

# **OFFICIAL MINUTES**

**MAY 31, 2011, 23rd DAY OF  
THE APRIL ADJOURNED TERM**

The County Commission met in the Commissioner's Hearing Room at 8:30 am with Ron Houseman, Jim Strafuss and Danny Strahan present. The following proceedings were had and made a matter of record:

## **PRELIMINARY STUDY MEETING (COMMISSION HEARING ROOM)**

The County Commission met to review previous meeting minutes and accounts payable.

## **PUBLIC COMMENT**

There were no public comments.

## **CALL COUNTY COMMISSION MEETING TO ORDER**

Presiding Commissioner Houseman called the May 31, 2011 meeting to order in the Commission Hearing Room at 9:00 am.

## **PRAYER**

Commissioner Strafuss led the prayer.

## **PLEDGE OF ALLEGIANCE**

Commissioner Strahan led the Pledge of Allegiance.

## **PREVIOUS MEETING MINUTES – 5/19**

Commissioner Strahan moved to approve the minutes of 5/19/2011 with changes as noted and submitted. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

## **ACCOUNTS PAYABLE/JOURNAL ENTRIES/TRANSFER**

Commissioner Strafuss moved to calculate TIF payments based upon moneys received by Taney County from the Department of Revenue and approve the payment. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

Auditor Rick Finley addressed the Commission regarding the check to be rewritten for accounts payable.

Commissioner Strafuss moved to approve accounts payable 324620 thru 324697 and warrant 5420 and withholding accounts payable 324561 and 324554 for further review.

## ACCOUNTS PAYABLE

DATE 5/31/2011

	CHECKS	to	WARRANTS	
	<u>324620</u>		<u>324691</u>	<u>5420</u>
	<u>324692</u>		<u>324697</u>	
VOIDED	<u>324632</u>		<u>324635</u>	
	<u>324698</u>		<u>324701</u>	
		to		

Please sign and date that you have reviewed the included information.

Date	Time	Signature	Comments
5/27/2011	8:30am	jj	VOIDED CHECKS 324632-324635
			CORRECTED & ISSUED CHECKS
			324698-324701

Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

The Commission suggested that Tammy with 911 work with the Commission in creating a new intergovernmental agreement between the City of Branson, Taney County and 911 for disbursement of funds, which could be expedited in a timely fashion.

### EXECUTIVE SESSION – LITIGATION, REAL ESTATE, PERSONAL & CONTRACTS PER SECTION 610.021 (1), (2), (3) & (12)

Commissioner Strafuss moved to go into Executive Session pursuant to RSMo 610.021 (1), (2), (3) & (12). Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

**EXECUTIVE SESSION  
9:08 AM**

Commissioner Jim Strafuss moved to postpone to a definite time, specifically 2:15 pm, the Executive Session pursuant to RSMo 610.021 (1), (2), (3) & (12). Commissioner Ron Houseman seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

**OUT OF EXECUTIVE  
9:28 AM**

**COMPUTERIZED TEMPERATURE CONTROL DISCUSSION**

Debbie Redford with the Hollister School District addressed the Commission and presented them with documentation regarding temperature control. Discussion ensued.

**PERFORMANCE V. NON PERFORMANCE CONTRACT DISCUSSION**

Commissioner Strahan took Debbie Redford's recommendation to call Kevin Patterson, Operations Manager of the Ozark School. The Commission was leaning toward non-performance contracts. Further discussion was reposted for Monday.

**ACCOUNTS PAYABLE**

Commissioner Strafuss moved to approve check numbers 324698, 324699, 324700 and 324701. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**RECESS  
10:00 AM**

**RECONVENED  
10:14 AM**

**INCORPORATION OF HOLLISTER SCHOOL DISTRICT  
INTO TANEY COUNTY'S HAZARD MITIGATION PLAN**

Debbie Redford addressed the Commission regarding a shelter, as Hollister Schools is not incorporated into the Taney County Hazard Mitigation plan. Discussion ensued.

Melissa with the Emergency Management office spoke to the Commission regarding the Hazard Mitigation Plan and Board. The Commission requested Melissa find information regarding how to include Hollister School into the Mitigation plan via amendment or get an amendment process started and relay the information to Debbie.

Commissioner Strafuss moved to send a letter supporting the application and construction of community safe rooms for the Hollister R-5 School District to FEMA. Commissioner Strahan

seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

### **COUNTY BOARD APPOINTMENTS & REVIEW OF STATUTORY PAYMENT**

Bob Atchley with Planning & Zoning addressed the Commission regarding the Planning and Zoning Commission Board Member Agreement. Discussion ensued. In accordance with Statute 64.805 compensation is not to exceed \$25.00 per meeting.

The Senior Citizen Board was discussed. Commissioner Strafuss moved to appoint Pat Campbell to the unexpired term of Vonnie Mathiesen. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

The BOA Board vacancy was discussed. Commissioner Strahan moved to reappoint Tom Gideon to a 4 year term. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

The Board of Equalization vacancies were discussed. Further review was reposted to Thursday. The Airport Board vacancy review was reposted until Thursday. The Planning and Zoning (Swan Township) Board vacancy review was reposted until Thursday. The Library Board vacancy review was reposted to Thursday. Two BOA Board vacancies were to be reposted in two weeks.

### **STAFF DEPARTMENT UPDATE – SEWER DEPARTMENT**

- **SEWER SALES TAX REQUEST**
- **LOOKOUT ACRES CONTRACT AMENDMENT**

John Soutee addressed the Commission. The Sewer is to utilize a portion of sales tax dollars for projects in the aligning of a lift station and two manhole alignments at a cost of \$68,000, approved by the Sewer Board.

Commissioner Strahan moved to approve Forsyth's submittal of the portion of the sales tax use of \$68,000. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

The Lookout Acre's project (Amendment #2) was brought before the Commission for approval, which is an addition of \$81,000 due to the scope of the 6 month project and includes \$5,000 for a database of photograph and video documentation prior to construction for future Sewer Board review.

Commissioner Strafuss moved to approve Amendment #2 for Engineering Services to the Lookout Acres Project. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

AMENDMENT NO. 2 TO AGREEMENT  
FOR  
ENGINEERING SERVICES

WHEREAS:

HDR ENGINEERING, INC. ("Engineer") entered into an Agreement on October 13, 2009 to perform engineering services for Taney County Regional Sewer District ("Owner") a Missouri Sewer District and the County of Taney, Missouri ("Commission"), a First Class County;

Owner desires to amend this Agreement in order for Engineer to perform services beyond those previously contemplated;

Engineer is willing to amend the agreement and perform the additional engineering services.

NOW, THEREFORE, Engineer, Owner, and Commission do hereby agree:

The terms and conditions contained in the October 13, 2009 Agreement shall remain unchanged other than those sections and exhibits listed below;

The Project Description in Exhibit A – Scope of Services shall be amended to include the following:

The Owner has requested video and photo documentation of the Lookout Acres project prior to construction, during construction, and after construction. These video and photo files will be cataloged and delivered to the Owner upon project completion.

Add the following paragraph to A1.02.A:

4. Additional staking and meetings beyond the two initial property owners meeting will be conducted with property owners as necessary. District staff will be consulted after the two initial easement meetings with each property owner to determine whether to continue with further meetings or turn over the easement acquisition to the District legal representation.

Section IV of the Agreement shall be amended to include the following:

The amount of the additional staking and meetings for Easement Phase paragraph A1.02.A.4 will be on an hourly basis at HDR standard hourly rates.

The amount of the Jump sum for Construction Phase, except Resident Project Representative services, will be increased by Five thousand Dollars (\$5,000.00) to One hundred sixty-three thousand five hundred Dollars (\$163,500.00).

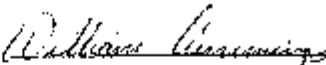
Resident Project Representative (RPR) Services were to be negotiated separately of each

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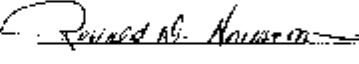
construction period according to Section IV of the Agreement. Phase 1 of the project will have 180 days for substantial completion and 210 days for final completion. Assuming a 40-hour work week, the RPR Services fee for Phase 1 shall be \$81,000. Any contract time extensions granted by the OWNER may result in the necessity of additional RPR Services. These Services will be billed hourly with OWNER approval.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year written below:


TANEY COUNTY REGIONAL SEWER DISTRICT  
"OWNER"

BY:   
NAME: William Cummings  
TITLE: TCRSD Board Chairman  
ADDRESS: 207 David Street  
Forsyth, MO 65653

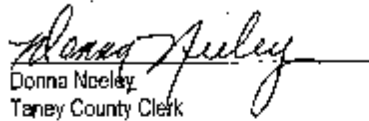
COUNTY OF TANEY, MISSOURI  
"COMMISSION"

BY:   
NAME: Ronald D. Houseman  
TITLE: Presiding Commissioner  
ADDRESS: 132 David Street  
Forsyth, MO 65653

HDR ENGINEERING, INC.  
"ENGINEER"

BY:   
NAME: Stan Christopher  
TITLE: Sr. Vice President  
ADDRESS: 3741 N.E. Troon Drive  
Lee's Summit, MO 64064

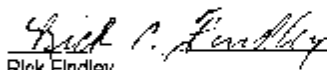
**ATTEST:** I, Donna Neeley, as the Clerk of the Taney County Commission hereby attest that the above agreement was executed by Ronald D. Houseman, the Taney County Presiding Commissioner, pursuant to a duly passed motion of the Taney County Commission approving the above agreement.

  
Donna Neeley  
Taney County Clerk

Date: 5/31/11

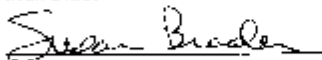
**Certification of Accounting Officer pursuant to Section 50.660 RSMo:**

The undersigned, as Budget and Accounting Officer for the County of Taney, certifies that there is a balance otherwise unencumbered in the county treasury to the credit of the appropriation to which the financial obligation imposed upon the county by this Agreement For Professional Services with HDR Engineering, Inc. is to be charged, and there is a cash balance otherwise unencumbered in the county treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred.

By:   
Rick Findley  
Taney County Auditor

Date: 5/31/11

Attest by Taney County Regional Sewer District Secretary:  
Susan Braden

By: 

Date: 5/31/11



## LEGAL SERVICES CONTRACT

Pat Keck submitted a legal services contract for a 6 month period for Taney County. Commissioner Strafuss moved to approve the legal services contract drafted by interim counsel Pat Keck. Commissioner Strahan seconded the motion for discussion. Commissioner Houseman stated that the contract is not with Pat Keck, but with an individual to serve for Taney County in the position of providing counsel on a contractual basis. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

### COUNTY COUNSELOR AGREEMENT

THIS AGREEMENT, made and entered into this 31 day of May, 2011, and effective on the 1<sup>st</sup> day of June, 2011, by and between Taney County, Missouri, hereinafter referred to as "COUNTY", and Frank Cotey, hereinafter referred to as "COUNSEL";

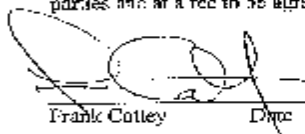
#### WITNESSETH:


WHEREAS, pursuant to Section 56.63: RSMo., County desires to employ Counsel for the purpose of legal representation of the County;

#### NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

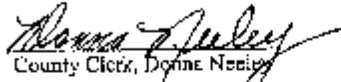
County hereby employs Counsel to provide legal representation of the County at the direction and supervision of the County Commission, and pursuant to Section 56.631(1) shall serve at the pleasure of the Commission, and pursuant to Section 56.631(3) the Commission agrees to pay to Counsel for his services: (a) a monthly fee of \$5,000.00 for a period of two months; and then, (b) beginning on August 1, 2011 Counsel shall be paid a fee of \$6,000.00 per month for the following four months. The County shall provide Counsel with necessary equipment, office space, supplies, clerical staff and reasonable expenses as needed to fulfill his job duties.

This Agreement is effective through November 30, 2011. At the conclusion of the Agreement term, this County Counselor Agreement shall continue at the will of the parties and at a fee to be agreed upon and fixed by the Commission.

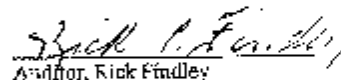
  
\_\_\_\_\_  
Frank Cotey      Date      5/27/11

  
\_\_\_\_\_  
Ronald R. Houseman      Presiding Commissioner      Date      5/31/2011  
Ron Houseman

ATTEST: I, Donna Neeley, the Clerk of the Taney County Commission hereby attest that the above agreement was executed by the Taney County Presiding Commissioner Ronald D. Houseman, pursuant to a duly passed motion of the Taney County Commission approving the agreement.

  
County Clerk, Donna Neeley

ATTEST: I, Rick Findley, am the duly appointed and acting Auditor for Taney County, Missouri, and in that capacity, do hereby certify on this 2<sup>nd</sup> day of June, 2011, that there is an unencumbered balance to the credit of the appropriation which is to be charged for the County's share of the costs described in this Agreement and an unencumbered cash balance in the County treasury to the credit of the fund from which the County's financial obligation described in this agreement shall be paid sufficient to meet the County's obligations under this agreement.

  
Auditor, Rick Findley

## **FLOOD WAIVER EXTENSION**

Commissioner Strafuss moved to extend the flood waiver extension at the transfer station until July 1. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

### **STAFF DEPARTMENTAL MEETING – BUILDING & GROUNDS**

- **IN GOD WE TRUST SIGNAGE**
- **STORAGE IN THE OLD JAIL**

Renee addressed the Commission regarding the pricing for the signage of “In God We Trust” in 8” gold metallic letters. She stated that it would cost \$617.20 to contract the work done.

She submitted a photo of Branson’s 12 inch letters. The costs were as follows: 12 inch letters cost \$282.00, 10 inch letters cost \$241.00, and 8 inch letters cost \$194.00. Locations for the sign could include the wall inside of the Commission Hearing Room and the Judicial Center, to be approved when it comes through accounts payable. Discussion ensued. The 12 inch letters were agreed upon. Commissioner Houseman stated veterans who have lost their lives should also be considered for display. The Commission asked Renee to look into this display as well.

Storage in the Old Jail was discussed. Document storage is completely full. Commissioner Strafuss suggested an opportunity to move in permanent cargo containers in the parking garage. Discussion ensued. Commissioner Strahan moved to purchase up to 2 storage containers. Commissioner Strafuss seconded. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

Commissioner Strafuss moved to approve accounts payable related to storage units for the public administrator. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**RECESSED**

**11:47 AM**

**RECONVENED**

**1:03 PM**

### **KASSEL ROCK COMMUNITY IMPROVEMENT DISTRICT PUBLIC HEARING**

Darrell Gross, with Gross and Associates, represented the property owners for the Kassel Rock Community District. He presented information to the Commission in regards to the District. Property owners have petitioned the county to establish a CID for Kassel Rock Development of 2100 acres. The plan was to develop a potential medical school and to sell property within the next several years. The CID petition requested the authority to add up to a 1% sales tax, \$1 per \$100 of assessed value on real property, and a special assessment of up to 4% of the assessed value of the property. Discussion ensued.

The CID taxes could only be used for public infrastructure unless it was brought before the County to amend the CID. The tax would be the mechanism where infrastructure would be developed.

County Collector Sheila Wyatt addressed the Commission, stating that other Taney County CID's were not based on assessed value, and that additional programming would be required for the 4% special assessed value tax.

Commissioner Houseman explained that the CID would create a new political subdivision. Sheila commented a maximum of 1% additional sales tax is on anything within the CID area.

Assessor James Strahan went before the Commission to complete the signature on the form.

Sheila was concerned that people who buy the CID property would not be made aware that there were special assessments and would be taxed on for 30 years.

James stated a CID was not a positive. It's laid out by law, but the assessor takes a lot of responsibility from tax payers. It would bring disarray as it had in the past, and hostility regarding the value of property.

Walt Riggan, property owner near the CID, felt that this was an opportunity to see development come to an area that sorely needed it. He was in favor of the CID.

Commissioner Houseman asked, "Can you elaborate on what the plan calls are for building?" The plan intention was to build an educational campus to provide medical training for nurses and pharmacists, with the surrounding area for residential development.

Commissioner Houseman said he was receptive to lay over the issue for a couple weeks to wait for the public to respond. It would be reposted on June 13<sup>th</sup>. The Commission asked Donna Neeley to talk to the assessor and collector and set up a meeting the next week to discuss the issue.

**RECESS  
1:59 PM**

**RECONVENED  
2:08PM**

**STAFF DEPARTMENTAL MEETING – ROAD & BRIDGE UPDATE**

- **JOPLIN UPDATE**
- **FLOODED ROADS**

Randy Haes with Road and Bridge addressed the Commission. He stated that the department had the second crew in Joplin. Crews were helping the Public Works Department clean streets and driveways. They planned to work in Joplin thru Friday or Saturday. Then FEMA would take

over the operation. Commissioner Strahan said help had been appreciated and he wanted us there, but FEMA help took precedence. Discussion ensued.

The Commission said the crew should stay through Wednesday night with the original crew staying through Saturday to bring home equipment. Commissioner Houseman would call Public Works to get an update for finalization.

Regarding flooded roads, Bull Shoals had crested at a record level of 696.5 and was at 694.3. We had 6 roads opened in the morning, and 18 were still closed in the Table Rock Lake area and Bull Shoals. No roads on Lake Taneycomo were closed.

Commissioner Strafuss addressed the Hilda Quarry rock bid. Randy altered the original rock bid to just that specific location. June 13<sup>th</sup> at 9:15 bids were due, opened and awarded at that time.

Road and Bridge would like to purchase a thumb for the last track hoe. Commissioner Strahan stated that at the time there was discussion on a thumb for the track hoe, the price was estimated at \$10,000 for complete installation. It was to be put up for bid.

Commissioner Houseman asked Harlan to commend the crew from the Commission for the work they have done and for the passion they have had. They had all done a great job and all were commended. Randy requested taking the next week off.

**EXECUTIVE SESSION – LITIGATION, REAL ESTATE, PERSONAL & CONTRACTS  
PER SECTION 610.021 (1), (2), (3) & (12)**

Commissioner Strafuss moved to go into Executive Session pursuant to RSMo 610.021 (1), (2), (3) & (12). Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

**EXECUTIVE SESSION  
2:45 PM**

See Executive Session Minutes for actions, if any.

Commissioner Strafuss moved to go out of Executive Session. Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

**OUT OF EXECUTIVE  
3:00 PM**

Minutes were taken and typed by Lyn Wieneke, Deputy Clerk.