in. We've lived there 9 years now. So the question is, do you follow the natural flow of water down the hill more instead of taking it east. That's what John was working on is what would that take. And the conversation I had with Ricky yesterday is putting more water on his lots, who wants that. Nobody wants that so that's the tradeoff. Nothing's set in concrete right now, it's all discussion. So if you want to say something, now's the time. John, do you want to say something?

John Hayes – Yeah. I talked to Roderick before the meeting. From the time that the tentative plan or proposal was drawn up until it was submitted and everything and until basically tonight, we, like Andy said, discussed a couple options and everything but 60% of all the water on the southwest side of the hill there across from Ricky's house, 60% of all the water that's coming down the hill on the east side of Highpoint is coming off that hill and should have naturally gone directly north. There's larger holding tanks there. So the two comments I wanted to make are just the natural flow, if you don't decide to do anything at all, in the last 6 years we've actually filled in, it's just a bare pipe, Andy's comment earlier about a collection box, there's just a bare pipe right there, it's cut at an angle, it goes under Highpoint. It's eroded enough that we've filled it in three times in the last 6 years. At some point, myself and the neighbors have to stop doing free work for the city and you know, whatever but this also fixes problems at like, you know, Rod's place and Kelly's house. They came before you guys a couple of months ago and they're burning out a sump pump every single year cause there's literally 3 feet of water coming in. Now this year it was sort of an exception but what it is is the water is percolating up beyond the berm basically on Steve Mallard's place and it's coming in. So, the retention ponds that were built are too small to handle that much water. There was never, as far as we can find, an analysis flow of water shed done on that hill so when they redirected 60% of the water, it's just overkill. Not even designed for 50 year let alone what we had this spring and it's just going to get worse over time with erosion, that type of thing. The second thing that just came up tonight and we originally discussed it was, I totally agree with the comment that Ricky made, and if you want to talk to this, there's no need to throw an extra hundred feet of pipe and \$10,000 cost to throw it on that creek that's on your side, your property on the west side but there's supposed to be a natural berm that runs along the road all the way down. It's basically filled itself in over the last 15 years and basically when water gets to the bottom of the hill in what's supposed to be that berm, it's actually angled to the road now, there's no berm at all. It's just sloped to the road and if you drive Highpoint right now, there's literally gravel washed out and everything else. What's happening is it's just coming down the hill and washing right out on the road. So what I was talking to Andy about is let's just do it the most simple way. Fix the pipe at the top to get the natural flow back which is the cheapest alternative but then don't touch Ricky's land, just re-cut the berm so that it stays in there and goes to the larger holding tank down at the bottom of the hill on the northside.

Ricky Icenhower, 250 Ridgecrest – Basically, and I understand the issues that they have at the bottom of the hill, I mean, you guys have seen this 4 or 5 times so far that this has been in front of the Board and it's an issue but I'm like everybody else, I don't want it to be my issue. I don't have an issue. I hate it for the neighbors down there and I want to do what I can but I've got

three buildable lots that when they redirect that water I'm afraid it's going to affect at least part of those. You know, the problem is that the engineer, no disrespect, but an engineer drew this up the first time. We see how that's working. I've got a piece of property right next to me that an engineer drew up that I'm probably gonna be up here talking to you guys about.

Andy Novinger – Not this engineer.

Ricky Icenhower – What works on paper and what works in real world, especially, sometimes is two different things like a lot of things we deal with in life. I'm willing to have an open mind but I'm skeptical. When that water sheds down through there, it's going to end up somewhere and I'm the one at the bottom of the hill. I'm concerned. Say even we put the berms in to keep it in there, when it gets down to the end of that roadway and that road does this, where's that water gonna go? It goes across two more pieces of property that I have. And then, is that basin big enough? What's gonna happen to it? Is it gonna handle it? If not, then it goes onto another piece of property that I have. I'm the one affected now. So definitely some concerns there. I'm not an engineer, I'm not an excavating guy, I don't know where it's gonna go but I know, I'm assuming that they assumed the system was gonna work as it was designed to begin with and there has been some changes up through there, I understand but if you look at it, there's two basins back there. One of them is behind Shawn's that is full of trees and growth, I don't think it could hold the volume of water it was designed to in the first place because of all of the growth in it. Then what does it look like? Brad LaFollette is contracted with the city. Can he look at it and say I can roll this and roll that and maybe make the basin a little bit bigger? Maybe, maybe not. The other problem is you're not on an easement anymore either. You're on private property with somebody that you're going to have to get authorization from. Then you have the issue where it runs off into some of those folks place over in what I call Meadow Woods South, that's been up here and visited a few times. There was a drainage catch down there in place to help solve that that the builder decided to change that and it definitely changed the water control there. I feel like there's a lot of people in here that can be blamed. Is the city to be blamed because they accepted the plat that the engineer said would work. We just have to take their word for it but it's not working. I don't know what the answer is but I don't think anyone would feel different if they were in my shoes. Just don't shed it on me to make your problem go away because I don't want your problem to be my problem. Can I help? Would I be willing to help? We can talk about that but I have some property there of value and we're not gonna do anything to take that away. Alright? Thank you!

Richard Icenhower, 280 Northview Circle East – This has been visited a number of times and Kennie, Dennis, Andy and I all went up there and looked at this situation and there is a water detention right there. I don't know if it was never built right but it's filled up, got trees growing in it. It's not doing nothing, not even slowing water down. As far as over on Meadowood, we had Brad up there and Mr. Anderson and what happened, Ricky hit on this, the builder, it had a pipe in there and he took it out and put a smaller pipe in there and it's backed it up and it creates a problem for him and other people. Brad said, Kennie, am I right about this, Brad said he could solve Mr. Anderson's problem by building a waterway. Right?

Kennie Hokanson – Yeah, he could dig a swell through there and make it run down that swell.

John Hayes – Well I was back in there two weeks ago and it's not even a pipe anymore. There's literally like cinderblock type of stones that they stacked up in a U shape and completely blocked...

Hokanson – Brad's talking about digging that swell through the yard.

Hayes – Oh yeah, absolutely. But there was a pipe that originally went through there.

Hokanson – And next door there, Hodges place, he put a pipe across his backyard and he's catching water off the hill and forcing that over there too. So there's an issue there that that property is causing.

Richard Icenhower – Right. So this is an ongoing problem but my suggestion for what's it worth, nothing against Andy or anybody else but I would be getting ahold of Brad LaFollette, he does that every day and he can look at that and say you need to build a swell here, you need to do this. Clean out that water detention up there and build a water detention but there's just one problem with all of this. It's not your responsibility. You cannot go on private property and start doing anything. It's gonna be up to the landowners expense because if you try to go on private property and try to solve a problem, you have created an animal that you will never get back under control. You cannot go on private property and I'm caught in the middle. I've got Ricky over here and I've got Roderick over here and both of them are chewing my ass and I understand both of them. Yeah, there's a problem but you're gonna have to walk on thin ice with this as far as the city is concerned about spending any money.

Mark Stewart – It's our responsibility...

Richard Icenhower – Do what?

Stewart – So any ditches...

Richard Icenhower – If it's in the ditch, that's on you.

Stewart – If it's in the ditch, we can do that.

Richard Icenhower – You've got an easement for that ditch.

Stewart – That might help a little bit.

Richard Icenhower – But you don't have easement over here on property.

Stewart – Right.

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Petty – And if we assume that responsibility then any future impacts...

Boncuk – We set precedence.

Stewart – Yes.

Richard Icenhower – You set precedence and you...

Petty – And any liability that any property owners take because of actions that we made, we are then responsible for.

Richard Icenhower – There's definitely a problem up there and I sympathize with them and Roderick, he burned up two sump pumps keeping water out from under his house. I know how that problem can be solved but he's gonna have to get on another mans property and it's gonna be out of the homeowner's dollar, not the city. You all do whatever you want to do, I'm just saying if y'all try to address this, you're walking on thin ice.

Petty – Thank you.

Cooke – Has anyone from up there in that area spoke with the neighbors whose property would have to be utilized to start addressing this problem to get their input on it to see if they would be willing to...

Richard Icenhower – Well I might say one more thing. I'm disappointed at the council. Ricky was never contacted. He knew nothing about this until yesterday. He was the property owner. Why wouldn't somebody from this council, before you were addressing this speaking to him?

Petty – So, just as a response to that, Richard, this was just presenting the initial petition and Andy's thoughts to it. We're not here to make any decisions about what to do. It's really the decision to move forward to gather information and during this, I'm really glad that you did find out about this and come and are here to speak about this.

John Hayes – This all started two months ago and it started with Roderick and Roderick told me that he would talk to you. So he didn't talk to you until yesterday, that's my bad. I should have reached out earlier.

Ricky Icenhower – I'm not too worried about that.

Petty – I'm glad you're here and thank you for sharing. We wouldn't have done anything without having...

Richard Icenhower – You want to be in my shoes.

Dennis Roe – Just to add to that, Kelly, Roderick called me as I was about the leave and he wanted to be here tonight but he couldn't. He did want to be here but it was impossible.

Ricky Icenhower – One thing. I understand the private property and all of that. I don't understand how, I mean, when that was engineered there was a water basin put on Steve Mallard's property. There was a water basin put on Shawn McCormick's property. How is that becoming their problem? It doesn't seem right to me. It may be the way it is but now that basin up there by Shawn's house needs to be cleaned out.

Lots of talking, inaudible

Richard Icenhower – Is there an easement for the water shed?

Andy Novinger – In that area?

Richard Icenhower – Yes.

Novinger – There is an easement but an easement is not deed over or grant. So what happens is you guys have a subdivision and a subdivision puts in a detention basin which is common. When that detention basin is put in on their plat, is that dedicated to a homeowner, a lot or a homeowners association, it sets the precedence for who's taking care of that and whose responsibility it is to maintain those drainageways and those detention basins. If you look at your other basins in town and your other ditches in town away from the roads, the city doesn't go in and maintain those. It's under somebody else's responsibility to take care of that. I've never seen any design to what those were designed to. I've never seen any real set of covenants or anything establishing what the thought was on who was to take care of that. What I don't see is anything saying that was the city's responsibility to take care of. I did an exhaustive search but my understanding in this situation, much like most of your basins in town, it's really up to homeowners association or to the landowner at that time to take care of that and something to consider as they convey or sell their property in the future. Usually a title company will catch some of that if those get sold but sometimes they don't. But at the end of the day, it goes back to when the property was developed and who did the developing, how did they set that up. The records are very slim on what's there but what's not there is anything that says it is the city's that I see.

John Hayes – To be clear so everybody knows, the existing marsh pond that's behind Steve Mallard's is not a pond. It's basically a large detention area like Andy was talking about but even with the rains we had this spring, it never came over the berm. It didn't crest over. It wasn't overflowing. It's going through and underneath and percolating up at Rod's house and all those guys at the end of Delania and Kelly's house. It's both flow and also because we had bad rains this spring. But the erosion is happening every year regardless of the rain amount.

Dennis Roe – To address Andy's question and Ricky's comment, there's a city ordinance, Kennie's very familiar with it, we've talked about it a number of times. Stormwater easement on

private property is the owner of the private property's responsibility for maintenance. It's in our city ordinance. It's clearly spelled out and I've had to say no so many times because of that. Again, if you fix something it becomes a precedent that can catapult on like Richard said. Where I struggle is where a development may not have been developed properly with the stormwater management. I don't know how to deal with that and that's kind of what we're discussing here.

John Hayes – So originally the design was it ran out, obviously the contractor went belly-up in 08 or whatever, but it was originally intended to be curbs all the way up. The curbs would have helped too with some of the runoff.

Stewart – It makes sense to take Richard's recommendation there. Call LaFollette and have them recommend what they think will work best and then we will look at this part will be on the city, this part's going to be on the private property owners and then see if we can work together as a group.

Richard Icenhower – Well, I think it would be good to get ahold of Brad but I don't know how, he can give suggestions, but I don't know how the city would be involved because you're not gonna be able to spend any money on it. It's on private property.

Stewart – Just ditches that need to be cleaned out or any culverts that have been smashed and needs to be fixed.

Richard Icenhower – Oh, yeah. That's on you.

Stewart – Then we can get that stuff done.

Dennis Roe – There's a 25-foot easement along the side of the road for utilities and stormwater so anything beyond that would be on the homeowners responsibility.

Petty – We had a similar situation last year. We brought Brad out to do an assessment. Up to this point the city would be willing to partner with you but the homeowner was still going to be required to spend a substantial amount of money to resolve the issue and they were unwilling to and then we also were not going to put money into something that would not ultimately fix the problem. We can do that. We can get Brad up there and we can assess and talk to homeowners, landowners, potential impacted owners come up with something but every single party has to be in agreement to actually cover their cost or else the ultimate issue is not going to be resolved.

Stewart – I understand that. And I understand that's probably going to be difficult to get everybody to cooperate together because somebody is going to have to do something to their property that they're not gonna like.

Cooke – If you have one chink in that, it throws the whole thing off.

Boncuk – Yeah, cause if you do part of it and not the other, you're just putting band aids on it...

John Hayes – Well if it's all on the west side then it's all on an easement so the discussion would be then where is that water going to go. What I can say is okay, we've recut that berm in there, yes. Okay then it's going to go to that big collection pond on the northside, you know.

Stewart – And that's something...

Hayes – Cause there's never any standing water in there right now at all. It's not like there's a constant stream or anything. It's just during the rains when there's a true runoff.

Inaudible

Hayes – Well we did water sheds on that but it was only via map and GPS and that type of thing.

Andy Novinger – But as far as what happens if you rechanneled it to the north where does it go from there, we would have to take a look at that. I can meet with Brad. I don't mind doing that but the water is gonna go somewhere, more so than it was. I think the initial thing though, after listening to everybody, I think one thing the city can look at doing is, there is a problem right there at the entrance to the culvert on the southwest corner of that intersection. If nothing else, you have Brad or somebody get you a cost on how we shore that up whether you put in concrete or whether you put in an inlet box. I would have him give you a cost either way. Whether or not we ever put a pipe going north or not, you can at least make that better by doing ditch work cleanup.

Hokanson – Is that the city's responsibility?

Dennis Roe – Yea, that's on the city.

Inaudible, Hayes and Roe speaking over each other

Stewart – That's exactly what I'm saying. I would like to do that as well.

Petty – Alright. So do you guys want an agreement to just contact Brad and coordinate a meeting with Brad and Andy.

Stewart – Just have them brainstorm something and get us a cost...

Petty – And Kennie.

Stewart – Yeah and tell us where that water is gonna go. I don't want Ricky's place to be under a flood. Just get...

Inaudible

Petty – They’re just doing an initial eyes on it.

Andy Novinger – We’ll kind of look a little more down the hill and keep that in mind. Then it’s just a matter of let’s get back there and talk about it after that.

Petty – Yeah, we’ll want to talk about it. We’ll want to make sure that every property that would be impacted by rerouting water would be invited to speak and if there is any sort of financial responsibility that would have to be passed onto owners then they would need to be included in this conversation.

Novinger – This is where stormwater gets a little complicated but it just keeps going down hill. Ricky would have to deal with it and then it would keep going but at some point you do have to set a boundary and say it’s the natural channel.

Stewart – Do you need a motion or anything like that?

Davis – No. We’re good. I can get that scheduled.

[Public Comment Closed](#)

DISCUSS AND/OR APPROVE BANK ACCOUNT FOR GENERAL OBLIGATION BOND

[Public Comment Closed](#)

Davis – We just have to open up a bank account for the bond money from what Larry told me.

Petty – Okay. So we need to open a restricted bank account for the G.O. Bond?

Davis – Mmhmm.

Petty – At a specific bank?

Davis – At the O’Bannon Bank.

Petty – O’Bannon Bank specifically. So we would need a motion to do that.

Stewart – Oh, is that not a motion?

Petty – No.

Motion by Stewart to open a restricted bank account at O’Bannon Bank for G.O. Bond Construction. Seconded by Cooke
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

BOARD OF ADJUSTMENT APPOINTMENTS OF ALTERNATES AND TERMS

Discussion

Petty – Last time we appointed several people to the Board of Adjustments. One of those, Steve Mallard, was appointed as an alternate. I did not assign him a term at that time. We did talk to Megan, our attorney, and she did agree with the recommendation to have an alternate serve for a term of five years. So I would like to recommend that we have alternates serve a term of five years.

Stewart – Well moving forward, everyone that we put on there should serve a term of 5 years.

Petty – Yes. Just the initial appointments, they have to staggered so that...

Stewart – Right.

Mayor Pro Tem recommends Steve Mallard be appointed to the Board of Adjustments as an Alternate for a term to expire 08/2030

Motion by Cooke to accept Mayor Pro Tems recommendation and appoint Steve Mallard to the Board of Adjustments as an Alternate for a term to expire 08/2030. Seconded by Boncuk
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

Petty – Next up we have another applicant that would like to serve as an alternate. Mr. Chris Robinson, would you like to come up and share with the Board why you would like to serve on the Board of Adjustments?

Chris Robinson – Well, I've been in city government before. I sat right there for a brief time and I've been on the Board of Adjustments previously for quite a few years actually. I'm retired, I've got time and I don't mind. I don't really have an agenda, that's pretty much it.

Petty – How long have you lived in Fair Grove?

Robinson – How long have I lived in Fair Grove? Well, I'm 61.

Petty – So a little bit.

Robinson – Yeah. If that's a qualifier then I guess I qualify.

Petty – I think you have to be here for at least a year, so.

Robinson – Well there ya go.

Petty – That box is checked. Any questions?

Stewart – Nope. I appreciate your willingness to serve.

Robinson – Not a problem.

Mayor Pro Tem recommends Chris Robinson be appointed to the Board of Adjustments as an Alternate for a term to expire 08/2030

Motion by Cooke to accept Mayor Pro Tems recommendation and appoint Chris Robinson to the Board of Adjustments as an Alternate for a term to expire 08/2030. Seconded by Boncuk
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

DISCUSS AND/OR APPROVE BUILDING PERMIT SOFTWARE

Discussion

Davis – Chan and I really want this.

Petty – For what?

Davis – You can, what was all of the bells and whistles, Chan? This was more her portion. They have a business license feature but I told them that we couldn't afford that this year.

Chandra Scott – Well with the building permits, everything is tracked on paper. With this system, everything would all be electronic. People could apply for building permits online. We would have all of their information in there. We could keep track of what we pay our inspector. All of his inspections would go into that system. It would incorporate the floodplain map so we could look in there and see where the floodplain is in our area. I mean, there's just so much.

Davis – He can get on there and do his inspections. People can get on there and say I need a final inspection and it would notify him and it would notify us. He can get on there and say he passed it, he failed it whatever he did. He can put notes in there.

Scott – We can do correspondence to people as well.

Davis – Yeah, it can generate letters. People can see if they passed or failed. If they failed what they need to correct and they can reschedule that inspection. It's just all in there. Everything that we do by paper.

Petty – They can apply for permits through this portal?

Davis – Yep.

Petty – Is there a link that can go on our website where someone could go to apply for a building permit and then the information would be transmitted electronically to our city inspector as well as our city clerks and all of that documentation would be retained in this system and searchable by date, person, keywords.

Scott – Address, name. I think you can search by anything probably. Permit number.

Petty – As Andy illuded to, our records, at least 20 years ago, are thin. I know that any time that I've had to ask you guys, hey can you please go look and see if we've had anything for this specific address and it takes you guys days to go through all of the paperwork.

Davis – Right. Because everything is on paper. It's just a big folder by the time we're done with it.

Petty – Do we have the ability to upload any of our current documentation that we have on paper into this system?

Davis – Yes. He did say that they could migrate everything over.

Petty – So then we could have a searchable database for all historical permit applications and findings.

Davis – It will take us a while to build it all up.

Stewart – Is this all covered in this 5 hour support?

Davis – Mmhmm.

Public Comment Open

John Hayes – So I'm assuming our inspector is on board with entering everything digitally then? Does he have a laptop or a tablet?

Davis – Well, here's the thing. We didn't really give him the option because we're the ones doing the paperwork.

Hayes – Right.

Davis – I know that sounds harsh but it's hectic in the office trying to track all of these papers down and we can have unlimited users which means Planning and Zoning could also get in there and search up these kinds of things.

Hayes – I think it's great with everything, I'm just talking about manpower. Last time he was on his third page of stuff to fix...

Davis – Right. He does have a city...

Hayes – Maybe we charge more on our building permits to cover the cost of the labor factor or to cover the equipment we need for him to do the job more easily.

Davis – He does have a city cell phone which might help him. I'm not sure. I would think that putting it in electronically, even calling Chan and saying hey this is what happened and she typing it in, would save money and time from handwriting it.

Petty – He's also a contracted service for the city so the city can decide how they wish to conduct business with our contractor.

Hayes – Right, right.

Petty – But of course we would need to make sure he had the ability to be able to do it.

Hayes – A lot of other cities use that same program which I think is awesome but it also uses voice technology so when you're walking around it's basically transcribing.

Davis – He did mention that you could do that.

Stewart – It's included with this bid?

Davis – Yeah.

Petty – Why do you say the business license is more expensive?

Davis – The business license, ok so total for what all we wanted to do was \$9,500 or \$9,800, something like that.

Petty – Annually?

Davis – No, that was the initial cost. The business licenses was \$2,500 and the building permits were \$3,000 but I felt like for what we have budgeted for this year, we only budgeted like \$1,500 for computers that we're not going to use so we can take that money and put it towards this and I felt like this was more beneficial for the city than the business licenses at this time. Maybe we can discuss raising the business license fee at some point and getting the business license portion. But for now, I felt like this was the most beneficial thing for the city.

Ricky Icenhower – Out of your last 3 building inspectors, which one do you think would be more capable of using that system?

Davis – Probably the one we have now actually. He does text us.

Ricky Icenhower – I'm an old school guy. I don't want that crap. I understand that for people that are techy, that's the only way to go, I get it. *inaudible* you already have a hard enough time finding a building inspector.

John Hayes – Do we retain the data or do we have to pay an annual fee? If we stop paying, do we lose everything we've gained?

Davis – No. We keep it all.

Hayes – So we have a storage system here?

Davis – Yeah.

Stewart – What are we talking about for storage? Gigabytes? Terabytes?

Davis – Gigabytes.

Stewart – We can use an external hard drive for that.

Davis – Yeah.

Petty – It also shows this is a discounted package.

Davis – I tried to negotiate them down as far as I could.

Petty – So you mentioned \$1,500 for the computers, this quote is for \$3,000. Is there something else in the budget that we could cut to then cover the cost of the additional \$1,500?

Davis – Kennie's salary? No, I'm kidding. I don't know of anything else. I just know that he budgeted \$1,500 for computers and I felt like that was the one thing we might not use.

Cooke – So this will save you from having to print quite as much paperwork, is that correct?

Davis – Oh, a huge amount.

Cooke – Have you figured in what you expect that savings to be by not having to print all of that?

Davis – I don't know what it would be but I would be willing to be it would be pretty great and probably cover more than the rest of the cost.

Petty – We also did consider, well after last months, last meetings audio visual quote came in for double what we had budgeted, if that's not the route we wish to move...

Stewart – That's true. We could borrow from that.

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Cooke – True.

Petty – We could transfer from the capital.

Cooke – On the annual subscription fee it listed that the discounted rate is \$3,000 like Kelly said.

Petty – Is that every year?

Cooke – But it looks like the original price was \$3,800. Will that \$3,000 be recurring annually or is that just for that first year?

Davis – Umm, I think it's just for the first year.

Cooke – So after year one, it will revert back to this \$3,800?

Davis – I think so but I'm not 100% sure.

Stewart – *inaudible* negotiate it too.

Davis – I will continue to negotiate.

Cooke – And this will be a yearly...

John Hayes – How many were permitted last year, new construction? Six?

Davis – What was the question?

John Hayes – How many homes did we have permitted last year for new constructions? I think it was 6.

Davis – Chandra?

Scott – I just know the total amount of building permits. I'm not sure on new homes.

Davis – How many building permits then did we issue last year?

Scott – Probably around 30 last year, maybe more.

Davis – How many have we had this year so far?

Scott – 18.

Petty – Do you guys want to take time to consider and think about it?

Cooke – I would personally like to get some information on this and see what the price of service would look like going into year 2 and beyond.

Boncuk – So right now, this \$3,000 for basically 30 permits a year? So we're talking about \$100 per permit that we're asking. The ability to keep better records is a great thing because again, as Andy said, looking back there's not a lot of records so I think from that aspect it's really good. But I think when you look at the cost per permit, that seems like it's going to be a little high.

Davis – Well, once you consider Chan's time dealing with it, my time dealing with it, filling out the paperwork, figuring up the cost of everything and his time to go out and inspect it, not only inspect it though, handwrite all of these inspection slips. Most of the time they fail and then they have to get reinspected, which we pay for two inspections, the city does, not them, they pay for one. Then we have to try to collect our money from them after he's inspected it more than once, I'm sorry, more than twice which generally never happens and right now our permits are printed at a company so that they can be carbon copy for the city to have one and the applicant to have one. So we pay for those as well.

Petty – Why don't we dig a little bit deeper, a financial analysis on potential cost savings?

Stewart – How much do the permits cost us?

Davis – I don't know. I would have to look back.

Stewart – It's something you can figure out though and maybe reach out to the company and see if they will give us some kind of agreement to lock in this \$3,000?

Davis – Okay.

Stewart – It's worth a shot. I like this. I think this is a cool program but I understand looking for more information.

Davis – Okay.

Petty – Agreed.

Public Comment Closed

DISCUSS AND/OR APPROVE EXTRA DUTY MEMORANDUM OF UNDERSTANDING WITH FAIR GROVE SCHOOL DISTRICT

Discussion

Stewart – I assume that you want me to take this one since Chief's not here. Chief had to step away. He had a family thing. Basically, this would allow our police officers to work off duty or extra duty is what he's calling it, for the school district for basketball games, football games, whatever they want to hire them for. This is something that we have in place in Springfield. The

MOU basically says if they get hurt while they're working at the school, it's not our dollar, it's their dollar. Their insurance has to cover it. They have to cover anything. If they get carried away or whatever happens, it's on their insurance and they have to have X amount of dollars in insurance to cover that so we're not stuck with the bill. So I think this is a no brainer. I think it's a great opportunity for our officers to make a little extra money and it helps out the school. It's a no brainer to me.

Petty – And our attorney did review this contract and gave her thumbs up. The school's attorney I am assuming reviewed.

Stewart – I didn't hear officially if they did or not.

Petty – I guess that would be on them if they signed it.

Stewart – At this point, you're gonna sign it and give them the opportunity.

Boncuk – If I understood Chief correctly last time then this can be for other places also. So if one of the wedding event places around here wanted to hire one of our officers, they could do so and again all of the cost would be on them.

Stewart – Correct. We would just change the name of the contractor. Everything else would stay the same.

Petty – And it is a general MOU agreement. It does not call out Fair Grove Schools.

Stewart – Correct. There are things in there that wouldn't necessarily apply to Fair Grove Schools but might apply to other people who would like to hire our officers.

Petty – And that was the attorney's recommendation.

Stewart – Correct.

[Public Comment Open](#)

[Public Comment Closed](#)

Motion by Stewart to approve Extra-Duty M.O.U. with Fair Grove School District and authorize the Mayor Pro Tem Kelly Petty to sign it. Second by Boncuk
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

DISCUSS AND/OR APPROVE SCHOOL RESOURCE OFFICER MEMORANDUM OF UNDERSTANDING WITH FAIR GROVE SCHOOL DISTRICT

[Discussion](#)

Petty – This is up for annual review. My initial thought is before we get too deep into it, do we want to invite the superintendent and have the Chief here to discuss this.

Stewart – I would like to have Chief here. He made a few changes in here, minor changes, but since he did make some changes, I would like for him to at least discuss them with the Board.

Public Comment Open

Public Comment Closed

Motion by Stewart to postpone School Resource Office Memorandum of Understanding with Fair Grove School District until the Chief can attend and invite Dr. Overstreet. Second by Cooke
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

**DISCUSS AND/OR APPROVE PLANNING AND ZONING COMMISSIONS
RECOMMENDATION ON TEXT AMENDMENT CASE NO. TX25-06-01, ADDING
THE PHRASE “TWO (2) STORIES ABOVE GRADE” AND THE PHRASE
“WHICHEVER IS LESS”**

Discussion

Petty – This is something that came to Planning and Zoning. They had a public hearing. There were some questions. I don’t know that we capture the number of for and against and we had one against. Did we have anybody for?

John Hayes – I think everyone else was for. I mean, yeah, one was against because if there was a hotel that wanted to go up and they wanted to go more than two stories, we would have to back through the system and do a variance with the Board of Adjustments. Again, that’s easier than saying, well we have water pressure over here. The whole thing started around the water pressure. Anything over three stories now has to be sprinkled and we can’t guarantee the water pressure. There’s certain areas of town the pressure is better but it’s hit and miss and this protects the city as well, two stories or less.

Petty – Yes. The Public Water Supply District has stated that they do not have the ability, through a report, in 100% of the areas within the city limits to meet this newer code requirement of having anything about two stories be sprinkled. Because of that and in the interest of caution and making sure that we’re not approving someone to build something that’s unsafe, we did pass this through Planning and Zoning with all yes, unanimous approval.

Public Comment Open

Jeffrey McConnell – I noticed it said two stories above grade but I’m not familiar with the case that you quoted. So I’m just wondering, if the main issue is water, I can understand that but if someone wanted to build one story below grade and two stories above grade.

Petty – That’s two stories.

McConnell – Yeah, two stories above grade. That’s what it says on the agenda.

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Petty – Right.

John Hayes – Correct.

McConnell – So someone could still build a three story building as long as one story was below grade?

Petty – But that’s not considered in the code as being a three story building.

Hayes – The way that Greene County wrote their adaptation to the IRC, which the IRC is what references three stories or more, is above grade. So we’re just, that verbiage is adding two stories above grade and the existing feet marker or whichever is less, that addition is following what the other city’s have already adopted for the IRC.

McConnell – Okay. I just wanted to clarify.

Hayes – Yeah, cause basically what they have to do is they have to come out and *inaudible*
[Public Comment Closed](#)

Motion by Stewart to approve Planning and Zoning Commissions recommendation on Text Amendment Case No. TX25-06-01 and update zoning ordinances adding the phrase “Two (2) stories above grade” and the phrase “whichever is less”. Seconded by Boncuk
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

BILL NO. 25-22 AN ORDINANCE REPEALING ORDINANCE NUMBERS 38 AND 286 AND ADOPTING IN LIEU THEREOF THIS FLOODPLAIN MANAGEMENT ORDINANCE PURSUANT TO TITLE 44, SECTION 60.3(d) OF THE CODE OF FEDERAL REGULATIONS (Posted 9/4/2025)

[Discussion](#)

Petty – We passed an ordinance to adopt the floodplain management maps. We sent it to the state and the state came back and said we needed to redo it and make sure we include more. Our attorney did review this and gave us her revisions and recommendations. It still has the exact same intent, just helping us comply with the state.

[Public Comment Open](#)

[Public Comment Closed](#)

Motion by Cooke to have the first reading of Bill No. 25-22 by title only. Seconded by Boncuk
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

MAYOR PRO TEM READ BILL NO. 25-22 BY TITLE ONLY.

Motion by Cooke to approve the first reading of Bill No. 25-22 by title only and have the second reading of Bill No. 25-22 by title only. Seconded by Boncuk

MAYOR PRO TEM READ BILL NO. 25-22 BY TITLE ONLY.

Motion by Cooke to approve the second reading of Bill No. 25-22 by title only and assign it Ordinance Number 288. Seconded by Boncuk
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

BILL NO. 25-23 AN ORDINANCE AUTHORIZING \$1,000,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2025 OF THE CITY OF FAIR GROVE, MISSOURI AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS BY THE CITY (Posted 9/4/2025)

Discussion

Petty – Sarah has drafted it for us.

Sarah Granath, Gilmore and Bell – I wanted to congratulate you all on a successful election. Todd Goffoy, Larry Brown, the City Treasurer, Mayor Pro Tem Petty, Ms. Davis have all been working really hard to bring this before you tonight. This is one of the last steps in the bond issue process. A couple of weeks ago, the city and the financial advisor went out for what we call a request for proposals for direct placement of up to \$1,000,000 in bonds. It was sent to different banks and investors that typically purchase bonds in the municipal bond world. The city received five bids which is excellent. The winning bidder was a branch of Commerce Bank. They operate their municipal bond practice out of a place called Clayton Holdings but it's Commerce Bank that was the winning bidder. The interest savings cost essentially that they beat the other bidders by over the life of the bond will be \$22,000. The interest that the city will pay if 4.21% in each year over the life of the bonds and they are scheduled to run out from 2026 to 2040 will be the last payment of the bonds. I can go through annual principal amount but they are in the ordinance. Principal will be due in March of each year and interest only will be due in September. The first principal payment is due March 2026 which has been accounted for on the debt service levy that you all will have imposed in December on the tax bills. After consideration by the Board, if this Bill passes, we are scheduled to close on September 23rd. That's the day that you will receive money in the bank account that you all just opened. You can start making payments for your improvements as they go. At the end of the construction period, if there is nothing else that you would like to spend that money on you can transfer the money from the project fund into the debt service fund to speed up that payment if you have unused proceeds. I know the expectation is to get somewhat close with the list of projects identified. The bonds are callable at any time. That means you can prepay them if you have extra money, if you would like to. There is a premium for doing that. That premium is 3% the first year, 2% the second year and then after that it's just 1% at any given year and that's factored into all of the bids that they go through. Any questions?

Petty – I did run that by Larry, the prepayment penalty. We talked about it a little bit. He felt confident that was still the best option.

Granath – A lot of the other, well I think all of the other bids had the earliest call date of 2032 would be the earliest you could prepay so if you look at that you would obviously be at the 1% then. I think the goal is to transfer less from the sewer instead of prepay. All of that to say that you have flexibility there to prepay if it makes financial sense. It's been evaluated by several in the city and city advisors.

Stewart – Randall, our fire chief mentioned last time that a lot of times when they put up for grants they get offered more than the amount. Is that just something for first responders?

Granath – For grants?

Stewart – He was talking about bonds and he said whenever they put it out for bids a lot of times people offer more money...

Granath – Oh, ok. That would be on a public sale. It's called a premium and essentially you get investors saying I'll pay you \$1.2M instead of \$1M. It's actually just a higher interest rate. That's more marketable on the open market if they get a higher interest rate. It means you get more money up front but you pay more money over time. It kind of nets out to the fire district in that instance. With a private placement, there's no premium. It is just more or less if any of us were to go to the bank to get a loan. Here's your interest rate, you agree to pay it back.

Public Comment Open

Motion by Stewart to have the first reading of Bill No. 25-23 by title only. Seconded by Boncuk Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

MAYOR PRO TEM READ BILL NO. 25-23 BY TITLE ONLY.

Motion by Stewart to approve the first reading of Bill No. 25-23 by title only and have the second reading of Bill No. 25-23 by title only. Seconded by Boncuk Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

MAYOR PRO TEM READ BILL NO. 25-23 BY TITLE ONLY.

Motion by Stewart to approve the second reading of Bill No. 25-23 by title only and assign it Ordinance Number 289. Seconded by Boncuk Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

MAYOR REPORT

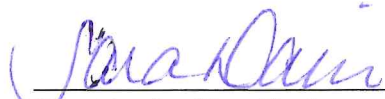
Discussion

Petty – I got invited to a Mayors meeting this month and I also got invited to the Fair Grove American Legion. They are having a meet and greet with their National Commander. I plan to go.

ADJOURNMENT

Motion by Stewart to adjourn at 7:55 PM Seconded by Boncuk
Cooke AYE, Stewart AYE, Boncuk AYE, Petty AYE

Adjourned at 7:55 p.m.



Sara Davis, City Clerk