

DRAFT
Village of Indian Point
Trustees Meeting Minutes
Tuesday, June 14, 2011@7p.m.
Indian Point Municipal Center 957 Indian Point Rd

Members present; David Canaday – Chair, Bill Turner – vice chair, Carole Kurtz-Secretary/Treasurer, Jim Daily, Barb Rose

Called meeting to order at 7:00 p.m. with the pledge of allegiance

Approval of Agenda: The agenda was modified to exclude the Ordinances since we had no ordinances, a new item was added under Police and Emergency for Ordinances and /or Resolutions to be considered for the committee; motion by Bill, second by Carole; 4 to 1.; Jim –no; carried

Approval of minutes April 26, 2011 closed Meeting #2 – Dave suggested we approve closed meeting minutes at the next closed meeting; motion by Carole, second by Bill. Discussion followed: Jim stated that closed meeting minutes had to be approved at an open meeting. Bill removed his second, Carole withdrew her motion. A motion by Bill, second by Barb to approve these minutes; vote: 4-yes, Jim abstained; carried.

Approval of minutes May 24, 2011 Meeting; motion by Bill, second by Carole; discussion: date is wrong on minutes.

Minutes approved with date change motion by Bill, second by Barb; vote: 4 yes, carried with Jim abstaining.

Approval of minutes May 24, 2011 Trustee and Roads meeting – tabled until next meeting; motion by Carole, second by Bill; vote 4-yes; Jim abstained

Approval of minutes May 24, 2011 closed Meeting; motion by Bill, second by Barb; vote: 4 yes, Jim abstained.

Treasurer's Report – May financials. Donna reported that her monthly report was on the back and was pretty self explanatory. Dave missed the May meeting as he was out of town. He said he did not understand why Lisa Officer had me move the Engineer fees for the BPW from General to Capital. He stated that the P&L still showed the funds listed as General accounts, that the # at the beginning determined which fund. He does not understand where we are with the funds. Jim commented that these are questions that should have been asked prior to the meeting. Jim pointed out that we continue with Lisa's guidance to correct the books clear back to 2002. Dave said that Lisa had completed an audit for 2008, so everything should be ok through 2008. Jim pointed out that she was dictated how she was going to report information into which fund. The books have been a mess for a long time. Even the State Auditors mentioned this.

Business:

Planning and Zoning – no report

Roads – Larry Stenzel reported that the contractor they spoke with wanted to fill the current ditch with rock and dig the new ditch and haul the dirt away. There has also been confusion as to who is responsible for ditches and culverts. One person said it was the property owners' responsibility, while others are saying it is the Village right of way, and the Village responsibility. The trustees again wanted the ditch moved, fill in and dig one further in. \$3,000 will not fix the whole problem. Jim said there should not be any haul off that they could use the dirt they dig from the new ditch to fill and compact the one they are filling in. It was said, that we are cutting the budget to fix the road. Jim said we had a couple of CD's due, and he said let's get the problem fixed and move forward. Larry recommended that we have an engineer look at the problem and suggest a solution. Dave asked if \$3,000 would not fill the ditch, we need to know what it will take to fix it. Jim said that if problems are off the right of way, they are definitely the property owner's responsibility, but on the Village easement it is Village responsibility. If we can just fill in the ditch before the road caves in. Jim moved that we cash a CD and put the proceeds in the Roads fund. To be on the safe side, let's go with the engineer. Hire Mike Beaty to look at the culverts on the other side of the road. This is a bad situation and is not getting fixed. Dave said there were 3 different issues. 1: Fill in the ditch; motion by Jim, second by Barb, carried. 2. Hire Mike Beaty, he can recommend any adjustments to the fixed ditch; bigger, shorter, etc, and recommend fixes for the other side of the road; motion by Jim, second by Barb, carried. 3. Use cash reserves to pay for the repairs; motion by Jim, second by Barb, use the smaller CD of those maturing; carried.

Police and Emergency: Dave said there was controversy on Ordinances. The attempt to resolve the problems in 2009 was never signed, so not enacted. They are operating under the original Ordinance. Emily asked if they planned to hire someone else to help her or were they going to leave the department as just her? Bill responded that it had not been decided. Brent had been there since 2006, and she thanked him for his years of service. Dave said they did not know yet about staffing for police and commented to Brent that he was improving himself and thanked him for his service. Bill reported that he and Dave went to Galena and sat with the Sheriff to find out exactly where we stand with them. He said that officers were in here once or twice a day, every day. If there was an emergency, and they were close by, they could be here within a few minutes. If they were not close, they would call Branson West, who could respond. If those patrol persons were not available to respond, they would contact the Highway Patrol, all done through 911. Bill felt we would never be without fast service on Indian Point. Then they talked with the Prosecutor Shrivener, who told them that he has always prosecuted cases and always will. The only time would be for a minor case, 1st time offender. He might let them off with a warning and fine. Emily and Brent both said they have written tickets and cited people and they have not come to case. Bill commented that the P & E committee has not met for 6 or 8 months, and felt that we did not even need this committee, what good do they do? If there are complaints against the Police Department, it will come to the Trustees. Dave said a memo from the attorney several months ago stated that the Ordinance was so poorly written that we might dissolve the committee. Jim had the note from the attorney; it said the Trustees should have a public meeting to determine the need for this committee. Bill said we were having a public meeting. Jim re-stated we needed to have a public hearing for that purpose, with postcard mailed to all the residents. If the Public Hearing shows a need, the Harry could draft a new ordinance for the creation and operation of the P&E. It was asked who was on the committee currently: BJ Stump; Boyd Hamilton and Bill Turner. Larry asked how Boyd got put on this committee. Carole said the Ordinance from 2009 was never signed, so they had to operate under the original. He was nominated and voted on from the Trustees, and was open to nominations. Larry also asked why speak with Stone County and not talk to our own Police. Were they trying to dissolve the Police Department? Bill answered, no they were not. A few months ago, Brett Stump, who was a county reserve, said at a Trustee meeting that it took 19 minutes for anyone outside of Indian Point to respond. Emily had a domestic violence situation, with a deadly weapon, and it took 20 minutes before anyone could respond. Fred Noel, who is a retired County Sheriff, said that officer safety should be a primary concern. From the stop light in Branson West, to the stop light by SDC, running code takes 5 minutes, if there is no traffic. There is no backup. The Highway Patrol is now in Hollister, so even if they had a car to dispatch, that is a minimum of 20 minutes. Safety of our officers is first priority. Kevin asked the Trustees when Brent turned in his resignation. May 24. He continued that from May 24 to June 14 they did not have a plan. The top listed item for residents is police protection. He asked Bill when they went to Stone County; Bill said about three weeks ago. Kevin continued that did the Trustees not owe it to the residents to get a plan for resident's protection. Larry asked if Bill if he would want to serve as a police person by himself? Emily can't work that many hours by herself and still be brain functioning. Jim nominated Fred Noel to the Police Committee, second by Bill. Fred said he would serve; vote – 5 yes. Jim made the motion to nominate Linda Slaughter to the committee, second by Bill; Linda agreed to serve; vote – 5 yes.

BPW: The BPW has authority for only the Jakes Creek Trail sewer project. They currently have no authority for individual homes or other businesses, so they cannot issue permits for other systems. Division of Health has jurisdiction. Dave will draft a letter to Stone County Health Department to acknowledge our desire to have them take over the annual inspection of small septic systems on Indian Point. The Trustees voted on a Resolution to have Shelia Canaday appointed as a Consultant to the BPW for one year. Carole made the motion, second by Bill. Dave left the room during discussion, which followed. The vote: Bill and Carole, yes- Barb and Jim – no. Motion not passed. Dave then returned to the meeting. In a letter from Harry Styron, he said to make the system pay for itself that each person would have to pay at least \$200 additional. Kevin McKoy talked and said that as Chair of the BPW, and a resident of Jakes Creek Trail, he felt that it was past time that this Board of Trustees step up and take appropriate steps to solve the sewer problem once and for all. First they were waiting for the State Audit, but there still has not been any resolution. He again stated

that the Ordinance needs to be changed to include a Trustee on their board. He acknowledged that this board was not responsible for causing the problem, but it was up to them to make decisions that would remedy the situation once and for all. Kevin said that the BPW and Trustees need to get together on this topic, as it involves the biggest financial burden that the Village has seen, ever. Carole said they were trying to come up with a solution that would help everyone up on Jakes Creek. Kevin said the audit report confirmed that the residents were forced into illegal loans for the tanks. They were coerced into having to use specific contractors who charged way over what it should have for tanks. Kevin said that if all the Trustees signed a letter saying the tanks were illegal loans, and he could opt out, he would have the tank dug up and return it to the Village. He said the tank loan was with the Village not the residents. The Board should take immediate action as to the tank problem. Carole commented on the need to have people pay their sewer bills. Bill said they were open to suggestions. Kevin said before they could force people to pay their user fees; that the tank issue needed to be resolved, morally and ethically. The trustees are not looking at a quick fix, or an easy solution, but a 5, 10 to 15 year solution. Kevin commented that three pumps were out, and they were just rebuilt. Between electric, chemicals needed, just having people pay their sewer bills is not going to be enough, and there is a perception out there that no one cares, that over time people will just get used to it, and it will be ok. We are already behind on a pump out rotation. Over a year mark on servicing pumps; and there is no money for any of these. Dave asked Kevin, as a resident, what he would like to see happen? Dave said they had several alternatives to the tank issue; they could eat the tanks; they could ask for a sharing of eating the tanks; they could leave it the way it is now. Kevin said it was unfortunate, but the residents had an illegal loan, never signed any papers, they only way that the Village was going to “learn their lesson” is by being responsible for the tank loan, not the residents. The only way to make the BPW solvent is to get more users. They banked on new condo units being built, and that never happened. Kevin stated that if we could move forward as originally intended and get other citizens hooked up, it would generate more income, but there seems to be resistance due to the black cloud of Jakes Creek Trail sewer project. If there was a confidence level with this board, saying we are going to figure this out, and we are going to take a serious stance on wastewater for the entire village; now your 10, 15, 20 year plan starts to get realized. The hole that was dug by previous boards starts to get filled in. It will not happen overnight. If they raise the current users by \$200 per month, for sales signs will go up immediately; lawsuits happen immediately. Kevin said he was not using a scare tactic, but that is what he feels will happen. Maybe it would not maybe folks would just pay the extra \$200.00. Dave said for sale signs would go up, but who would buy the property knowing the sewer bills had increased \$200 per month.

Trails – Donna reported that the other areas of MoDot were to get results to Andrew by the 14th. If there were no more revisions required from these committees, then Andrew was going to file the papers so Phase I could be let for bids.

Recycle: Betty had a long report covering two months, as to what was recycled. She was gone due to family illness, and will leave again in the morning. Her report is included following the minutes. She said she expected to be gone a full month, and it was great that they had reliable volunteers; but if they should not have enough, they should just post a sign – No Volunteers. She informed then Trustees that an anonymous donor built a wood recycle center that when finished was to be put in the front of the building. She asked the Trustees to look at the center, and make recommendations as to the color they would like it painted. It also needed labels as to “Cans”, Plastic”, and “Garbage”. Betty will get the cans which will go under the different bins. Betty will continue to collect the recycle that is dropped off here. Similar centers they would like to place along the Trails, once completed. Betty also told us that to raise more money for the Beautification Fund, they were again having their Bazaar the 1st weekend in November, and she was making a Christmas afghan to be raffled off. Jan will be selling the raffle tickets. She was asked to attend recycle conference, and token gifts were from that banquet. She also saw a bench made out of recycled material, and when the trails are done, she will apply for a grant to put these kinds of benches along the trails. She is having problems with the garage door on the recycle center. It sounded like the eyes were out of alignment. Betty also said that something needed to be done to fill the holes in Mayden Lane. It was noted that they could use the composite material that is currently piling up at the Helicopter Pad. We are going to check with the company to see if they would use their

equipment to spread some of this on Mayden Lane. Last but not least, we have a Boy Scout that wants to work on his Eagle Scout badge and he has proposed to help repair the fence at the recycle center and to resurface it. He feels that some of the other Scouts and their parents would help with the project. They are in the process of getting volunteers and money together. Betty said if they were short, she was prepared to take funds out of the beautification fund to get the fence repaired as they can barely close the door. Betty asked the Trustees to give some opinion on the recycle center. What color of paint, how they would like it done; if they can put it in the front; she will see it gets taken care of in a timely manner. Jim suggested that it get painted the same color as the building and label the bins.

(IP-PEMA) - Jan announced they had a presentation for Chief Armstrong. Jim said he personally wanted to thank Brent for his service, and he felt that Brent was one of the better Chiefs that we have had, and was sorry to see him go. On the half of the Business' and residents here, presented Brent with a framed "Outstanding Service" award, for his service and dedication to the Point. His leadership and dedication will be greatly missed. Brent said he was moved; after which Brent got a standing ovation.

Jan then asked if they had any information on paving the parking lot, as they have been in a holding pattern. Once they have an estimate they can attempt to raise enough money – Betty said in conjunction with the Welcome Center and the Beautification Fund. As soon as the Trustees know an estimate, please let Jan know.

Jan Hoynacki – Read a letter, sent previously to all the Trustees. She stated that she had heard herself, first hand and second hand, that people were trying to dissolve the Village, including some Trustees, although she had not heard that one herself. Her letter included all the consequences residents and the Village would face if they chose to dissolve the Village; including any indebtedness would fall on the residents businesses that previously comprised the Village. The County would not assume it, and it still needs to be paid. The County would appoint a committee under Court Authority to determine the Village assets and indebtedness and they would determine how the indebtedness would be paid. We will no longer have a say in this. The County will not take over the maintenance of any roads. They have roads in the County now that they are not maintaining. They don't have the funds, and that will not happen. Police, which we have already discussed; no new officers or new equipment will be made available. Stone County would legally have to take us over, but they can only patrol as possible, with the vehicles and manpower they already have, so their response time is going to be longer. If they are busy in another part of County, they just can't get here. Jan said we have had the County Sheriff here on a few occasions and he explained how valuable our Police force is, and that crime has been reduced in this area because of it. They will do what they could, but it would not be as good as it is now. County Ordinances including Planning and Zoning would be in force. If we did away with the Village's Ordinance, we would be forced to deal with the County's which a lot of times is more restrictive. We would have to comply, they would be enforced. Any amounts that the appointed committee felt the Village owed, would be applied to everyone's taxes on Indian Point, we would not have a choice in the matter. Jan felt we were much better off fighting our own battles, ourselves, because we all live here, we care more than anyone else in the County. If we can work issues out, even if it is not what we want, at least we are doing it ourselves; personally Jan felt we were much better off. Barb also copied Mo Statute 80.570 which states to dissolve a Village; it must be on a vote from the Citizens, at a regular election, and needs to be passed by at least 60% of the residents. Jan said the County would have to agree to hold a vote for dissolving the Village, which they were not inclined to hold the vote. The inclination of the folks that Jan has talked to personally said "no way Jose". They would say if a petition was presented, NO. The County does not want us; they want us to take care of ourselves. We have some real issues, but we have had good ideas even tonight, so we aren't dead yet. Dave asked if any trustees wanted to comment. Bill said he had not heard from any trustee that they were in favor of dissolving the Village; Barb said she had not either. Dave recently asked for peoples' vote; and he grows weary of problems; constantly trying to solve and overcome problems. Dave said I did not ask for peoples' vote to attempt to destroy the entity that I asked to represent.

Boyd Hamilton – he had already left. – He had already left.

Welcome Center – no report.

State Audit Compliance – Dave said he has been looking at the Audit and thought we would pick a few things to start with. The first part of the Audit deals largely with BPW and we are in a holding pattern with BPW right now. 2 things they did hit us on; one thing was segregation of accounting duties to the extent possible. Dave had emailed Donna Christian, and asked with a small office of basically one person, how do we separate the duties? She said without a big enough staff to segregate duties; they need to establish some financial oversight for procedures. The Auditors recommend that the board take a more active role in reviewing various reports, bank statements, etc. How they choose to implement this is up to them. They can do oversight as a board, or appoint a person from the board to do the oversight duties. It is important that the oversight procedures be documented monthly. Dave said they had actually started on this process several years ago. In our Ordinance 5-03, that governs how the trustees do their business, it says that the Secretary Treasurer be responsible for financial records and make a report at every meeting; and arrange for deposits of funds for the best advantage of the Village. It seems to me that our Treasurer now, has the authority to implement some oversight procedures; which I have asked Carole if she will; I've asked Barb if she would like to assist; in developing some simple oversight procedures that we can put in place to look after our own house, and satisfy the requirement of the State Audit. He has an email from Linda Slaughter to help them pro-bono on an as needed basis, to help them to develop oversight procedures and to oversee our financial matters. Linda asked that if we want her to do this, we pass a resolution authorizing her to take part in this process. As far as Dave is concerned, he feels that it is for Carole and Barb to decide. Talking to Carole and Barb he said if they wanted Linda's help to motion a resolution. Barb said she would motion a resolution. Jim said they were basically forming a finance committee. Dave said no, they were having two trustees cooperate on a project, with outside consultation. Barb said she would motion a resolution. Dave asked how she wanted the resolution to be worded; to resolve that Linda be authorized to assist with developing oversight procedures. Barb – yes, second by Carole; vote – all yes, carried. Dave said the second thing they (State Auditors) got us on was the budget. Dave said at our last meeting he thought we had this kind of worked out, and we were going to have corrected figures for this meeting. Basically, January 17, 2011 the Trustees approved a revised budget. In that meeting, they described what the budget was to look at. One thing was that we modified the income to reflect the actual for 2010. So far from the documents we have 4 different numbers for estimated Sales Tax income for 2011, based on the actual income that we received in 2010. Dave made the suggestion that we tidy up the budget and make it mathematically correct. We have about a half year over with at that time, maybe we can take a look at the budget as it was revised back in January and make some decisions. Here is his suggestion: according to the Profit and Loss, Previous Year Comparison the General Sales Tax income was 166,093.64. That does not appear on any of the reports that he sees. He believes the 2011 income for Roads; if it is going to be based on 2010 actual then for 2011 it should be \$29,996.55. The Capital Sales tax should be 83,046.44. He is taking it right from this document. In the documents that were distributed for tonight, these documents all need to reconcile with each other. According to the Profit and Loss Budget Performance for May 31; the Budget for Sales Tax is 161,898; the Capital is 87,985. That can't work. The Capital Sales Tax would be exactly half of the General. Those are the numbers that we should try to build from. Also, at that January meeting moved by Carole, second by Bill to take out the 20,000 earmarked for a full time maintenance position. We also need to remove all the payroll taxes associated with that position. Donna pointed out that there were no payroll taxes associated with this position. Dave questioned that we had a position, and did not have any payroll taxes budgeted. It was supposed to be a contract position. They would receive a 1099. Dave said it was not going to be a salaried position, answered no. Dave said that we still needed to look at the payroll taxes in the budget, as he could not get them to come out. If you all agree, by our next meeting, we can come up with the correct numbers as specified by the minutes of this meeting; maybe we can go forward at taking a look at our budget.

Attorney Opinion concerning County inspection of small on-site waste water systems; followed by a resolution requesting County inspection. Last meeting Dave attempted to go through a description of how if you read our Ordinances that we have in place and compare them with State Statutes; our BPW has no authority to require

inspections or permits of any waste water systems outside the Jakes Creek area. The question then became, does the Village have authority to inspect or issue permits for what is called on-site waste water systems; that is a septic tank at your house, or a small resort, or cottage; under 3,000 gallons. Dave has talked to Greg Perkins, DNR and a local health inspector. On their recommendation, Dave has an opinion from our attorney. He has a very strong opinion; a municipality does not have the authority to inspect on-site waste water systems that these come through the State; not through DNR but the Division of Health and Human Services and stops at the County level. The County health inspector was told that when we formed our own BPW that we were taking care of our own inspections down here, so they backed off; they did not want to duplicate efforts. They would resume inspections and permitting for on-site systems throughout the Village. They would like a letter requesting that they do that. Dave asked if anyone felt they had any other alternative. Jan asked what cost was involved. Dave said they did not mention a cost. Jan said then they would not charge the Village? Shelia said they would charge the property owner, not the Village. Kevin said in light of this, how did they ever get the Jakes Creek sewer project passed? There are other Cities that inspect, permit; take charge of their waste water. If that is true, how did we ever get the sewer project? Dave, I am going to give you an opinion, Jakes Creek project came about because it is a publically owned utility, it falls under DNR and the BPW acquired permission from the DNR to administer the Jakes Creek project; that's how that connection got made. But that's as far as it goes. Kevin said before they spent an enormous amount of money, why could they not have asked the residents affected, and why were they not given the option of clustering systems? Then they would not have to deal with a publically owned utility. He was told if he agreed or not, that's what they were doing. Is the Village going to be in a position to install more publically owned systems? He used the example of the residents of Caps Cove, coming to the Village and saying they have sewer problems; being right on the water; what are you going to do about it? Is that when we install a public utility? We look at the problem and then take it on? Dave said it was his understanding in this situation that the Village would seek financing of the utility; and the County would stop doing private inspections. DNR steps in and administers a publically owned utility giving continuing authority to the Village. Kevin asked then we would be free to develop these projects and work towards that? Dave said you could start there and work your way down Indian Point; and DNR will follow you and give you continuing authority. Larry said then if you suspected a leakage, you could have the Health Department inspect that system? The homeowner would have to pay for the inspection. Kevin stated then the BPW would not be able to handle anything outside of the Jakes Creek system, until new systems are developed. Dave asked did we need a resolution to send a letter to the County; he did not feel justified in sending a letter. Kevin said that when property owners had to adhere to County regs and inspections, people may want to have a public utility sooner; so it might be a help to the Village to make this step. Bill moved to have a resolution so Dave could send a letter to the County and ask them to take over. Dave said he would also like to send a copy of the Attorney opinion with the letter. Second by Barb; Discussion; since the business' small systems are already inspected by County; they would not have to pay again. For new construction, or someone's system quits working; the County would get involved and give then the alternatives available. Everyone that has small systems would need a yearly inspection. Dave called for the vote: 3 yes; Barb and Jim no. Dave did not see any alternative; Jim said good luck; now he was costing all the residents of the Village of Indian Point. Dave disagreed; neither did any of the others that voted on this.

Accounts Payable – they have a list of any invoices not pre-approved. Bill questioned the engineer invoice for the paving. Discussion followed as to this invoice being approved. It was noted that at a prior meeting that the engineer fees would NOT come out of the Welcome Center funds, that either it was paid by the Village, or reimbursed from other donations. Jim moved to approve the accounts payable. Vote: 4 yes; Carole – no; carried.

May checks issued – Motion by Jim, second by Bill to approve the May checks issued. Vote: 5 Yes.

Floor Comments: Asked for clarification as to individual homeowner inspections, only if there is a problem reported or just an annual inspection. At this point Shelia felt that it was only if a problem was reported.

Trustee Comments: Jim commented that they respected Harry's opinion. Dave said he opinions are well researched and thought out. Jim asked if the three trustees are going to quit coming after him; Harry said that the Trustees did not

have the authority to remove a trustee once elected. They have been coming after Jim since they got into office. April 25 opinion said they did not have the power to remove a trustee unless he has committed a felony. Jim commented that this was the last warning; he would go to court. Much discussion of the proposed Ordinance. Dave thought it was any board or committee within the Village; but what Carole had worded was any Board or Committee, elected or appointed. Dave felt it was asinine to attempt a local ordinance in violation of State Statutes. He said none of that was intended for Jim. He asked Carole if that was her intention, no. It is already in the Statutes that you cannot run if you owe the Village money. Carole said that people on Jakes Creek had a problem that he did not pay his sewer bill. Kevin said then it was directed at him. Jim said there are still three residents that have never been billed, even though Jim had given the information to BPW so they could get billed. Dave said they were strapped with the funneling system with emails to the Attorney. He said that you had to be current to run for an elected office; so would it not be a good idea that anyone appointed to an office be current on monies owed to the Village as well?

Executive Session – It was moved by Bill, second by Barb to close the meeting for executive session. Vote: Carole-yes; Bill-yes; Barb-yes; Jim-yes; Dave-yes.

Meeting continued. Dave said they had the following discussions during their Executive Session. Part-time officer – Bill felt as a cost saving issue, we should limit the 2nd police officer. We can't fill that position with the Budget. We had a letter from Stone County 911, to continue sirens for warnings. Jim made a motion, seconded by Carole that Dave should write the letter to provide 911 coverage. All trustees voted yes. Kevin volunteered to research how Stone County could set off the siren at Indian Point. Motion by Jim, second by Bill, all trustees voted yes. As far as more police coverage, the board voted that Emily could pay reserves at \$10.00 / hours, the same as our Part-Time Officer. They authorized Emily an additional \$6,000 to keep reserves over July 4 – Motion by Jim, second by Barb, all trustees voted yes.

Motion to adjourn – Motion by Bill, second by Carole, carried 10:30