

OFFICIAL
JANUARY 31, 2013, 9th DAY OF
THE JANUARY ADJOURN TERM

The County Commission met in the Commission Hearing Room at 9:07 a.m. with Ron Houseman, Danny Strahan, and Brandon Williams present. The following proceedings were had and made a matter of record:

PRELIMINARY STUDY MEETING

The Commission met to review previous meeting minutes, accounts payables, and other business they will be dealing with throughout the day.

AGENDA REQUEST REVIEW

Nikki Lawrence came before the Commission to review agenda requests.

FIRE INSPECTION

Renee Brusca came before the Commission to ask that a fire inspection be completed on the old courthouse. The Commission directed her to move forward with this project. Simplex gave a quote of \$809.21 if it is completed during business hours; she stated that the cost would be double if they had to come after hours. She would like to possibly schedule this for President's day so the court house will be empty. The Commission has asked for more information regarding this issue.

PARKING GARAGE MAINTENANCE PART 2 RFB #201212-205

Purchasing Agent Ron Erickson and Mr. Paul Black came before the Commission to open bids for the Parking Garage Maintenance Part 2 RFB #201212-205. Bids were received from the following vendors:

- Heartland Restoration Inc.
- Mid-Continental Restoration Co.
- MTS Contracting
- LS Black Contractors
- Carson Mitchell
- Merritt Construction Services

The Commission has directed Mr. Erickson and Mr. Black to review the bids and then bring back their recommendation later today. Commissioner Strahan moved to postpone this item to a definite time of 11:00 am today.

FILL DIRT AGREEMENT

Randy Haes with Road and Bridge came before the Commission to present a Fill Dirt Agreement. Commissioner Strahan moved to approve the Fill Dirt Agreement with Denney Martin. Commissioner Williams seconded the motion. The motion carried by vote: Houseman (aye), Strahan (aye), and Williams (aye).

NO LIMIT

FILL DIRT AGREEMENT

COMES NOW the Taney County Commission on behalf of Taney County, Missouri, (hereinafter "Taney County") and enters into this agreement with Wiley Morte (hereinafter Owner), regarding the dumping of dirt fill on Owner's property, and the particulars of the agreement are as follows:

WITNESSETH:

WHEREAS, Taney County, Missouri's Road and Bridge Department would benefit from a location near ongoing construction to dump excess and unneeded fill dirt; and,

WHEREAS, having said location would save Taney County's Road and Bridge Department a considerable amount in hauling costs; and

WHEREAS, Owner will benefit from having needed fill dirt dumped on Owner's property;

NOW THEREFORE IT IS AGREED AND COVENANTED BETWEEN THE PARTIES AS FOLLOWS:

General Provisions.

Taney County, as the need arises, is granted permission by Owner to dump fill dirt upon locations on Owner's property that Owner has previously designated to receive such material.

Term and Notice.

The term of this agreement shall commence upon the first date upon which all parties have signed this agreement and shall continue until terminated by one party or the other.

Hold Harmless

Owner agrees that it will hold Taney County, its employees, representatives, heirs and assigns harmless from any claims arising from or relating to this agreement except for any gross negligence.

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS
AGREEMENT ON THE DATE SET FORTH BELOW.

OWNER

TANEY COUNTY, MISSOURI

Donny Martin
Owner's Name

Ronald A. Houseman
Ron Houseman, Presiding Commissioner
Taney County Commission

9901 State Hwy 76
Owner's Address

816 254-6676
Owner's Phone Number

Date: 1/31/13

ATTEST

Date: _____

The Taney County Clerk, Donna Neeley hereby attests that the Presiding Commissioner of the Taney County Commission, Ron Houseman, signed this agreement on behalf of the Taney County Commission pursuant to a previously passed motion of the Taney County Commission.

Donna Neeley
Donna Neeley, Taney County Clerk

Date: 1/31/13

Auditor's Certification

The undersigned, as Budget 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 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. Section 50.530(1) & Section 50.660 RSMo.

Rick Findley
Rick Findley, Taney County Auditor

Date: 1-31-13

TRANSFER STATION

Randy Haes and David Stottle, with Road and Bridge; Scott Starrett, with Planning and Zoning; and Travis Heier, with HDR Engineering, came before the Commission to discuss possible improvements to the Transfer Station. DNR has requested upgrades to the Transfer Station due to the adding of the glass bunker. Discussion ensued regarding: original paperwork for the property that detail restrictions on the property, new location sites, new building, and receiving use of a driveway off of the outer road just north of the Transfer Station.

The Commission directed Mr. Starrett to look at the surrounding acreage to determine what might be possibilities and Mr. Heier to look at a different building site but still on this property.

GRANT FOR EASEMENT & RIGHT OF WAY

Randy Haes and David Stottle came before the Commission to present a Grant For Easement and Right-of-way to Echoviews LLC for a zipline to cross of Lake Shore Dr. Planning and Zoning has given their approval of this project. Discussion ensued regarding County Counsel input on the contract; liability the County may be under due to this going across a county roadway; and structures that may or may not be placed on the County right-of-way.

The Commission directed Mr. Haes to present this to County Counsel.

FLOOD BUYOUT UPDATE AND SIGNING OF THE HMGP & CDBG FUNDING APPROVAL AND GRANT AGREEMENTS

Bob Atchley with Planning and Zoning came before the Commission to discuss the flood buyout and to present the HMGP and CDBG Funding Approval and Grant Agreements. Mr. Atchley also presented a form that requests the Presiding Commissioner to be the representative to sign all forms on the project.

Commissioner Williams read the Taney County Commission Order Flood Buyout Program that was presented by Mr. Atchley.

“Be it resolved by the County Commission of Taney County, Missouri that the Presiding Commissioner is hereby authorized to submit an application to the State of Missouri Emergency Management Agency to pursue funds to conduct a hazard mitigation project using State of Missouri and FEMA funds. These funds are intended to be used toward acquisition and/or relocation of residential properties damaged by past flood events.

It is expressly understood that all properties purchased under this grant must be removed from the parcel of land in question. The land that is acquired through this grant will be owned by the Taney County and must be restricted as to future use. By submitting this application, the county asserts that an evaluation has been conducted of all potential non-open space needs for this land including use for flood control. The county has determined that there are no such needs identified and therefore, the county is, with full knowledge, willing to commit to the purchase of this land and the placement of a permanent and irrevocable deed restriction that will prohibit future non-open space uses including levees, flood walls and other flood control structures.

The enclosed excerpt from the Robert T. Stafford Act, as amended, has been reviewed and is understood.”

Discussion ensued regarding the process of this program and what requirements will be expected of the County.

Commissioner Strahan moved to approve the Resolution and Order #1-31-13-01. Commissioner Williams seconded the motion. The motion carried by vote: Houseman (aye), Strahan (aye), and Williams (aye).

ORDER NUMBER 1-31-13-01

ORDER of the
TANEY COUNTY COMMISSION
FORSYTH, MISSOURI

DATE: January 31, 2013

SUBJECT: It is the intent of this order to seek funding through the Hazard Mitigation Grant Program and to Authorize the Presiding Commissioner to Pursue Activities in an Attempt to Secure Funding and Identifying a Project Manager

WHEREAS, The Robert T Stafford Act, as amended, does include provisions for property acquisition and relocation assistance, and,

WHEREAS, Taney County does have areas of need which may be addressed through the Hazard Mitigation Grant Program.

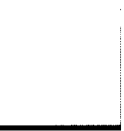
NOW, THEREFORE, BE IT RESOLVED by the County Commission of Taney County, Missouri, as follows:

SECTION 1. That Taney County, Missouri desires to participate with the Federal Emergency Management Agency and the State of Missouri Emergency Management Agency in plans and activities for the improvement of the community under the program.

SECTION 2. That funds approved under the aforementioned program are intended to be used toward acquisition and/or relocation of residential properties damaged by past flood events.

SECTION 3. That all properties purchased under this grant must be removed from the parcel of land in question. The land that is acquired through this grant will be owned by Taney County and must be restricted as to future use. By submitting this application, the county asserts that an evaluation has been conducted of all potential non-open space needs for this land including use for flood control. The county has determined that there are no such needs identified and therefore, the county is, with full knowledge, willing to commit to the purchase of this land and the placement of a permanent and irrevocable deed restriction that will prohibit future non-open space use including levees, flood walls and other flood control structures. The enclosed excerpt from the Robert T. Stafford Act, as amended, has been reviewed and is understood.

SECTION 4. That the Presiding Commissioner of Taney County, Missouri, be and is hereby authorized to prepare and submit an application to the State of Missouri Emergency Management Agency to pursue funding to conduct a hazard mitigation project using State of Missouri and FEMA funds under the aforementioned program.



SECTION 5. That the Taney County Planning Administrator, be and is hereby designated as the Project Manager, who shall act as the point-of-contact for the program participants, State officials and contractors.

WHEREUPON, this Order, having been read in full on this 31 day of January, 2013, the Taney County Commission voted as follows:

TANEY COUNTY COMMISSION


Keith Houseman
Presiding Commissioner
Yes _____
No _____


Denny Strahan
Commissioner, Eastern District
Yes _____
No _____


Brandon Williams
Commissioner, Western District
Yes _____
No _____

ADOPTED and APPROVED this 31 day of January, 2013, by the County Commission of Taney County, Missouri.

ATTEST:


Donna Needy
County Clerk

The Commission directed Mr. Atchley to invite representatives from these organizations and Mr. Davis to Monday, February 4, 2013, Commission Meeting either in person or by conference call.

PREVIOUS MEETING MINUTES

Commissioner Strahan moved to approve Commission Meeting Minutes for November 13th & 15th, 2012. Commissioner Houseman seconded the motion. The motion carried by vote: Houseman (aye), Strahan (aye), and Williams (abstain).

Commissioner Strahan moved to approve Executive Session Meeting Minutes for December 10th, 19th, 20th, 31st, 2012. Commissioner Houseman seconded the motion. The motion carried by vote: Houseman (aye), Strahan (aye), and Williams (abstain).

Commissioner Williams moved to approve Executive Session Meeting Minutes for January 7tha, 7thb, 8th, 10th, 14th, 17tha, 17thb, 2013. Commissioner Strahan seconded the motion. The motion carried by vote: Houseman (aye), Strahan (aye), and Williams (aye).

COURT ORDERS

Cristy Smith with the County Clerk's Office came before the Commission to present Personal Abatement Reconciliation as Exhibit A dated January 31, 2013, Personal Property Refunds Abatements as Exhibit B dated January 31, 2013, and Real Estate Abatements as Exhibit C dated January 31, 2013.

Commissioner Strahan moved to approve Exhibit A as presented. Commissioner Williams seconded the motion. The motion carried by vote: Houseman (aye), Strahan (aye), and Williams (aye).

Commissioner Williams moved to approve Exhibit B as presented. Commissioner Strahan seconded the motion. The motion carried by vote: Houseman (aye), Strahan (aye), and Williams (aye).

Commissioner Strahan moved to approve Exhibit C as presented. Commissioner Williams seconded the motion. The motion carried by vote: Houseman (aye), Strahan (aye), and Williams (aye).

PARKING GARAGE MAINTENANCE PART 2 RFB #201212-205

Mr. Erickson and Mr. Black came back before the Commission to present their recommendation for RFB #201212-205. The low bidder is MTS Contracting out of Springfield, Missouri with a bid of \$69,448.57. The 2nd low bidder is Mid-Continental out of Fort Scott, Kansas with a bid of \$96,317.60. The Commission directed Mr. Black to make the calls he feels appropriate to make sure the low bid is accurate, due there being such a difference in price, then this item can be rescheduled for a later meeting.

2013 TECHNOLOGY PLAN

This item is removed from today's agenda due to vendor being unable to be here.

POSTAGE MACHINE

Mark Rys and Joe Blackerby with IS, and Dawn Bilyeu came before the Commission to discuss the postage machine. Discussion ensued regarding untrained multiple users, a mail clerk position, upkeep of the machine, and purchase of a new machine or entering into a maintenance agreement.

They are formally recommending hiring for the mail clerk position. The Commission would like them to look at the benefits between buying a new machine and keeping the existing machine. They notified the Commission there was an existing state bid for this type of machine.

CORPS OF ENGINEERS SUPPLEMENTAL AGREEMENT

Nikki Lawrence came before the Commission to discuss the Corps of Engineers Supplemental Agreement requesting the County pay a lake access fee. Discussion ensued regarding differing suggestions from the Corps.

The Commission decided to make no decisions on this item at this time.

**RECESS
11:45 AM**

**RECONVENE
1:05 PM**

CENTRAL TANEY COUNTY FIRE DISTRICT EXECURIVE SESSION PER SECTION 610.021.1

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

EXECUTIVE SESSION

1:05 PM

See Executive Session Minutes for actions, if any.

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

OUT OF EXECUTIVE SESSION

2:20 PM

Commissioner Strahan moved to adjourn. Commissioner Williams seconded. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

ADJOURN

2:21 PM

The minutes were taken and typed by Stacey Clemans, Deputy Clerk.