

VILLAGE OF INDIAN POINT  
BOARD OF TRUSTEES MEETING MINUTES  
Tuesday, December 8, 2009 at 7:00 pm  
Convention Center

Members Present: Dave Rawson, Chair; David Canady, Secretary/Treasurer; Larry Stenzel, Greg Fier, Tim Stout

Staff Present: Rhonda Stout ,Interim Village clerk.; Brent Armstrong, Chief / interim village administrator ; Diana Brazeale – village attorney

Public Comment Session was opened by Chair Dave Rawson at 7:00 pm and the following comments were made: The trustees were thanked for the work done on Map Lane.

Chair Dave Rawson called the meeting to order with Pledge of Allegiance at 7:05 pm. Dave introduced Rhonda Stout as the temporary interim clerk. Dave also re-introduced legal counsel – Diana Brazeale

### **Approval of Agenda**

Dave C requested to combine the treasurers report with the budget report. Larry made the motion, Greg seconded the motion. Motion carried

### **Approval of Minutes**

Larry motioned to approve the minutes from the Oct meeting, Greg seconded, motion carried. Tim motioned to approve the minutes from the Nov meeting, Greg seconded, (Dave C did not vote because he was not present at the Nov. meeting) Motion carried.

### **Treasurer's Report**

Dave stated that through November it looked like we are going to end our year with the sales tax revenue coming in at about 92% of our budget. The road capital income is about 97% of our budget which is pretty good news considering the dark hole we were in. the bad news is that for much of the year the financial reports that were given to the trustees and distributed to the public had some pretty large errors and we have made some decisions based on some incorrect information. Rhonda has been getting the errors corrected and we believe the figures we now have are accurate and we have verified this with our auditor. Regarding the budget meeting, Dave said they considered requests for monies for the upcoming year. We did not make any decisions – it was agreed to have another budget meeting on Dec. 14 at 6:00. Greg F. stated that he had a previous engagement at that time but the trustees can have the meeting without him.

## **COMMITTEE REPORTS**

### **A. Village Office Task Force – Jim Adams**

Jim was not present – Boyd Hamilton agreed to give a report. Boyd said that our next meeting will be held in the new building. He said they are finishing up what they call phase 1 –they only have a few things to finish before phase 2 which is landscaping. He said if anyone has any plans, ideas, etc.. that they would like to set a meeting with them for the building committee to look at and they will then present it to the trustees. Carol stated that she talked to the contractor and the final payment will be Dec. 23. At that time they will have all the lien waivers. Dave commended Diane Cary for allowing us to use the convention center building for our meetings.

## **Planning & Zoning Commission**

Greg Maycock was not present – Dave reported on the last meeting. He stated that a developer wanted to divide a 7 acre plot down below Treehouse and separate one acre of land that already has a septic system on it and sell that portion. He explained that they need to have a quick survey done and come back to P & Z. Dave also explained that Mr Short and Mr. Storts had an issue that would be dealt with later in the meeting.

## **Roads**

Brenton Tucker – chair was not present.

Larry wanted to thank Jim Dailey and Brett Stump for all their work on the salt truck. He said they have put two new batteries in– one of which IP Marina paid for along with other maintenance . They are working on the motor at this time which is serious need of repair. Larry said that Brett Stump offered to donate the material to build a lean-to and Mr Dailey offered to keep his tractor in it during the winter months if we buy the salt in order to put the salt in the truck. Larry said they are looking into getting a new salt box for the truck.

## **Police and Emergency Management**

Paul stated that they did not have a meeting this month.

## **Board of Public Works**

Jim Dailey explained that after talking with Brent – the BPW operator , they are still flowing 6-8 thousand gallons a day, after raising the risers they think they solved their rainwater issue to the excessive rain in Oct. He stated that phosphorus levels are .3. He said that after their meeting the night before that the BPW board will be asking DNR about changing some rules and regulations. If anyone wants to look at those rules and regulations a copy will be available in the village office. Jim explained that as far and the 2010 budget was concerned the BPW has a shortfall of \$96,000 so to make up for that a resident/user bill would have to triple to \$85 to \$100. A commercial bill would do the same somewhere between \$900 and \$2,000 per month. Jim said that this newly appointed board will not be involved in raising these rates this high. He said they were supposed to meter everyone in Jan through March but with the way this is now, those rates would go down but they have no alternative but to keep the rates the same for another year at least and then the BPW board will try and see if they can rectify this shortfall. Jim said he wanted apologize on behalf of the newly appointed BPW board to the Jakes Creek Trail residents. They are working diligently to solve this problem. He said that even if CJ Perme came online with 70 more units it would only make up \$2,000 a month and they need \$8,000 a month. Jim said that he and Shelia have been going over quite a bit of paper work and they feel that the trustees and community need to know some facts. Fact #1- Jakes Creek Trail project has had many change overs for work performed , which in turn drove the costs up. Not once was the board of trustees notified or approved of any said change overs. He said they have a bill no. 7603-14 of the Village Ordinance which states – Shelia read the following : All contracts provided for section 91.53 of revised statues of the state of Mo shall be submitted to the Village board of trustees for approval as they are provided. Doing all work and furnishing of all supplies with the water works. Electric power and light pump or any other plant or work which may be under the supervision or control shall be let out by the board of public works in the same manner as other public works are let out except in the cases where it is not practical to do such work or furnish such materials by contract and all contracts shall be submitted to the board of trustees for approval. The board shall have charge of the purchase of all supplies needed by the village of several departments under such restrictions and regulations as provided by the ordinance. Jim said that with that in mind there were eight change

overs to the Jakes Creek Trail project. They were all approved by our past administrator except for one, she signed off on them and the trustees never had any knowledge of those. Map Lane project was the same way. Map Lane project was denied by DNR to hook up to Jakes Creek Trail system because it was already full due to CJ Perme adding on so they went ahead and put a holding tank in – which they never got a permit from DNR. Jim said that you must have a permit from DNR to have a holding tank like this. He stated that all of this work was performed and will cost us around \$40,000 so this drove our costs up for our budget for 2010. Fact 3 – When the treatment plant site was visited by the SRF (state revolving fund) staff and DNR reps – they discovered that the plant was not built according to approved plans and specs. He said he had it on copy that showed it was not built according to the blueprints. Fact 4. – the past administrator, our previous BPW board, our engineer, our attorney for BPW knew over a year ago that user fees would be out of site by 2010 putting the village and residents of Jakes Creek Trail in a very tight financial bind. Jim stated that he has emails to prove this. Fact 6 – Jim said that anyway you want to put it for the budget for 2010 the BPW will be in the red by \$90 - \$96 thousand dollars per year until this loan is paid off. Even if other developers come in this system per DNR is maxed once Crown View finishes its development. Jim feels that because of their finding he feels that they need a forensic audit instead of just a regular audit. Dave C asked the BPW board to share legal thoughts with Diana the village attorney. Jim presented the budget he prepared for 2010.

### **Transportation Coalition/Stone County Transportation – Jan**

Jan explained that the transportation committee met in this room on Dec. 4. She said they did not have a lot of people due to various reasons. They talked on the telephone with a man from Michael Short and Openheimer and Company in Kansas City who gave them some helpful information about funding for the transportation. The group decided not to meet again until after the holidays and in the mean time they are going to work on trying to locate and talk to some attorneys that might be familiar with organizing TDD's. Jan stated that a lot of the engineering work is already done. Also, she said they are going to work toward preparing for a public meeting of potential residents and business people from a TDD who may be incorporated into a TDD to fund this. Jim Dailey wanted to thank all those who helped with the tree trimming for the PEMA project.

### **Trail Report - Tim**

Tim explained that he has received the extension contract and it has been mailed back to MoDot. Diana has looked it over and has a few changes that she would like to make.

### **Recycling – Betty Fier**

Betty told that the recycle center will be closed the week of Christmas and if volunteers available they will be open the following week of New Years. She reminded everyone to save their paper from the holidays.

### **Special Reports**

#### **Police and Emergency Mngt. Auxiliary (IP-PEMA)**

Jan wanted to thank all those that helped with the tree trimming project. On Nov. 22<sup>nd</sup> over 40 people showed up to work and work they did! Special thanks to Shelia for the coordinating the event and to Diane Cary for the Spaghetti dinner for the volunteers. It was a great first event. Jan said that the next event will be in Feb. following the Polar Bear Plunge event to raise money at a chili dinner. PEMA's next meeting will be announced.

### **Citizens' Building Fundraising Group – Mike**

Alan from Stillwaters explained the plans for the Brick Fundraiser. Funds raised will be donated towards the community center with the sole purpose of helping it succeed. Brick Fundraiser form and explanation is attached.

### **New Business**

Dave R read the report from the Chamber because the Chamber board was not present. The report is attached.

### **Old Business – Deer Hunting Update – Tim**

Tim gave a report on the Archery Hunt. He explained that he has contacted the Sheriffs dept, the conservation Dept and the law enforcement of Indian Point in regards to complaints of poaching. He said these three agencies told him that they are unaware of any poaching going on. They only knew of one report of a man transporting his deer across someone else's property with out permission. To his knowledge 25 deer have been harvested on Indian Point which is about ¼ of what the conservation dept. says needs to be removed.

### **Inducement Bond Proposal – David Storts**

Dave R recommended that they discuss this issue with the village attorney –Diana. She explained to them that she would need more information to make a proper recommendation. She will review the situation and get back to the trustees. Kenny Short explained they are requesting a special use permit to allow them to conduct sales in a C2PDD while they are in the process of getting what is required to rezone the property at the old Deer Run Grocery store. It was decided for Diana to look it over and let Dave R know of her decision of whether or not it should be allowed.

### **Contract and financial arrangements with Chamber of Commerce**

Dave C moved that the trustees by resolution contract with the Indian Point Chamber of Commerce to reimburse the chamber up to \$10,000 for monies actually spent during the calendar year 2009 for marketing and promotion activities on behalf of the Village of Indian Pont. Our attorney will create a contract as soon as possible and the payment will be made promptly upon presentation of paid invoices for actual expenses and that a prerequisite for any payment be that any amounts now due or in arrears to Silver Dollar City for road signs or billboards be paid in full by the Chamber. The motion was made by Dave Canaday, seconded by Greg Fier. Larry – yes, Tim – yes, Greg – yes, Dave R – did not vote as chair, Dave C – yes.

### **Status of Independent Audit – David**

Larry made the motion for Dave Canaday to contact forensic auditing firms about an audit for the village and BPW. Tim seconded. Motion carried.

### **Myrtle Lane Proposal – Diane Carey**

Diane ask to transfer ownership of Myrtle Lane to the property owners on Myrtle lane. She explained that the village would no longer be responsible for the road. It was questioned as to whether or not this is legal to do so Greg made the motion to table this until next month until the trustees can research it. Tim seconded, motion carried. Diana Brazeale agreed to research it more before the next meeting.

## **Preparation for Election**

Brent explained that registration for the election begins Dec. 15 and ends Jan. 19. He explained that the registration needs to be notarized. There will be three seats to be decided upon.

## **Village Center Advisory Task Force – supervise maintenance & usage Paul Hough ( chair) , Tim Stout, Brent Armstrong, Boyd Hamilton, Carol Kurtz.**

Dave explained the purpose of the task force was to determine guidelines and procedures for the centers maintenance and usage such as then to be recommended for approval by the villages trustees and portions appropriate incorporated into a formal ordinance. This includes who if anyone other than the village administrative staff, appointed village committees, boards and task forces and the trustees board shall have access to the center for meeting and/or other functions and if so what housekeeping or other fees shall apply. The task force also is assigned the duty of recommending to the board of trustees the most efficient and effective systems required to best arrange and maintain the center and its grounds. This will include directing and monitoring any and all activities which may impact the Village Center and its environment in any way. The people that Dave R has asked to serve on this committee are Paul Hough as chair, Tim Stout, Boyd Hamilton, Carol Kurtz, and Brent Armstrong. Larry stated that he feels the Village Center should only be used as a Village office. The Point already has a convention center. Greg asked the question “Is it even legal to rent a municipal building.” Dave R explained that these very questions are the reason for creating a task force.

## **Approval of Accounts payables**

Dave C moved that they pay the accounts payable, Greg seconded, motion carried.

## **Comments from the trustees**

Dave C. ask how we are going to create a contract for the Chamber of Commerce. Diana said she would create one based on one of the old contracts. Dave R commented on how nice the meeting went.

## **Comments from the floor**

Boyd Hamilton said the Building committee will have a meeting on the 19<sup>th</sup> of Dec. and if anyone has any ideas or suggestions on the landscaping they are welcome to discuss them with the committee. Mike Kugler said that anyone interested in the Team Indian Point webpage could see him after the meeting and he would gladly explain it.

## **Adjournment**

Greg Fier motion to adjourn, Dave R. seconded the motion. Meeting adjourned.

Respectfully, Rhonda Stout

