

**Public Hearing
Board of Aldermen Meeting
Wednesday, February 14, 2018
City Hall, Hamilton, Missouri**

The public hearing was called to order by Mayor Winford Gilliam on February 14, 2018 at 5:34 p.m. Alderman Fast, Alderman Alexander and Alderwoman Kavanaugh answered roll call. City Administrator Jean Van Iperen, City Attorney Robert Cowherd and City Clerk Debra Davis were in attendance. Alderman Trosper was absent.

The public hearing on a petition for the voluntary annexation request from Irene and Dallas Parker was called to order by Mayor Winford Gilliam on February 14, 2018 at 5:34 p.m.

Mayor Gilliam: This is a public hearing for a petition on a voluntary annexation request from Irene and Dallas Parker. Are there any comments?

I'm IB Fugate, 604 N. Lincoln. I got Dallas Parker here with me tonight, he's a young kid, married and getting ready to have a baby. The Mayor knows what's going on with this. This ain't a voluntary annexation and I got Dallas here to verify he was called in by the Mayor, just like I was and basically said if you don't annex in you won't have water. That puts him in a very bad position, especially newly married, getting ready to have a baby. So that's why he signed the paperwork. He went to planning and zoning; you know, I don't, Dallas wasn't obviously notified of the meetings. He wasn't at the planning zoning meeting. Alderwoman Kavanaugh: Yeah, I don't remember seeing him there. IB Fugate: I think this was a wrong deal. Last board meeting, you know the Council voted on option 3 which was to allow outside water connections without having to annex in and I believe it is on the docket tonight. So, Dallas is sitting right here and he would like to live outside the city limits; so I'd hope that this process would be stopped and he can live the life he wants to live. Alderwoman Kavanaugh: So you're saying at the last meeting, I wasn't here..IB Fugate: yeah, at the last meeting Mr. Cowherd presented three options and the City Council, the Aldermen went with option number 3 which required.. City Attorney Cowherd: What was voted on to happen then, which I brought back for tonight; was that it's not that anybody outside the city can get connected, it's that get connect if the board approves it. It doesn't mean you will necessarily get approved, so If he wants to be guaranteed to be connected he would go ahead with the petition, if he doesn't want to, he needs to apply to the city for water being an outside resident. He may or may not get it. IB Fugate: Well I would request, I would request an option for this young man to be able to come before the board of aldermen.. City Attorney Cowherd: it' not your call, he is over here tonight for his petition, he either needs to withdraw his petition or let it go forth. IB Fugate: Dallas what do you want to do? Dallas Parker: I'd rather be outside the city limits. IB Fugate: How does he withdraw it? City Attorney Cowherd: That all he has to do, it's his petition, it not, well it's a petition it's a voluntary petition. IB Fugate to Dallas Parker: Now you have to get on the agenda and come back next time and talk to the council members. City Attorney Cowherd: You may or

may not get water, so that's your choice. City Administrator Van Iperen: So, what do we do because the Mayor allowed him to hook on because he was going through the voluntary annexation process? So he currently has water over there, do we continue to service him until the council makes an approval next month or what? IB Fugate: In the contract it says 90 days written notice and the contract applies to successors, heirs assigned blah, blah, blah. City Attorney Cowherd: So, he was..is it a new building, new construction, or what? City Administrator: No, it's was IB's old house. IB sold him his current home. When the sale went through he came to sign a contract and that was when ..City Attorney Cowherd: He had water before? City Administrator Van Iperen: IB did but Dallas has never had water. City Attorney Cowherd: Under current contract, if we pass the ordinance tonight, if he had a current contract; he can get a new contract. Mayor Gilliam: He has never had a contract. City Administrator Van Iperen: yeah we had him sign a contract.. City Attorney Cowherd: IB did. City Administrator Van Iperen: yes IB did but not Dallas. City Attorney Cowherd: That's what I'm saying if IB did then the next guy can. Alderwoman Kavanaugh: yeah, he bought IB's house. City Attorney Cowherd: If they do that, I don't really care, it's not my job, I think what we are talking about right now... City Administrator Van Iperen: Dallas currently has water because of the fact that he did a voluntary annexation. My question is what do we do for the month between him withdrawing his petition and the next month coming before the council? City Attorney Cowherd: Right I understand what you are saying, what I am saying is right now depending on what the board does tonight, let's see what the board does, if they vote to approve it then you had a contract and he sells it to someone else, then the ordinance I was asked to provide, states it can be transferred so it will be transferred; it will take care of the issue, but right now I don't know what they are going do. Right now he said he wants to withdraw the annexation so that's fine, easy enough.

Public Hearing Closed 5:39pm

The public hearing to change zoning at 601 W. School from Residential (R-2) to Mobile Home District (MH) was called to order by Mayor Winford Gilliam on February 14, 2018 at 5:39 p.m.

Mayor Gilliam: This is a public hearing for a zoning change at 601 W. School from Residential (R-2) to Mobile Home District (MH). Are there any comments?

Keith Gilbert: didn't this go in front of the zoning board and they said no. City Administrator Van Iperen: yup, but it still has to be heard. Zoning board just makes a recommendation to the Board of Aldermen. 601 W School, straight up this road, there's 4 or 6 trailers I think in that lot right now. Keith Gilbert: at this point can I say and time can I say right now, my names' Keith Gilbert as a property owner in this town I am against having trailer courts. City Attorney Cowherd: Keith just for the record, are you the Chairman of the Board of P& Z or just a member? Keith: I am just a member. City Attorney Cowherd: And the vote was not to recommend this, correct? Keith Gilbert: They said no. City Attorney Cowherd: And what was the vote? Keith: 7-0 Mayor Gilliam: Anything else on that? Ok.

Public Hearing Closed 5:41pm

The public hearing to change zoning at 605 E. Cross Street from Residential (R-2) to Mobile Home District (MH) was called to order by Mayor Winford Gilliam on February 14, 2018 at 5:41 p.m.

Mayor Gilliam: This is a public hearing for a zoning change at 605 E Cross from Residential District (R-2) to Mobile Home District (MH).

City Administrator Van Iperen: this is what's referred to as Shady Lanes, over by the clinic. Mayor Gilliam: do we have anything on that matter? Keith Gilbert: I feel the same way, I own a place right directly across the street. And just for the record I don't like trailer parks, I am not in favor of trailer parks and I don't know that they have to go by the same rules and regulations as everybody else in town does because it's a trailer park. Mayor Gilliam: anything else on that? I'm Mike Trosper: I live at 101 E 7th, but I own that property next to Shady Lanes and I'm against the mobile home court. I'm really against the trailer court but it's a do or die situation, or lesser evil or whatever you want to say, but I put up with it, my family's put up with it for several years. But I'm against the mobile home park designation or the change in zoning. And I am the Chairman of the Planning and Zoning Board. City Attorney Cowherd: And what was that vote? Mike: 7-0. City Attorney Cowherd: On that one also? Mike Trosper: On all 3 of them it was 7-0. City Administrator Van Iperen: In your packet you do have a letter of objection from the Northwest Health Services. Tammy Trosper: I am representing Northwest Health Services. We have a medical clinic and pharmacy across the road from the property there on Cross Street and we really aren't in favor of it. Mayor Gilliam: anyone else on that one? Ok

Public Hearing Closed 5:42pm

The public hearing to change zoning at 1000 N. Davis Street from Residential (R-2) to Mobile Home District (MH) was called to order by Mayor Winford Gilliam on February 14, 2018 at 5:42 p.m.

Mayor Gilliam: #4 This is a public hearing for a zoning change at 1000 N. Davis. Anyone on that one, that's the one on the north end by the high school.

My name is Rose Bryant: We sent you a letter of protest about this. Alderwoman Kavanaugh: I think we have a letter from Rosewood too with a lot of signatures on it and I think we have another letter from other neighbors. Thank you all for coming and telling us what you think. Phares Linville: My question is, we owned that for years starting in 1960, never had a problem one til Daltons bought it, what's the deal? How come you didn't try to come after us when we had it? Mike Trosper: You didn't want to change the residential zoning. Phares Linville: We thought it was taken care of years ago; no one has ever come to us. Mike Trosper: I'm not sure Phares about years ago, but I'm just saying right now he's wanting to change it to another zoning requirement. City Administrator: Mr. Dalton approached the City; the City did not approach Mr. Dalton about the change in zoning. Phares Linville: My question is why since 1960 when my folks started it until I sold it in 12, not a problem one, no one ever come to us from the City and now there's problems with it. Keith Gilbert: I don't think the City has been to him for anything, I think if you have question you need to address Mr. Dalton. Phares Linville: It makes nothing to me, I don't own it, I don't have a say, I had them trailers, but I don't own them.

City Administrator Van Iperen: When zoning went through in 1988 or whenever that was, the board at that time zoned it residential, they never zoned it a mobile home park. Phares Linville: We should have been notified back there then. City Attorney Cowherd: They would have been grandfathered in, that means if you were in existence at the time the zoning was passed, you would be grandfathered in and you can continue that existing use, you can't make changes or expand, but you can continue the existing use. You can apply for a conditional use permit and he chose to apply for a change in zoning. Mayor Gilliam: Anyone else on that matter? Allen Gentry: My wife, Jill, and I are neighbors to that property; I prepared a packet for everyone here, we are also opposed to changing it from a residential to a mobile home park. We moved there in 1978 and were still there. But, uh, Phares and his dad, Roy, owned and operated that property and took care of the property; didn't have any trouble with the neighbors and still don't. I don't have anything against the people living out there, there are some fine people living out there. Things have not been maintained as well as they were when Roy and Phares had the property. Keith Gilbert: Have I made position clear? Mayor Gilliam: if no one has anything else on those matters we will close the public hearing on it.

Public Hearing Closed 5:46pm