

Village of Indian Point
Board of Trustees Meeting
Tuesday, July 14, 2009 at 7:10 P.M.

Members Present: Dave Rawson, chair; David Canaday, Secretary/Treasurer; Greg Fier, Larry Stenzel

Staff Present: Barb Morin, Village Clerk; Brent Armstrong, Police Chief; Jeff Lofton, Police Officer.

During the public comment section of the meeting, the question was asked by Mike, "What happened to the P A system?" There was no positive answer. Find out what's happened to the PA system. Is there going to be a reading of the ordinance. It was passed by P & Z, it was approved last meeting. To make it official it has to be read twice this meeting. Dave R said there would be two separate readings of the ordinance concerning Crowne View.

Dave Rawson called the meeting to order with pledge of allegiance at 7:10 pm Tuesday, July 14, 2009.

Approval of Minutes from June Village Meeting – passed - the minutes had only been sent to Dave Rawson.

Treasurer's Report-June financials – David Canaday reported that financials for June had not been completed (had not yet received the bank statement) this report based on May figures that we do know about through the end of may the budget was 60% under budget income. Spent \$40,000 so far this year. Jan 1st operating balance was \$110,000. By the end of May, only have \$55,000. Operating accounts are shrinking. As of the end of June, Roads and General have \$32,800 to spend. Police Dept is doing excellent job of managing their budget. Have reserves in CDs General Fund \$ 249,000; Capital fund \$ 86,000 Before the next meeting would like to have a work session to look at the finances sometime in the next two weeks. Get together, contact other trustees and try to pick out a time for that.

Have an extended Executive Session tonight. Do not have time for comments. With our full agenda, don't have time.

COMMITTEE REPORTS

Planning & Zoning Commission-Greg Maycock was not present. They did meet July 7, 2009. Greg Fier – only remembered that they met. Greg F said to move on to roads.

Roads-Brendon Tucker – Has anyone addressed construction erosion. No roads meeting.

Village Office Task Force—Jim Adams, Boyd Hamilton, Carol Kurtz – Met with the contractor 4 or 5 times working out all the details so we are all on the same page. We know what to expect and they know what is expected of them. Jim and committee had an attorney look over the contract and approve it. He went over it with a fine tooth comb making the changes he felt we needed for our side. We have a rough draft now, hopefully the final draft. Carol has it here. We are at the point now that we need the board of trustees to vote to have the chairman sign. Larry Stenzel asked who paid for the attorney? Jim said it came out of the Community Building Budget of \$300,000. Dave R asked if the committee is satisfied with the

contract as it is? Had a number of changes requested and agreed to. Larry Stenzel asked if there was anything in writing from the attorney. Dave R said – in your hand - that is the contract in your hand that the attorney approved. Larry - No, I mean in writing. Dave – that’s the contract, that’s what attorneys do. Anything other input Jim? Otherwise, in other words you are ready to go. Larry wanted to know the name of the attorney who prepared the contract – Gary Allan. Larry -There is nothing on here saying he approved it. Boyd -The contract is for the contractor. Mr. Almond made that for us. Larry said we need something showing he approved it. Boyd -I’ve never seen that happen in a meeting before. Larry - Well we want to know what we spent \$300,000 for. Boyd – The lawyer is to know if it is legal or not. What is it you need at this point Jim? We’ve already approved the building, now it’s the contractor? Jim needed authorization of the chairman of the Trustees that the Village of Indian Point to sign the contract with Watermark for the Village Community Building on Indian Point Road. Greg wanted to make a statement – everybody stand up and give a big round of applause for the committee. If any other trustee has a question about it..... we are ready to move, right? Jim - The contractor can start next weekend. Dave – When was this final draft done? You have been working on this contract a couple of weeks. We will take just a couple minutes for (the other trustees) to study the contract over. If all goes well, we will move into the new building in 2 or 3 months. Dave congratulated the building committee on all the work they have put into the project. Jim assured the building will have running hot water. Larry asked again – did Gary Almond prepare this contract? So our attorney prepared this? Committee is meeting with the contractor July 15, 2009. When started out, it was a generic contract, then we took and went through it 3 or 4 time and changed what wording we wanted, so on and so forth, then we met with the contractor again. Then we took that back to the Watermark attorney and he made several more changes. The contractor has agreed to purchase a performance bond which will cover the Village of Indian Point completely.

Larry – There optional contract additions. The HVAC, the and the siding. Is that going to be extra? Jim – Those are already added into the \$291,000. Upgraded to very best HVAC. The Village will get credit back \$1,500 per unit from the Federal Government and \$800 from White River Electric Co-op for energy credit.

Dave introduced Mary who is now with the Chamber of Commerce. Remember, Mrs. Fier, the Ladies Club has a very generous donation coming for the landscaping of the outside of the new building, they will plant flowers.

Kim Cook agreed to be building/construction manager.

There was a question about construction erosion and mud on the road. Is the contractor going to clean up the area. Dave assured the questioner that the contractor would clean up the area as best he can. Since we don’t have any ordinances, we can only deal with it on a case by case basis. Committee members reviewed builder’s past buildings and noted he did a fantastic job cleaning up.

Larry - Is this the document? Dave – Yes. Larry – Is this the document? Dave - Yes. What it is, is you are asking permission for the trustees to agree for the Chairman to sign the contract. We are at that point now. Greg - No motion is needed. Dave asked if anyone disagreed with the contract, then proceeded to sign the contract to build the Indian Point Community Center - July 14, 2009 at 6:27 pm.

There was a question about the sign the contractor put up – was a permit applied for and does it meet requirements. Larry – there is a sign ordinance and we should follow it. We are breaking our own law. It's our sign. (note – the Village is exempt per Dave R)

Greg – I don't want to pick on you, but there are signs on Indian Lane and it's on the right of way that shouldn't be there. Jay Pilgrim has them you can't put them on a right of way. Larry – those are real estate signs. Greg – I don't care, you can't put them on a right of way. Greg – yeah, pull that sign. I will pull it. The builder put up a sign at our request. Greg – and Larry doesn't like it. Dave – I will go get a sign permit. Boyd – there is a sign and your sprinkler system is in the right of way and it needs to be moved.

Police & Emergency Mgmt-Charlie Neubert(not Present) Larry Stenzel says he wants to give the report. Larry – Am I not Vice Chairman? We have an ordinance here and we can't break the law - Charlie can't be chairperson, it has to be a trustee. I email this to you, do you know about it? Dave – I know your feelings about it. Larry – But Dave it's the law, Greg F – We're going to change it. Larry can you change it? Greg F – yes, we can change it. Larry - we got an ordinance on this thing. Look up ordinance 04-03, bill #80 and research it. Greg- then we are going to change it. Larry – can you change it? Greg – if you want to make a report, make it otherwise, let's move on. Larry – would you please read it Dave, please read it. Larry – looking at replacing tornado sirens up on the hill. The motor burned out. A new emergency siren for \$2,000. That's basically what money we have. So are we just going to slide by this. Dave - Paul... Larry is saying that Charlie isn't qualified because he isn't a trustee. Larry – I didn't say that. Can I read it to you, please? Greg – You don't need to read it, we're going to change it. Larry – The board of trustees shall elect a chairman and vice chairman from the board of trustees for two years. A trustee shall be appointed Vice Chair, in other words the chairperson has to be a trustee and the vice chair has to be a trustee for the period of two years. The board shall approve the committee members. The board of trustees chairman, police chief and village superintendent shall be entitled to be present and have input in deliberations, but shall not be able to vote. In other words, the chairperson cannot vote. The trustees can vote, not the chairperson. Dave in other words the police chief and chairperson can't vote. How many people are on the committee. Dave - Why are they on the committee/ If they are on the committee and can't vote? That needs to be changed. Yes, Paul – go ahead . Paul - Dave - Apparently the ordinance is uncomfortable even to the members of the committee. Greg – Dave, let's move on. Charlie as police chief and head of emergency mgmt seems appropriate to head that committee, as I understand, it was first set up that way, and was changed later. What would it take to change that ...I would entertain the motion to change that ordinance, Greg – so moved. Larry -We don't have a lawyer to change it. Greg – We don't need a lawyer to change it. Dave R – Dave C what is your feeling. Dave – I have no objection in changing the ordinance, if you are going to change an ordinance, what you really need to do, is a new ordinance, or the minute ordinance –there should be a written document of some sort that goes on record. Dave R –How would we do this – have Barb research that, and table this until we get some research on it. Greg – I agree, move on. Paul spoke. Larry- please let me explain – I'm not against Charlie. Paul – I've got the floor here, please Paul. I haven't voted against Charlie. I've got nothing against Charlie, I'm not against Charlie, but we have a law here. Do we follow it or don't we? That's all I'm asking. You can rewrite it all you want, I don't care; I'll vote for it. You've got to do what's the law. Dave R. That's what we're going to do. We're going to research it. Larry – that's all I'm saying, that's the law. I'm not

against anybody here. Dave R – what we're going to do, we're going to rewrite it, or put in a new ordinance that makes it okay for, in that particular case, it doesn't have to be a trustee. We will redo that and get it done right. Greg – do that next month.

Police Chief Remarks – Calls way up. 64 calls July 1 – 14. 20 mph zone enforced. Lots of Pedestrian Traffic. There has been increased traffic. Police dept staying under budget.

Golf cart ordinance brought to meeting – tabling ordinance 03-7 and bill #69

Board of Public Works-Bert Lehman (not present) Memo was sent for a BPW monthly report which was included in the minutes.

Transportation Coalition/Stone County Transportation-Jan Hoynacki – George Cuthbert resigned for family and health reasons. Never did get a meeting set up with Stone County. The only thing we can do now is have our municipality protect us in case becomes a reality. In the meantime we can send a letter to the commission saying that we need a meeting with Stone County, there wasn't even a meeting scheduled that the commissioners were unable to attend, so we were waiting for a meeting to happen and it never has...please put that on their agenda and we would like to see this project continue to move forward . I don't know how to ... but certainly doing nothing will get nothing and if we can get the principals together to see what our options are

CAAD-Kent Turner - Jan - Kent – Did have the meeting – Charlie, Kent & ?? The Village wants to see construction moving forward. There is a need to develop alignment for the road by Perme's. The Village should send an official letter to them, and they will have officially received notice. Meeting with Great River, the County Commission . Perme's Route is too steep. May have to hold up the developers and that's never good. There is a plan in place in Green County that has been used successfully and had good things said about it. Kathy Clark needs email support on Aug 4th to pass P & Z. Unless the vote for Stone County Planning and Zoning is passed, development in the Village area could become a mess. If Stone County loses P & Z, it will open the door for elements we don't want to happen on Indian Point. Shoreline use

One/ half P & Z law is better than none. Village of Indian Point P & Z is more stringent than the county's. The Village Clerk will get Kathy Clark's email for backing. Even if it doesn't affect us directly, we need to support it.

Recycling-Betty Fier- Looking at burn ordinance – can't burn garbage on the Point Recycle bins are available. Have one in the Village Office for recyclables. To get one must sign a form that you have a bin. After a certain amount of time the recycler writes a short report on what has been recycled. Last time recycled, received \$.35 per pound for aluminum. Received \$327 for recycling. Now have \$5,000 in CD's.

Chamber of Commerce- Dave Rawson encouraged different Chamber of Commerce members to go to the Shoreline meeting with the Corp of Engineers. Tourism is down 10% to 25% this summer. \$400,00 was spent on Table rock Tourism advertising to encourage people to come to Indian Point for the Marina, restaurants, lodging, etc. Air Tran had a 25-30 pg spread on Branson. Started out with 1 flight a day, now a month or two later up to 2 flights a day to Atlanta.

Trail Report-Brett Stump (not present)Can extend grant for trails.

Financial Task Force-Greg Fier 1/2 cent transportation tax ordinance and 100% Real Estate valuation will be on the ballot in November 2009.

Old Business

(1) Status Report/Discussion re: Selecting New Village Attorney- Want to interview after July 19th (changed when Tim Stout voted in as replacement trustee). Wait until the first of August. Attorneys wishing to be interviewed are: Russ schenewerk 417-334-7922; Paul Link – 417-887-0133; Henry “Hank” V. Griffin cell 417-231-3326, office 417-337-9217; Henry Styron 417-334-4455; and Diane Brazeale 417-334-7494.

(2) Status Report/Discussion re: Selecting Replacement Trustee- Greg Fier made a motion to nominate Charlie Neibert. David Canaday nominated Tim Stout. A discussion was held – both good guys. Larry Stenzel presented MO revised Statutes Chapter 80, Towns and Villages, Section 80.230. He highlighted “the chairman or temporary chairman shall have no vote except in case of a tie”. Therefore, Dave Rawson didn’t vote. Greg Fier voted for Charlie Neibert, and Larry Stenzel and David Canaday voted for Tim Stout. Larry Stenzel wants Tim Stout sworn in next meeting – Aug 11, 2009.

New Business

(a) Setting Up Housing Authority (Discussion & Select Chairperson) - passed

(b)Filling Available Seat on BPW

(c) Filling Open Seat as Chairman for Water Board

(d) Chip & Seal road segment on Mayden Lane – Dave Rawson motioned to chip and seal the road segment on 217 Mayden Lane. David Canaday moved, and Greg Fier seconded the motion. Larry Stenzel voted “nay”. Two bids were presented – Advanced Paving Inc for \$1,800, and TRAC for \$1,846.38.

Approval of accounts payable – Barb presented the accounts payable for checks written between June 9, 2009 and July 14, 2009. They were approved by unanimous vote of the trustees. Dave Rawson and David Canady signed the checks.

Resolution 09-4 for standing authority for the payment of invoices covering matters previously discussed and approved by the Board of Trustees was presented. Copy attached. Resolution 09-4 was passed and approved by the board of trustees of the Village of Indian Point, July 14, 2009; 4 years and 0 nays.

Comments from the Trustees – going to executive session public escorted from the room.

Motion to reopen the regular session. Seconded and moved.

ADJOURNMENT- Dave Rawson made a motion to adjourn at 9:10 pm. Greg Fier seconded, and David Canaday moved.