

**BOARD OF ALDERMEN MEETING
THURSDAY, JANUARY 7, 2021**

CALL TO ORDER. Mayor Luke Davis called the regular semi-monthly meeting of the Board of Aldermen to order at 6 PM on Thursday, January 7, 2021—this meeting was held in a virtual format via Zoom—access instructions were noted on the meeting agenda.

PLEDGE OF ALLEGIANCE. The pledge of allegiance was recited.

ROLL CALL. Jeanette Curtiss, City Clerk/Finance Officer called the roll—a quorum was present.

Luke Davis, Mayor	Present		
Damon Mills, Alderman Ward 1	Present	Sean O’Connell, Alderman Ward 1	Present
Talyia Leeper/Alderwoman Ward 2	Absent	Kerry Nelson, Alderman Ward 2	Present
Alisa Lowry, Alderwoman Ward 3	Present	Randy West, Alderman Ward 3	Present

City Officials In Attendance: Jordan Needham, Communications, Dale Batson/Project Manager, Ann Littell Mills/P & Z and DRC, Tom Tobin/P&Z

Guests in Attendance: Residents Jay Wasson, David Turner, Matt Madura, Dan McKillip and Robert Greene, and Derek and Danielle Shimeall and Chris Shaffer with 4 By 4 Brewing Company.

OPEN FLOOR TO VISITORS *

No Comments

NEW BUSINESS

Appeal (Davis)

Davis prefaced this agenda topic with the comment that it is not the roll of government to determine which businesses go into the city and which don’t—committees handle certain issues that come up inside the City—P & Z’s sole purpose is to make sure guidelines were met and the process followed. The aldermen can only appeal the procedural process and not the decision made by the P & Z commission—if process was not followed properly, then the issue can be taken up on appeal.

Resident Matt Madura, 7011 Calabash, addressed the Board stating he represents a number of residents in the area in this appeal. Manufacturing is prohibited and this project should never have been considered. P & Z never took questions just heard comments at the public hearing. Why did we consult with the sewage treatment manager on this project? Codes addressed for the special use permit need to be written and cited and this is a violation of codes. What independent research was done by Mills, counsel and Davis—why wouldn’t P & Z answer the question about research. Kristin Cole, with the Missouri Division of Alcohol and Tobacco Control, communicated to Madura that a microbrewery is considered manufacturing. The appeal is due to this business being manufacturing.

Sean O'Connell asked to hear Tobin's comments. Tobin reported that legal counsel advised us this was not manufacturing and has data and opinion that supports that position. P & Z concluded this business fit all requirements of the code--Section III, Subsection 4 complied with the special use permit.

Nelson asked if it's only the process we are to be evaluating, was the process followed. Tobin stated Mills and Growcock all did a good job vetting the codes and following process.

O'Connell commented on Article X--an appeal of an interpretation of a regulation should be made to the Board of Adjustments to hear and decide if an error occurred. Davis commented that legal advised, based on case law, and is of the opinion this is not manufacturing. City can define manufacturing however we decide to define. Madura's case refers to licensing--different cases in which different definitions of manufacturing come into play.

West--Section 4 does make written findings--minutes are the written findings. Matt Madura interprets that differently. Board followed the advice and opinion of our attorney.

Lowry asked for future, P & Z may be more detailed in their minutes regarding making a decision about something that is not clear or could be interpreted differently. Lowry stated case law should be cited in the minutes for reference.

O'Connell stated while an appeal is being heard, the process should be stopped so the appeal could be vetted. He made a motion to take time to get written opinion and documentation available as to how the process works and be halted for at least 2 weeks to vet further--Davis stated the motion was not valid as P & Z makes the decision. O'Connell then motioned that the Special Use Permit be overturned based on the procedure not being followed (Section X) and documentation not appropriately presented. Randy West seconded the motion then withdrew his second to that motion after discussion. There was no second to the motion--motion died.

OLD BUSINESS

COVID-19 Update (Curtiss)

The Christian County Health Department report was uploaded to the board packet. The testing site on Hwy. 14 is closed. We still do not know the schedule or details for the mass vaccinations.

Cassidy Property Deed--Troxel (Batson)

Growcock is working on the deed and will be ready end of this week or early next week. Mrs. Troxel's attorney will review, and the project completed in a couple weeks.

Security Patrols (O'Connell)

O'Connell has been working with Capt. Seiner with the Christian County Sheriff's Department. In November he suggested making Fremont Hills a separate 911 response zone, with the growth we've experienced, which would be staffed so there would be an officer within our zone for designated periods of time and would be assigned to us--it would also provide tracking for list of calls, etc. Brad Cole asked us to send him the hours when we would want a patrol car and the dollar amount we would pay to the officers for renewal of the contract--he will have the county attorney put documentation together for us to review. We would not 1099 the officers at the end

of the year--the county would write a check to the officers for their hours worked and bill us (dedicated with what we provide and not dedicated for what they would provide). O'Connell asked for a county 911 zone map to present to the board and will send when received.

Citywide Fiber (Mills)

NetVision is our contact for possible citywide fiber. Aldermen West and Nelson will put together a communication to see how many residents would be interested (due to the infrastructure and cost—minimums would be required). This would be actual fiber connected to each home. West indicated they are trying to frame the project similar to the natural gas project. Looks like their infrastructure plan would be more on the outside boundary of the City. If a certain number of participants is not achieved (thought 60% was the minimum number), then the City could be responsible for some of the infrastructure. The cost comes down for service the more residents that participate.

REPORTS FROM COMMITTEES

Planning and Zoning

Variances Requested By 4 By 4 Brewing Company—Commercial District (Davis)

P & Z heard two variance requests for 4 By 4 Brewing Company—roofing and exterior building material—both variances were granted.

Sewer

SCADA System Install Update (Batson)

EDMR reports to DNR are submitted monthly and the process has now gone 100% electronic. Since our operator is a contractor, he will not be able to set up the portal and allow the reports to be submitted—it has to be done by a ranking official. The installation of the SCADA system is not completed—vendor is back in Ozark and doing a lot of off-site programming (we are about 20% up as far as programming and what can be viewed). This project should be completed in a month.

CWERG Grant Status Update (Batson)

The SCEAP grant (now a CWERG Grant) was awarded the middle of December—DNR \$30,280/City \$7,570—facility plan and I & I study). Batson and Curtiss attended a virtual meeting this week with Joan Doerhoff/DNR and Tim Schoenhoff and Guillerrmo Arciniegas from GRE. We discussed the billing process, what we should expect from the study process and what we should see when the project is done. We have 2-3 points in the City now with I & I monitors in place to meter rainfall. GRE will bill us for work performed, we pay GRE, and then we get reimbursed through the grant. Schoenhoff will answer particular questions for us as to how we move forward and what the facility plan means.

Streets

No report.

Beautification

Mills will check on the removal of the holiday lights—he doesn't know when they are scheduled to come down.

ADJOURN

A motion to adjourn was made by Alisa Lowry, with Sean O'Connell seconding the motion. The motion was unanimously approved and the meeting adjourned at 6:53 PM.

CITY OF FREMONT HILLS

By: _____
Luke Davis, Mayor

ATTEST:

Jeanette Curtiss, City Clerk/Finance Officer