

REGULAR COUNCIL MEETING

May 18, 2015

The Board of Aldermen met in regular session with Mayor Patrick Miller at City Hall, 206 North 16th Street, on Monday, May 18, 2015 at 5:30 p.m.

Present: Miller, Johns, Mann, Williams, Miles

Absent: none

Others Present: Janelle Hagler, Becky Turley, Phil Conger, Stewart Johnson, George Hulet, Chris Gutschow, Quinten Lovejoy, Truman Doolittle, Cristine Stallings, Danny Carter, Randall Brejnik, Jacob Denum, John Barclay, Johnathan Meyer.

Meeting Called To Order Mayor Patrick Miller called the meeting to order at 5:30 p.m.

Pledge of Allegiance The meeting opened with the Pledge of Allegiance.

Approve Agenda Mayor Patrick Miller called for a motion for approval or amending of the agenda.

Motion made by Alderman Steve Miles to approve the agenda; second by Alderman Todd Williams.

Miles - Aye
Mann - Aye

Williams – Aye
Johns – Aye

Approve Bills Mayor Patrick Miller asked if there were any questions on bills presented for payment and if not, a motion to approve the bills.

Alderman Lance Johns asked about the invoice from Ram Supply. Administrator Janelle Hagler explained that the items were for the summer mowing crew and split among the different departments.

Motion made by Alderman Todd Williams to approve the bills presented for payment, second by Alderman Steve Miles.

Miles - Aye
Mann - Aye

Williams – Aye
Johns – Aye

Constellation Newenergy	34,195.98	Elecsys International Corp	209.97
MO Joint Mun Elect	238,910.94	Family Tree Care	2,600.00
Advanced Disposal	13,381.23	Fedex	24.32
ANR Pipeline	9,957.12	Firehouse Software	675.00
Aqua-Pure Inc	3,515.83	Fleet Services	2,676.11
Arkansas Electric Coop	10,224.00	Fonseca, Brian	425.00
Baker & Taylor Inc	1,041.13	Grainger	122.50
Bethany Printing Company	73.00	Grundy Electric Coop	945.00
Blakely & Associates	5,050.00	Harrison Co Treasurer	169.40
CarQuest	48.61	Hawkins Inc	491.75
Cintas Inc	219.08	Heiman Inc	840.42
Cole Hardware	60.26	Hoover, Brenda	120.00
Cross Printing	2,139.00	Hunter's Guns	447.00
Demco	249.35	Hy-Vee Food Store	34.33

Interstate All Battery Center	62.82	Petty Cash – Gym	5,265.00
Jacobsen's of Adair	412.83	Quality Chemical Co	773.96
Jeremy Isard	76.00	R/S Electric Motor Services	590.00
Joe Trainer	3,000.00	Ram Supply	493.87
John Deere Financial	166.84	Remmers Design	45.00
Kansas City Life Ins	175.00	Ricoh USA Program	6.17
Maryville Glass & Lock	55.00	Sanders Electric Heating & AC	230.00
Metal Culverts Inc	684.00	Teresa Kinnison	19.86
MFA Agri Ser-Bethany	99.30	Total Systems & Controls	3,000.00
Midwest Laboratories	375.90	Tyler Technologies	1,118.64
MIRMA	110,565.00	United Industries Inc	61.86
Missouri Sales Use Tax	14,982.50		

Total \$471,105.88

Void Check
5-18-2015

Bethany Printing Co 73.00

Total \$73.00

Payroll
5-1-15

Miles, Steven	92.35	Groom, Brian	1,028.14
Williams, Robert	46.17	Holloway, Bryan	1,024.86
Stallings, Renna	1,313.25	Wills, Jesse	729.77
Johnson, Cathy	931.77	Roberts, Bryan	827.16
Russell, Melvin	637.17	Parkhurst, Aaron	901.50
Russell, Robert	882.30	Denum, Jacob	315.73
Brown, Johnathan	750.14	Doll, Jacob	727.88
Stottlemeyer, Lela	250.41	Lykins, Michael	726.84
Gard, Paul	808.49	Kinnison, Teresa	482.49
Groves, Kenneth	1,034.01	Wooderson, Karen	270.70
Cowell, Christopher	759.79	Robertson, Kenneth	1,159.79
Jennings, Randy	763.09	Willis, Brian	772.69
Jones, Joshua	867.98	Clemmons, Ted	958.19
Johnson, Amy	87.59	Puffer, Toby	671.89
Clawson, Nicole	275.52	Hoover, Charles	679.93
Miller, Steven	269.36	Hulet, George	1,061.13
Mann, Randall	92.35	Peery, Blaine	642.56
Johns, Lance	92.35	Thomas, Michelle	962.95
Hagler, Janelle	1,277.78	Willis, Jennie	693.72
Nighthart, Mallorie	276.22	Kohler, Ann	348.19
Pottorff, Janell	120.05	Wright, Kalee	408.16
Schroff, Jaunita	1,134.61	ING	540.00
Turley, Rebekah	953.77	BTC Bank	9,824.28
Ellis, Joyce	871.15	Family Support Payment Center	167.53

Total \$40,513.75

Payroll
5-15-15

Johnson, Cathy	931.78	Groves, Kenneth	1,034.01
Russell, Melvin	637.17	Cowell, Christopher	759.79
Russell, Robert	905.02	Jennings, Randy	763.09
Brown, Johnathan	741.14	Jones, Joshua	867.98
Stottlemeyer, Lela	232.66	Johnson, Amy	82.88
Gard, Paul	803.99	Clawson, Nicole	268.46

Hagler, Janelle	1,277.78	Sanders, Linda	23.38
Nighthart, Mallorie	256.46	Robertson, Kenneth	841.53
Pottorff, Janell	170.85	Willis, Brian	776.35
Schroff, Jaunita	1,134.61	Clemmons, Ted	958.19
Turley, Rebekah	953.76	Puffer, Toby	671.89
Ellis, Joyce	871.15	Hoover, Charles	676.26
Groom, Brian	1,025.25	Hulet, George	1,061.13
Holloway, Bryan	1,024.86	Jones, Richard	621.13
Wills, Jesse	744.18	Peery, Blaine	642.56
Roberts, Bryan	1,226.81	Thomas, Michelle	962.95
Parkhurst, Aaron	901.50	Willis, Jennie	693.72
Denum, Jacob	349.23	Kohler, Ann	408.78
Doll, Jacob	727.88	Wright, Kalee	389.93
Wagner, Brenton	635.60	ING	940.00
Lykins, Michael	726.83	BTC Bank	10,013.28
Kinnison, Teresa	524.95	Family Support Payment Center	167.53
Wooderson, Karen	230.29		

Total \$40,658.57

Approve May 4, 2015 Closed Session Minutes Mayor Patrick Miller called for approval or correction of the closed session minutes of May 4, 2015.

Motion made by Alderman Lance Johns to approve closed session minutes of May 4, 2015; second by Alderman Randall Mann.

**Miles - Aye
Mann - Aye**

**Williams – Aye
Johns – Aye**

Approve May 4, 2015 Regular Session Minutes Mayor Patrick Miller called for approval or correction of the regular session minutes of May 4, 2015.

Motion made by Alderman Todd Williams to approve the regular session minutes of May 4, 2015; second by Alderman Steve Miles.

**Miles - Aye
Mann - Aye**

**Williams – Aye
Johns – Aye**

Approve Transfer Mayor Patrick Miller asked for a motion to transfer \$54,000.00 from Sales Tax Fund to General Fund.

Motion made by Alderman Steve Miles to transfer \$54,000.00 from Sales Tax Fund to General Fund; second by Alderman Todd Williams.

**Miles - Aye
Mann - Aye**

**Williams – Aye
Johns – Aye**

Federated Health Insurance Quinten Lovejoy, Federated Insurance representative, provided information on a proposal for employee health insurance.

Alderman Steve Miles asked if there are requirements of what hospitals are covered; if the deductible is higher would the premiums be reduced. Mayor Patrick Miller explained that the insurance would include a HSA account and with the City providing \$500.00 per employee to be applied to the deductible it would still be a savings of \$10,000.00 a year.

Mayor Patrick Miller explained that a comparison will be provided at the next council meeting.

Bids Presented Administrator Janelle Hagler presented bids to be approved or declined.

Hay Bids: only 1 received from Bill Jennings for \$8.00 per bale.

Motion by Alderman Lance Johns to accept the hay bid of \$8.00 per bale from Bill Jennings; second by Alderman Randall Mann.

Miles - Aye
Mann - Aye

Williams – Aye
Johns – Aye

Brush Clearing Bids: two bids received.

Administrator Janelle Hagler reported that the two bids received were over the budgeted amount; therefore, she will contact the companies and will address this project at the next meeting.

North Border Station Project Bids: two bids received. USDI \$12,015.00 and IAMU \$7,500.00

Discussion on the difference of the supplies included in the bids. Decision made to table the bids and have Superintendent Ted Clemmons at the next meeting to explain.

2015 Sewer Project Bids: two bids received. Rodriguez \$92,139.40 and SAK \$69,913.00.

Discussion held about the variance in the bids. Superintendent George Hulet explained that each company would sub-out either manhole replacement or manhole lining which caused the gap. Mayor Patrick Miller asked if the City had used SAK before. Superintendent George Hulet explained that references had been checked on SAK and the respondents were pleased with the work done.

Motion by Alderman Todd Williams to accept the bid of \$69,913.00 from SAK for the 2015 Sewer Project; second by Alderman Steve Williams.

Miles - Aye
Mann - Aye

Williams – Aye
Johns – Aye

Public Input Mayor Patrick Miller asked if there was any public input.

Fire Billing Dispute Danny Carter addressed the Council on the billing that he received from the City Fire Department for \$3,091.00. Mr. Carter explained that he does pay Gilman Fire District taxes and has paid sales tax within the City of Bethany for over 50 years. Mr. Carter asked for a reduction in the amount billed.

Attorney Cristine Stallings asked Mr. Carter if this had been turned into his insurance. Mr. Carter responded that it is in the hands of the adjuster. Attorney Cristine Stallings recommended that the decision on this matter be tabled in order to contact the insurance and follow up on this matter with Mr. Carter's approval. Mr. Carter and the Council were in agreement.

**Harrison
County Fire
District
Formation**

Fire Chief Jacob Denum, John Barclay and Johnathan Meyer explained that a hearing on the petition for a Harrison County Fire District is scheduled for Thursday, May 21, 2015 in Circuit Court with Judge Peace.

The vote for a Fire District will be held in the August election. Due to time restrictions, the three person board will be elected at the same time by write-in. With approval of the voters, the Fire District would be started immediately and would not have any available fire equipment. With this situation, the pending Fire District asked if the City would provide equipment.

Alderman Todd Williams asked if they were asking for the equipment to be given or loaned.

Johnathan Meyer, attorney for the proposed fire district, explained that a fire district could not start without any equipment or start-up money . Mr. Meyer expressed that he was with the understanding that the City had requested for the fire district to proceed with formation. According to State Statutes, the City cannot give the equipment and there has to be some consideration. They were requesting a letter of intent to pledge the equipment if the voters approve this venture.

Truman Doolittle asked the council what the upside was to forming a fire district. He pointed out that like Danny Carter, there would still be issues. Mr. Doolittle also asked if the fire district would be approved, what guarantee would a resident of the City have that there would not be a reduction of coverage.

Fire Chief Jacob Denum answered that there would not be a guarantee and the issue would remain on the availability of fire fighters.

Mr. Doolittle asked if a City Fire Department was no longer available, would it deter new business from coming to Bethany. John Barclay responded that this was a good question but the answer would be no.

**Letter of Intent
Approved**

Motion by Alderman Randall Mann to allow the Mayor to sign a Letter of Intent to Transfer Assets upon Creation of Fire Protection District; second by Alderman Steve Miles.

Miles - Aye

Williams – Nay

Mann - Aye

Johns – Nay

Mayor Miller - Aye

**PeopleService
Contract**

Chris Gutschow, PeopleService’s representative addressed the Mayor and Council for a discussion on the contract for maintenance of the City’s water and sewer production/distribution systems.

Alderman Lance Johns asked about (Page 6 Section F) why the City would be held responsible for damages to PeopleService equipment. Discussion was held and Mr. Gutschow and Attorney Cristine Stallings agreed to make a revision in that paragraph.

Alderman Lance Johns questioned that PeopleService would not be in breach for failure to perform (Page 10 Section 6.2) for example if the employees did not show up to work. Agreement to revise.

Truman Doolittle asked what the downside of the contract is. He explained that he had researched PeopleService on the internet and found only minimal information.

Mayor Patrick Miller expressed the downside was the concern for the staff although mitigation had closed this gap with the ability for the City to re-hire the affected employees.

Truman Doolittle asked if this would enhance the water and sewer systems. Superintendent George Hulet explained that with the broader knowledge and available resources that PeopleService has, it would definitely be an enhancement.

Page 19 Section C of the contract concerning services beyond the scope would be charged at \$50.00 per hour was questioned. Mr. Gutschow explained an example would be if the City would request any of the PeopleService employees to plow snow; that would be beyond the Scope of Services and would require additional billing.

**Accept
Contract With
PeopleService**

Motion by Alderman Steve Miles to approve and sign the contract with PeopleService after revisions; second by Alderman Todd Williams.

**Miles - Aye
Mann - Aye**

**Williams – Aye
Johns – Aye**

**Administrator
Reports**

Administrator Janelle Hagler presented a Purchase Policy Statement for discussion.

**Purchase
Policy**

Alderman Todd Williams expressed that as long as the dollar amount is under the necessary council approval, this policy would be worthless. He further explained that it should be added that if any employee found to not abide by this policy, they would be subject to disciplinary write-up.

Truman Doolittle asked questions concerning the policy and it was explained that this is an awareness issue for employees. Attorney Cristine Stallings will refine the policy and will submit at the next council meeting.

**Storm Damage
Report**

Administrator Janelle Hagler gave a report to the council on damages from the recent storm. City employees from other departments aided the park personnel today to help remove debris.

**Zoning
Regulations**

Administrator Janelle Hagler explained that because of inadequate time allowed, the zoning maps included in the packets would be discussed with Code Enforcement Officer Jacob Doll at the next meeting.

**Demolition List
Presented**

A preliminary demolition list was presented by Administrator Janelle Hagler pointing out priorities. Attorney Cristine Stallings asked if the City had an incentive program for demolition similar to the sidewalk program. Mayor Patrick Miller commented that this would be a good consideration.

**Council
Reports and
Comments**

Alderman Lance Johns mentioned that Al's Heating & Cooling had asked him why they were being billed for water when the water is shut off. Administrator Janelle Hagler will follow up on this.

Alderman Todd Williams informed the council that he had attended a baseball game at Babe Adams. There was a gap in the backstop that allowed 11 unearned runs because the ball had went under the gap. Alderman Randall Mann explained that the umpire should have addressed that issue before the game began because that is a rule issue.

Alderman Steve Miles mentioned that huge chunks of asphalt on 17th Street Terrace after the heavy rain and needs to be taken care of.

Mayor Patrick Miller reminded the council about the Purple Heart dedication being held at the County Courthouse tomorrow.

Mayor Patrick Miller informed the council that the sales tax was down \$9,000 the past month, but is still up by \$6,000 for the year.

Mayor Patrick Miller mentioned the most recent purchased power billing was above the budgeted amount causing a loss in the April utility billing. Hopefully after the true-up costs are received, this will reverse the loss but will continue to monitor closely.

Closed Session

Motion by Alderman Randall Mann to go into closed session; second by Alderman Todd Williams.

Miles - Aye
Mann - Aye

Williams – Aye
Johns – Aye

CLOSED SESSION

Open Session

Motion by Alderman Lance Johns to return to Open Session; second by Alderman Randall Mann.

Miles - Aye
Mann - Aye

Williams – Aye
Johns – Aye

OPEN SESSION

Adjourn

Motion by Alderman Lance Johns to adjourn at 8:45 p.m.; second by Alderman Todd Williams.

Miles - Aye
Mann - Aye

Williams – Aye
Johns – Aye

Patrick Miller, Mayor

ATTEST:

Nita Schroff, City Clerk