

REGULAR COUNCIL MEETING

May 15th, 2017

The Board of Aldermen met in regular session with Mayor Todd Williams at City Hall, 206 North 16th Street, on Monday, May 15th, 2017 at 5:30 p.m.

Present: Williams, Ishmael, Brejnik, Johns, Mann

Absent: None

Others Present: Jonne Slemmons, Nita Schroff, Tara Walker, Misty Oliver, Jan Johns, Kenny Robertson, Jacob Denum, Phil Conger, Jerry Collins, Shannon Howe, Jon Dwiggins and Marvin Casady.

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

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

Approve Agenda Mayor Todd Williams called for a motion to approve or amend the agenda.

Motion made by Alderman Randy Brejnik to approve the agenda as corrected and seconded by Alderman Gene Ishmael.

Mann – Aye
Brejnik – Aye
Johns – Aye
Ishmael – Aye

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

Motion made by Alderman Lance Johns to approve the bills as presented and seconded by Alderman Randy Mann.

Mann - Aye
Brejnik - Aye
Johns – Aye
Ishmael – Aye

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|---------------------------|------------|--------------------------|------------|
| Anr Pipeline Co | 20,495.85 | Industrial Sales Co Inc. | 520.00 |
| Arkansas Electric Coop | 10,159.00 | Interstate All Battery | 50.40 |
| Baker & Taylor Inc. | 273.31 | John Deere Financial | 432.96 |
| Bethany Building Center | 808.43 | K-5 Window Cleaning | 45.00 |
| Carquest Auto Parts | 340.63 | KGM | 1,310.97 |
| Cintas Inc | 376.26 | Kriz Davis Co | 3,242.87 |
| City of Bethany | 224,121.87 | Lifeguard Store Inc. | 910.18 |
| City of Ridgeway | 195.00 | Maryville Typewriter | 383.55 |
| Cole Hardware | 139.99 | Metal Culverts Inc. | 2,905.00 |
| Commerce Bank | 196.17 | Midland Gis Solutions | 2,400.00 |
| Conuent Incorporated | 675.00 | Miscellaneous | 191.98 |
| Constellation New Energy | 51,484.50 | Missouri Dept of Rev | 1,012.00 |
| Ellis Tire | 1,018.19 | Missouri Joint Mun Elect | 263,681.55 |
| Fleet Services | 2,054.28 | Missouri Land Title Co | 115.00 |
| Fordyce Equip Inc. | 214.22 | Municipal Emergency | 16.53 |
| Golden West Industrial | 212.90 | Neopost USA Inc. | 85.00 |
| Grundy electric Coop Inc. | 510.00 | Norris Quarries LLC | 2,311.06 |
| GT Distributors-Austin | 429.00 | O'Reilly Auto | 138.11 |
| Herzog Contracting Corp | 969,541.16 | Pettijohn Auto Center | 50.43 |
| Hulcher Services Inc. | 11,925.00 | Petty Cash – Library | 49.80 |

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| Quill Corporation | 291.98 | Sorensen, Richard | 14,200.00 |
| RAM Supply | 35.97 | Tekcollect Inc. | 8.56 |
| Remmers Design | 66.00 | Whitney Roofing | 60.00 |
| Ricoh USA Program | 265.08 | Winwater | 234.70 |
| Shane Poe Construction | 46,009.00 | Witmer Public Safety Group | 979.52 |
| Shelby Printing | 45.84 | | |
| Snyder & Assoc. Inc. | 3,011.86 | | |

Total \$1,640,231.66

Payroll
05-12-17

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|---------------------|----------|--------------------|----------|
| Michael S Addison | 352.82 | Larry A Griffin | 213.23 |
| Lance Johns | 46.17 | Randall J Mann | 46.17 |
| Randall G Brejnik | 92.35 | Richard E Graner | 269.36 |
| Jonne D Slemons | 1654.67 | Jaunita E Schroff | 1,188.66 |
| Trayce D Anderson | 1,110.84 | Leslie S Groom | 792.36 |
| Brian S Groom | 1,163.30 | Bryan E Holloway | 1,020.82 |
| Aaron S Parkhurst | 999.00 | Andrew J Alborn | 875.51 |
| Kenneth M Bake | 1,038.33 | Jacob Denum | 1,111.75 |
| Michael R Lykins | 889.68 | Janee A Lehleitner | 367.59 |
| Judith A Hinkle | 227.74 | Linda L Sanders | 234.07 |
| Kenneth D Robertson | 945.59 | Brian J Willis | 886.76 |
| Ted G Clemmons | 1,019.92 | Toby J Puffer | 818.43 |
| Michelle L Schroff | 1,011.62 | Jennie L Willis | 755.14 |
| Ann M Kohler | 393.97 | Morganne G Sweat | 90.08 |
| Rebekah D Turley | 521.33 | Cathy M Johnson | 997.06 |
| Randy W Jennings | 887.99 | Robert W Russell | 972.07 |
| Charlie D Bennett | 887.17 | Johnathan M Brown | 872.81 |
| Lela A Stottlemeyer | 307.90 | Paul L Gard | 1,027.65 |
| Colton Davidson | 28.26 | Cole J Ellis | 65.34 |
| Nicole L Clawson | 115.79 | Gavin R Johns | 130.11 |
| Steven W Miles | 92.35 | Dale E Ishmael | 92.35 |
| Robert T Willimas | 259.36 | Emily N Starmer | 31.80 |

Total \$19,647.73

Approve Minutes of May 1st, 2017 Mayor Todd Williams called for approval or correction of the regular minutes of May 1st, 2017.

Motion made by Alderman Gene Ishmael to approve the minutes of May 1st, 2017 and seconded by Alderman Randy Brejnik.

Alderman Lance Johns would like to correct his vote on the KC Bobcat. His vote was Nay not Aye.

Motion made by Alderman Randy Brejnik to approve the May 1st, 2017 with the correction and seconded by Alderman Lance Johns.

Mann – Aye
Brejnik – Aye

Johns – Aye
Ishmael – Aye

Bill # 1265
Sanitary Sewer
Fee

AN ORDINANCE AMENDING THE BETHANY CITY CODE BY AMENDING SECTION 715.190 RELATING TO THE RATES AND CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM OF THE CITY OF BETANY, AND SPECIFICALLY REDUCING THE MONTHLY BASE CHARGE FOR SANITARY SEWER SERVICE FROM \$25.00 TO \$20.00, was read by title only by Mayor Todd Williams for the first reading.

Motion made by Alderman Lance Johns to approve the first reading of Bill # 1265 and seconded by Alderman Randy Mann.

Mann – Aye
Brejnik – Aye

Johns – Aye
Ishmael – Aye

Mayor Todd Williams read Bill # 1265 by title for its second and final reading.

Motion made by Alderman Gene Ishmael to approve the second and final reading of Bill # 1265 and to adopt as Ordinance #1265 and seconded by Alderman Randy Brejnik.

Mann – Aye
Brejnik – Aye

Johns – Aye
Ishmael – Aye

Public Input

Mayor Todd Williams asked for Public Input.

Daily Addition
Lights

Jerry Collins asked Council if anyone talked to Grundy Electric about putting lights on their poles. Administrator Jonne Slemons informed Grundy Electric about the lighting in Daily Addition. Kenny Robertson, Chief Electric Operator, told Council that if we put the new lights on Grundy Poles we will have to pay them for placing lights on pole. The City pays for the electricity used if it is a street light, if it is a security light in someone's back yard, the residents pay a fee. Mayor Todd Williams added that this is an upgrade to Daily Road to make it a safer place to live.

Administrator &
Department
Reports

Mayor Todd Williams asked for the Administrator and the Department reports.

Nuisance

Jacob Denum, Fire Chief/Code Enforcement Officer, asked the Council for some guidance on the grass nuisance. Jacob showed pictures to the Council of some situations he is dealing with. Some people are not mowing the ditches or banks, around poles, shrubs and along the houses. Alderman Lance Johns said that it is a judgement call. If it is safe to mow then it needs to be mowed.

Electric Rates

Administrator Jonne Slemons was previously asked to look into reducing the electric rates. Two proposals were presented to the Council in January 2017. Since no action was taken to reduce electric rates in January the 17-18 budget was developed based on the current electric rates. If the rates were to be reduced now it would impact on the revenues and affect the planned improvements for this year's electric projects.

Kenny Robertson, Chief Electric Operator, has already ordered supplies for the light projects for this year. Kenny Robertson, Chief Electric Operator, had plans to do Babe Adams Ballfield this fall and the supplies are a package deal.

Alderman Randy Brejnik would like to put the electric rates on the back burner and look at it this fall.

LED Lights

Kenny Robertson, Chief Electric Operator, asked the Council if they looked at the LED lights that were installed on Bartlett Street and on the corner of 12th & Main Street. The new lights will be 30 feet tall and a dimmer can be installed anytime and can be adjusted.

Motion made by Alderman Randy Mann to proceed with the LED Street Lights in Broyles Addition and seconded by Alderman Lance Johns.

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| Mann – Aye | Johns – Aye |
| Brejnik – Aye | Ishmael – Aye |

Padmount Transformers

Kenny Robertson, Chief Electric Operator, submitted bids for Padmount Transformers for stock. Kenny Robertson, Chief Electric Operator, would like to order one, twenty-five KVA transformer and four, fifty KVA transformers. The bids submitted were Kriz Davis for \$8,580.26; Arkansas Electric for \$6,985.00 and no bid on Anixter. Kenny Robertson, Chief Electric Operator, recommendation is to go with Arkansas Electric for \$6,985.00 since it is low bid.

Motion made by Alderman Lance Johns to go with Kenny Robertson, Chief Electric Operator, recommendation with Arkansas Electric for \$6,985.00 and was seconded by Alderman Randy Brejnik.

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| Mann – Aye | Johns – Aye |
| Brejnik – Aye | Ishmael – Aye |

Police Vehicle

Brian Groom, Police Chief, submitted the Missouri State bid on new vehicle. Brian Groom, Police Chief, would like Council approval to order a 2017 Interceptor Utility AWD vehicle for the Police Department for \$27,396.00, which is under the budgeted amount.

Motion made by Alderman Lance Johns to approve the 2017 Interceptor Utility AWD vehicle for the Police Department for \$27,396.00 and seconded by Alderman Randy Brejnik.

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| Mann – Aye | Johns – Aye |
| Brejnik – Aye | Ishmael – Aye |

South TIF

Administrator Jonne Slemons would like to update the Council on the South TIF meeting that was held on Thursday, May 11th, 2017. The project has been advertised for bids. The pre-bid meeting was held on Wednesday, May 10th, 2017.

A MoDOT permit entrance has been applied for and is being processed.

An Army Corps of Engineers permit has been received but it contains tree clearing restrictions due to potential bat habitat.

A Howe Company staff member, a wildlife biologist, has surveyed the site for bat habitat and found only one tree that may have potential.

Howe Company has requested the tree clearing restriction to be lifted by the US Fish & Wildlife.

The ROW's and deeds have been signed, except for Northwest Land holdings/John Deere, who has raised some late breaking opposition to the project, along with a request of \$125,000.00 for the 2.5 acres of land

underlying the road. The TIF Board was unanimous in rejecting this demand and prefers to revert to Plan B road alignment using 30th Street.

The TIF Board needs to have some final answers to three questions. The questions that need answered to is whether payment can be made before the project deadline for the construction work performed after the project deadline, whether Steve Gage from Northwest Land Holding will sign the temporary construction easement on 30th Street and if the \$125,000.00 is a fair market value.

The real estate agent that Administrator Jonne Slemons spoke to thought the price was extremely high.

Administrator Jonne Slemons received back from the TIF Attorney on the prepayment arrangement and replied that no prepayment is allowed.

The bat study will cost about \$15,000.00 to \$20,000.00 to complete.

The engineering needs to be completed before any of the road can be started.

Administrator Jonne Slemons will be arranging a TIF meeting as soon as possible.

Motion made by Alderman Gene Ishmael to shut down South TIF immediately and all outstanding bills chargeable to TIF be received, reviewed and paid by October 1st, 2017 and according to state statutes section 099.800 thru 99-845, all remaining funds in the South TIF accounts be returned to the appropriate taxing districts by November 1st, 2017, and the City Administrator and/or City Clerk be directed to develop the appropriate ordinance as outlined in state statutes section 99.850 (B) to present to the council as soon as possible and seconded by Alderman Randy Brejnik.

Alderman Gene Ishmael read to the Council eight reasons why he thought the South TIF Project needed to be shut down.

Mayor Todd Williams recalls that if the TIF is not completed then we could not receive another TIF program. Stuart Johnson remembers Sabra Hamilton saying something about that, also. Mayor Todd Williams replied that we make mistakes but hopefully we learn from our mistakes. Alderman Lance Johns said he had heard John Deere was going to build a new building.

Mayor Todd Williams said there was a motion and second to dissolve South TIF, we will take a vote

Mann – Nay
Brejnik – Aye

Johns – Nay
Ishmael – Aye

Mayor Todd Williams - Nay

Old Power Plant Building

Administrator Jonne Slemons told Council that the City had an appraisal done on the Old Power Plant Building on 41st Street in July 2016.

The City advertised the building for sale and Bill Goble had received the winning bid, only then did we discover the City did not have a clear title on the property.

The City has received An Informational Title Report only from the Grand River Title, Inc. If the City is going to sell the building soon, she will hold the bill and bill the buyer for the \$380.00. The report cost \$150.00 which we can pay now and be reimbursed when the property sells.

The Old Power Plant consists of 2.59 acres and 3400 square feet. Bill Goble may be interested in buying the building but he has spent the funds on other things and needs to consult with his partner.

Alderman Lance Johns told the City that it is a good place to secure vehicles for the police department.

Attorney Tara Walker suggested Administrator Jonne Slemons to consult with the City insurance if it is to be used for vehicle impound.

Alderman Randy Mann agrees that the bids need to be redone.

Council agrees to go ahead and pay Grand River Title the \$380.00 owed.

Alderman Randy Brejnik would like to table the decision on the building.

Foley Company Administrator Jonne Slemons has received the second application for payment on Foley Company. The application has been reviewed and approved. The invoices will be included in the original bills.

Herzog Herzog started work on April 20th, 2017 and has completed paving. They will return to do earthwork and are scheduled to be completed by June 30th, 2017.

North TIF The North TIF/39th Street extension has been completed. Some hairline cracks have been observed which the engineer says are "contraction cracks". The street gets these hairline cracks because the street was not sawed early enough. This is not unusual, and is easily treated with a two part epoxy, which is poured into the cracks. The epoxy is very oily and saturates into the void spaces. This action is covered under warranty and will be covered by the contractor. The street will be opened when the epoxy has dried.

Dollar Tree Administrator Jonne Slemons told Council that Tara Walker, City Attorney, had discussed the project with the TIF Attorney and identified some concerns. A teleconference with Rich Wood, Danny Miller (attorney for the developer) and Administrator Jonne Slemons was held on May 10th, 2017 to discuss the development agreement.

Several options were discussed: First option is forming a CID. This would raise a 1% sales tax to repay the developer's construction cost. This CID could have a cap on it and when it is reached the CID can be discontinued. Second option is to provide a tax abatement of real estate property, which requires a designation of the property as "blighted". The third option requires the property to be transferred to the City and leased back to the company.

Mayor Todd Williams replied that the McDonald's area is a CID and the income has fixed the driveway.

Motion made by Alderman Lance Johns to authorize Administrator Jonne Slemons to talk with Hartland Realty about the CID and seconded by Alderman Randy Mann.

Mann – Aye
Brejnik – Aye

Johns – Aye
Ishmael – Aye

T.A.P. Administrator Jonne Slemons told council that the contractor has requested permission to start work earlier than planned. A meeting is being held on May 18th, 2017 and it will be discussed.

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| Lake Improvements | <p>There were two bids received for this work and both were significantly above the engineer's estimate.</p> <p>The concern is that the grant from the Department of Conservation only reimburses 75% of the estimated amount. They believe some upward adjustments in the estimate were missed when the grant agreement was amended.</p> <p>The City in-kind work of approximately \$61,000.00 is planned, with an additional cash contribution of \$23,500.00 budgeted.</p> |
| A-Line Metal | <p>Administrator Jonne Slemons told council that A-Line Metal has accepted responsibility for repair on the wall and is processing the invoice from Spurling Construction for his work.</p> |
| Dustman | <p>Richard Dustman has requested a meeting to subdivide Lot 5 of the Dustman Subdivision. The Planning & Zoning Commission will be meeting on Thursday, May 18th, 2017 to consider the revised preliminary plat and re-zoning request.</p> |
| Bethany Housing Authority | <p>Brown & Crouppen has informed the City that they are representing Patrick J. Graves, one of the children who got into the transformer box at Bethany Housing Authority and was shocked. A lawsuit has not been filed at this time. We received a Sunshine Law request for documentation, which we responded to timely, but we did not have any of the requested documentation.</p> |
| Mobile Homes | <p>Administrator Jonne Slemons told Council that after looking through the code book there are restrictions on the number of residences that can be placed on a lot within the City limits.</p> <p>A landowner can only place a trailer for their own dwelling or for a rental property. The landowner can only place one mobile home per lot.</p> <p>After talking with Tara Walker, City Attorney, it is recommended to limit mobile homes in Bethany to those built after June 15th, 1978, when the International Building Codes were adopted to address safety issues.</p> <p>The mobile homes could also be limited to trailer parks.</p> <p>The City could require removal of mobile homes from inside the City limit that are empty for 90 days.</p> <p>Rental properties could be inspected periodically and a fee could be assessed.</p> <p>Administrator Jonne Slemons requested input regarding the direction the Council would like to take regarding mobile homes, in the future.</p> |
| Demo Property | <p>Administrator Jonne Slemons held a meeting to open the bids for the two demolition buildings.</p> <p>The property owner at 2501 Main has requested an extension, so they could get someone to demolish the house.</p> <p>Administrator Jonne Slemons has extended the deadline for 30 days.</p> <p>The only bid received on 102 South 15th Street was from Red Rock for \$10,000.00.</p> |

Motion made by Alderman Lance Johns to approve the Red Rock bid of \$10,000.00 on the 102 South 15th Street and seconded by Alderman Randy Mann.

Mann – Aye
Brejnik – Aye

Johns – Aye
Ishmael – Aye

Horses

Administrator Jonne Slemons told Council that there have been some complaints on the horses that are being kept in a yard at 17th & Beekman.

Currently there is one full-size horse, a burro, and three miniature horses. An electric fence has been installed to contain them.

Jacob Denum, Fire Chief/Code Enforcement, has received calls on strong urine smells. Jacob Denum, Fire Chief/Code Enforcement, has notified Josh Roller, Conservation Officer, for information and he advised him to talk with DNR. Jacob Denum, Fire Chief/Code Enforcement, is waiting on a call from DNR at this time since a stream is running at the bottom of the hill.

Council Reports
& Comments

Mayor Todd Williams asked for Council Report and comments

No Council reports or comments at this time.

Mayor's
Correspondence
& Appointments

Mayor Todd Williams has no appointments at this time.

Mayor Todd Williams commented that the City does not need to be giving out weed notices if the City is not keeping their weeds mowed.

Administrator Jonne Slemons added that the summer help mowers will be starting shortly.

Adjourn

Motion made by Alderman Randy Brejnik to adjourn the meeting at 7:30 p.m. and seconded by Alderman Randy Mann.

Todd Williams, Mayor

ATTEST:

Nita Schroff, City Clerk

R.E. Graner, Mayor

ATTEST:

Nita Schroff, City Clerk