Minutes of the Meeting

Regular Session held Saturday March 2nd, 2019

In attendance were:

Board members-Phil Gilliam, John Rydholm, Frank Baumann, Beth Whorton, and Theresa Wilson

Village Staff-Police Chief Daniel Clayton and Attorney Rob Megraw

Absent-City Clerk April Baxter

Audience Members-Bart Whorton, Roy Groves, Paul & Vicki Brown, Rhonda O’Conner, Susanne Gilheoney, Marcia Thomas, May Gilliam, Derek Hayes, and Kevin Fosshage.

Meeting was called to order at 4:01

**Chairman Phil Gilliam**-A discussion was had about the repaving of the parking lot at Unicorn Apartment’s. The contractor Pave-It Asphalt contacted City Hall to inquire about a variance from the Village to be able to transport the heavy loads of asphalt on the streets of Ferrelview. The Board of Trustees agreed that a variance was not needed to transport the asphalt to the site at Unicorn Apartments.

A motion was made by Beth Whorton to approve the minutes of the regular session held on February 2nd, 2019. Motion was seconded by John Rydholm.

Roll Call Vote

Phil Gilliam-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Rydholm-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Frank Baumann-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Beth Whorton-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Theresa Wilson-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Motion carries 5-0-0-0

Trustee Wilson questioned the high legal bill for the month of March. Gilliam responded that the bill covers serval issues addressed by the Village attorney. Rob Megraw the Village attorney stated that the bill included serval court appearances regarding the Pasty Murry case, along with reviewing depositions, and an emergency ballot.

A motion was made by Beth Whorton to pay the March bills. Motion was seconded by Frank Baumann.

Roll Call Vote

Phil Gilliam-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Rydholm-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Frank Baumann-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Beth Whorton-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Theresa Wilson-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Motion carries 5-0-0-0

**Beth Whorton Water Commissioner**-Whorton stated that they are still looking for locks that incase the whole meter. Gilliam added that the reason the Village is looking into acquiring them is due to residents illegally turning water services back on after they have been disconnected for non-payment. Whorton stated that she would like a notice sent out to residents stating that the Village will no longer enter into payment arrangements with water utility customers, that all balances need to be paid by the 25th to avoid disconnection of services, and the fees associated with restoring service. Gilliam stated that the City Clerk already prints that information on the back of all water bills and it includes that payments are due by the 25th of the month and the fees associated with restoring water services. Wilson agreed with Whorton that a notice should be sent out to the residents because previously the City was very laxed on enforcing the water ordinance. The Board agreed that a notice should be sent out to all residents and posted at City Hall. Gilliam added that this was heavily addressed by the auditor and the Village needs to enforce its own ordinances.

**John Rydholm Street Commissioner**-Rydholm stated that he has priced the patching for the potholes within the Village and ranges from twelve fifty (12.50) to twenty two (22) dollars per bag. Gilliam stated that if he can find what he needs from Lowe’s, just give the City Clerk a list so it can be ordered.

**Frank Baumann Building Commissioner**-Baumann stated that he inspected a few of the lots at Ferrelwoods and was informed that two of the ones that needed drainage were completed. Baumann added that he needed to go inspect them again now that the work was completed. Baumann added that it would have been easier if he were notified when the french drains were being installed so he could have inspected the work as it was being done because it is all underground.

**Theresa Wilson Trustee**-No new business

**Police Chief Daniel Clayton**-Clayton stated that last month he conducted eight (8) traffic stops and four (4) calls for service that included follow-ups. Clayton stated that the report writing software called Aleir had an invoice that needed to be paid. Gilliam replied that it was included in the bills that were approved earlier in the session. The annual traffic stops report was filed with the Attorney General’s Office on the first. Baumann asked about the progress of the court system getting back up and running. Gilliam replied that it was still in progress.

**Kevin Turley Chief Water Operator**-Turley presented the board with the meter that was located at 200 Heady Avenue and added, “That this is the reason people are not allowed in the meter pits.” Turley stated that the incorrect piping had been hooked to the setter for the meter on the side that runs to the resident’s home. Turley added that yes it was on the resident’s side and the water was metered and registered as it was leaking. Turley stated that he fixed it with the correct parts and it took him all day. Turley stated that he found another problem, possibly a small main leak at the lot on Chester that the owners of Unicorn Apartments would like to build on. Turley was asked to go to the lot to see if there was an existing meter pit. Turley located a four inch PVC pipe located by the meter, possibly for sewer. Turley found the setter locked but found it bubbling out. Turley added that the issue is the Village’s because of its location and he would be unable to do the necessary repairs and it would need to be hired out. Gilliam requested that Turley get some bids from people that he (Turley) would trust for the necessary repairs. Turley addressed the meter tampering at 506 Garrison Lot 105. Turley stated that we he arrived at the lot he saw a water meter key beside the trailer and confiscated it. He added that it is utility tampering and not just anyone can be in the meter pit. Turley has the meter at City Hall that was removed from the property and that it has been beat up and broken. Turley added that he has never seen a meter break where it is broke and there will need a new meter at that location. Turley added that the lid was on the meter pit but is concerned that the valve is not turning completely and possibly might need to be repaired as well. Turley stated that he did have to go put a lock on the meter located at 219 Garrison Unit 7. The water was turned off at that location due to non-payment. When the water commissioner went to the property again to ensure it was still off she found that someone had turned the water back on, so a lock was put in place so that the resident could not turn water services back on. Turley added that he had been working with Ferrelwoods on water services to the new trailers. Turley stated that the trailer located at 201 7th Street Lot 28 had been set crooked and was blocking access to the meter pit. Turley stated that he asked maintenance to make an access panel for him to be able to access the meter pit.

**New Business**-Kevin Fosshage with Ferrelwoods/Impact Communities addressed the board regarding what steps they need to take obtain the occupancy permits for the new trailers. Fosshage stated the french drains have been installed at two of the lots and they have a couple scheduled for spring. Frank Baumann added that if he would have been informed about the installation of the drains he would have looked at them earlier in the day. Fosshage replied that he made a note of that, and would notify him well in advance next time. Gilliam asked Fosshage if he had received the mobile home inspection form from the City Clerk. Fosshage replied that he had. Fosshage did agree that all new trailers would need an occupancy permit but questioned whether or not an older home that is sold needed one. Gilliam responded that if the trailer needed a building permit, then it would need to be inspected. Gilliam added that work like building a deck or installing an updated electric panel is considered major renovation or upgrade. Gilliam added that it would be a targeted inspection, to ensure that the work that was done is up to code. Baumann added that he is not looking at walls and paint but rather wants to ensure that electric is on and working, the water is draining, basic things. Fosshage stated that if the pit at lot 28 needed to be relocated to let him know what that expense is, versus the access panel. Turley added that it is going to be less expensive to create the access panel. Baumann added that some of the trailers were brought into the park in the evening; he added that he was not building commissioner at the time but moving forward he can be there when new ones are brought in. Baumann stated “You can see the meter pit, why would you put a trailer on it?” Fosshage added “There should always be a spotter.” Fosshage stated that when these trailers come from the manufacturer, they are given a certain date, they call us and tell us they’re on their way, they end up not showing up. Fosshage added that he tells them between nine (9) and five (5), regular business hours, and if it’s going to be after five o’clock that they need to find a parking lot and park it until the next morning. Baumann added that is how it should work. Turley stated the when he installed the meter he questioned whether or not the skirting would block access to the pit. Baumann stated that if you look at the front of some of the new trailers and they’re crooked. .” Fosshage replied, “That how we position homes I really don’t think that matters as long as we’re following the proper set backs.” Fosshage also stated the he didn’t think that it mattered how the home was set as long as they’re following the proper dimensions of the lot and the ordinance that states the minimum lot size is twenty five hundred (2500) square feet and all of their lots are thirty five hundred (3500) square feet, so there shouldn’t be an issue. Baumann replied “Not if it’s centered.” Fosshage stated that whether or not they want to set them sideways is really their call as a private business. Baumann questioned the ordinance that describes the setbacks. Wilson stated where it butts up to a resident, there is. Gilliam added it was the rear off-set that is specific. Gilliam stated, “That’s when we get back into the inspection form, this inspection form predates anybody on the board now and it was drawn up to be compliant with the uniform building codes and the ordinances of the Village. That’s when if there had been a lot plan submitted, and I get that it is private property and if you want to put in one at a 45 degree angle across it, then that would be your prerogative to do so, but shouldn’t there be a plan in place and then, if there is a plan in place, that gives us a chance to review. If there is a lot plan submitted then we can touch base with the water operator and go hey if they put this here is it going to be an issue or is it going to be an issue based on proximity to other things.” Fosshage replied, “Well I think the original site plan when the community was built in 74 and the plan that was approved was with x numbers of site in the community and the minimum dimensions are 1500 square feet per lot, each of their lots are between 35 and 55 hundred square feet. Fosshage added, “And again, from our stand point, we want to work closely with the Village and develop that relationship and more closely with the Village, so we can work in unison and to be able to improve the community, improve the overall aesthetics of the community as well as the entire Village. As you know, that community improves, we have a lot of plans for the office, that storm shelter, roads, and that’s just only going to benefit the Village. Again we want to work together but I want to make sure we’re clear going forward on what we need to do to make sure that we don’t have any lengthy delays in our occupancy permitting process because we’re selling these homes before we’re getting the occupancy permits. That’s what we do, that’s the nature of our business. In anticipation we use professionals to do all this work and they’re contracted, licensed, all that. They’re professionals and we expect that they are going to do things right from the beginning so there won’t be any delays in that permitting process, so we sell the home ahead of time.” Gilliam asked Fosshage about marking the lots at the corners. Fosshage replied, “Well, again I guess I’m confused because I think the one email said they wanted rebar and I don’t think we want foot length rebar sticking up on our property so some little kid that’s running through the property.” Gilliam interjected that it is not something that would be above ground, he believes it is referred in surveying as witness markers. Fosshage asked to see where in any ordinance we’re required to do that and if he was provided that information. Gilliam responded that it is in the ordinances supplied to the Mobile Home Park and he would be happy to provide any other copy if needed. Fosshage replied, “He does not know of any mobile home park that has ever been required to identify specific lots because that can change. The moment we knock down a mobile home and bring in a double wide, that could change.” Gilliam asked “Wouldn’t that effect the site plan as well?” Fosshage replied “The site plans was already approved back in the seventy’s.” Gilliam responded, “If you’re saying you’re going to take out a single wide and put in a double wide, where a single wide was, would you still be able to meet the requirements of the existing concrete that is there, there is a requirement for a six by ten patio, that’s in there. If you put in a double wide, how do you get to that, if there is a single wide before?” Fosshage replied “That you rip up the concrete and put in a new one.” Gilliam stated that he could not find it in the ordinances at the time because there are a lot of pages and would be happy to send it over in an email when he finds the reference to the corner markers. Fosshage replied that he thinks marking all these lots is a stretch and doesn’t see what the benefit of it is. Gilliam replied “The main things is, we just got done with this audit, we just got told what we have to enforce, and then we have residents coming to us as board members asking us why the park isn’t being held to the same standards. At this point (our) hands are tied. Our ordinances are what they are.” Fosshage replied that he would do his own research on it. Baumann asked Fosshage if the size of the trailers that they have already brought in are going to be the same as the ones they are planning on bringing in. Fosshage replied “Not necessarily, it all depends on the lot.” Baumann added “A couple of these problems could have been avoided if some of the trailers were put on different lots.” Audience member May Gilliam asked “Isn’t that the point of the site plan though? That it all depends on the lot and what you can put where. Some of these were supposed to be just RV’s and they are getting trailers put on things that RV’s have been put on forever.” Wilson responded “They didn’t have RV’s when I managed the park and I came here in 2006 and they weren’t allowed to have them.” May Gilliam responded “It originally was supposed to be mobile home parking which is why they have that one in seven have to be a different size.” Rhonda Franks replied that it says they can, be not that they have to be. Wilson responded that there can only be so many RV to trailers there, that there can only be one RV per every seven trailers and that is what that is referring to. Baumann brought up the issue on 7th Street with a new trailer that was set over the meter pit and added that it would be cheaper to add an access door on the skirting. Fosshage replied it doesn’t matter what’s cheaper he would like to know what the Board would like he to do and that lot. Fosshage asked are the corner markers the only thing holding these inspections up? He added that he knows about the fence issue on the new trailer located at lot 29. Baumann replied that it is our understanding that the fence is on your property and you (Ferrelwoods) has the right to tell them to move their fence back inside the boundaries of the lot 30. Fosshage replied that the corner was moved back. Baumann added that his concern is for emergency personnel not having enough space to get between the fence at lot 30 and the deck at lot 29. Fosshage responded that it is what is behind the fence as the reason it is there. Baumann replied that is not his problem, jokingly. It’s not any fault of theirs (Impact Communities) but the previous management who let them put that fence there and it’s their (Impact Communities) right to tell them to move it. Fosshage agreed. Fosshage inquired about the home located at lot 23. Baumann replied that he had concerns about the rear deck encroaching onto lot 24 and asked for it to be cut back. Fosshage responded that if there were guys like himself and Mr. Baumann (entering the rear), they would be unable to get through the door and you have to have a four by four platform on the back or it’s just not going to work. Baumann responded, if the trailer had been placed properly it wouldn’t be an issue. Fosshage added that they are getting ready to lose a hundred thousand dollars’ worth of sales. Gilliam stated that a lot plan needs to be submitted that has the diagram with measurement of the lots, where the trailers is going, the parking, the walkway, the six by ten patio, etc. Wilson added that a drawing like that is what they used to submit when she ran the mobile home park. Gilliam added that if that was submitted, then if we see an issue, we would be able to address it before the trailer was set. May Gilliam added “As a member of the Zoning Board of Adjustment we just made two other companies do this. Anderson House had to submit their plans before they could start their process and Unicorn Apartments had to do the same thing, so it’s not like were only holding you to these standards.” Fosshage replied “He understands but this park has been around for forty years and the typography has not changed on this. The only thing changing is a trailer going out and a trailer coming in. That is the only thing that has changed.” May Gilliam added that the position of the trailers has changed. Fosshage responded “We are a private business we have to right to position the trailers as long as we following the proper dimensions that are in the code and the proper setbacks.” Gilliam replied “We have a right as a board to govern ourselves, pass our ordinances, and adopt building codes, which we’ve done, and like we’ve said this checklist is based on it.” Gilliam added that Trustee Wilson used to manage that mobile home park and she just said that they used to submit lot plans. Fosshage replied “There are plenty Supreme Court cases in the State of Missouri with mobile home parks and Villages trying to regulate differently from what was originally regulated when those mobile home parks where (inaudible).” Gilliam asked “How is it different when this is based on the original ordinance?” Fosshage asked for clarification on the site plan, a hand drawn, and this lot is 3500 square feet, here is where the trailer is going to go, etc? Gilliam replied that dimensions would be helpful. Gilliam added that he has told both Renee Smith and Rhonda Franks numerous times that he wants Ferrelwoods to succeed in this town because more people means more revenue, more revenue means everyone is happy. Gilliam does not want Ferrelwoods to have issues but moving forward we have our requirements. Baumann added that he is consistently having residents of the mobile home park address him with complaints about how the park is being ran. Fosshage replied that those complaints need to be redirected to Renee Smith and Rhonda Franks, and Baumann needs to tell the residents it’s not his business. Gilliam interjected that it is the Village’s concern when Ferrelwoods is operating out of the bounds of the law, those are the complaints that the board receives on a regular business. Police Chief Clayton added that the residents are concerned that they are always receiving some kind of notice that they are in violation of a policy or rule that the park has set in place. (Clayton) Example, an existing trailer that has a fence is told when a new trailer arrives that their fence is now encroaching property and the resident has to either knock it down or move the fence or they are going to be penalized. Clayton added the park was not compliant with the towing of vehicles, signs needed to be posted at every entrance to the park. Park management replied that they did have signs up. Audience member Bart Whorton stated that the park did not have signs up when his vehicle was towed and has pictures to prove it. Baumann again brought up his concern about the misplaced stop signs and about the way the park management approaches their residents. Police Chief Clayton added that park management is also telling the residents that they are going to be arrested by him and he does not want to be a part of that at all. Fosshage replied that as a business they have rules and regulations that they expect their residents to abide by, if you don’t abide by them, we expect our management to have a conversation or the next step is to issue an official violation. There was arguing between several audience members and the park management regarding the business prices of Impact Communities. Chairman Phil Gilliam called the meeting back into order. Audience member May Gilliam commented, “They clearly just said they have rules and regulations that they expect their residents to follow, the city has rules and regulations that you are to follow, that is all I have to say.” Audience member Bart Whorton asked to address the board. Gilliam granted the request. Bart Whorton stated, “As a village of citizens, of not only the city of Ferrelview, but of the United States, we’re all protected under the constitution and the law, is that pretty well agreed? Chief please correct me if I’m far off here, the definition of extortion, is the use, or the threat thereof, in order to gain property or money, that are not legally owed to you, is that not correct?” Clayton agreed to the definition and added among other things. “ If you have admitted in open court, that your policy’s are illegal and that you are going to change them, but you haven’t changed them, you are in fact admitting that you are not in compliance with the law and are committing a crime, does that sound reasonable to everyone in here? I would ask the board, on a temporary basis, to suspend the business license of Impact Communities until such time as they make restitution to the people who they have criminally extorted for this attorney’s fee. And that they bring their business practice into accordance with state statues and laws.” added Whorton. Village attorney Rob Megraw asked to respond to the comments and address the audience. Megraw introduced himself to the audience and stated that he represents a lot of private business owners and he’s evicted people on multiple occasions, it’s not really for a Board of Trustees meeting but rather a public forum where they can address some of these things because they are ligament. Megraw added that likely they (residents of Ferrelwoods) have signed a lease, a lease is a private contract that two parties are free to enter into, if they want to or they don’t want to. If you don’t want to sign a lease with a land owner then don’t live there, that is a typical remedy. If you fell that you have some sort of civil claim against them, they remedy is to file something in the Platte County Circuit Court or can do so in small claims without having to hire a lawyer as long as it’s for money, less than five thousand dollars. He added that he has seen people be successful on numerous occasions, even with a private business. The city or village would only be able to interject or suspend a business license if there is a bright line violation of a rule. A lot of these issues, your remedy is with the court. Gilliam added that he heard the park agree to hold a public forum. Fosshage agreed and stated “He looks forward to it.” Trustee Wilson added that the park could use the meeting room at City Hall to hold the forum. Fosshage added that he wanted to do the right thing for the residents and will get the meeting scheduled.

Audience member Derek Hayes addressed the board and audience. Hayes handed out a flyer and stated that he wanted to invite all residents and audience members to Jefferson City to attend a public hearing regarding allegations against Chief Clayton. Hayes exited City Hall prior to adjourning the session.

An audience member asked about the ordinance regarding dog barking and inquired what about the allowed hours. The board responded that the Village’s ordinance is 10 PM for noise. Audience member May Gilliam added that the park has a different rule and believes it is 9 PM.

A motion was made by Theresa Wilson to adjourn the meeting. Motion was seconded by Beth Whorton.

Roll Call Vote

Phil Gilliam-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

John Rydholm-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Frank Baumann-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Beth Whorton-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Theresa Wilson-aye \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Motion carries 5-0-0-0

Meeting is adjourned at 5:22 PM.

Minutes of the meeting held on March 2nd, 2019 were approved by the Board of Trustees on April 6th, 2019.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Chairman of the Board

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

April Baxter, City Clerk

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Chairman of the Board