

OFFICIAL
OCTOBER 6, 2014, 1st DAY OF
THE OCTOBER ADJOURN TERM

PRELIMINARY STUDY

The County Commission met in the Commission Conference Room at 8:00 am with Ron Houseman (present), Danny Strahan (present), and Brandon Williams (absent).

The Commission met to review the day's business and County concerns.

FORMAL AGENDA

The County Commission met in the Commission Hearing Room at 9:04 am with Ron Houseman (present), Danny Strahan (present), and Brandon Williams (present). The following proceedings were had and made a matter of record:

PUBLIC COMMENT

There was no Public Comment today.

CALL TO ORDER

Commissioner Houseman called the October 6, 2014 meeting to order at 9:04 am in the Commission Hearing Room. Sue Clayton led with prayer and Commissioner Strahan led the Pledge of Allegiance.

COMMISSION REMARKS

There were no Commission Remarks today.

ACCOUNTS PAYABLE

Commissioner Williams moved to approve Accounts Payable as follows: Checks #341331 - #341395; Warrants #6074, #6075, and #6076; the following Transfers: from Recorder to GCR (\$7218.15), from Transfer Station to Road & Bridge (\$2859.11), from Parks Line to Road & Bridge (\$716.40), from Parks Line to Road & Bridge (\$5792.61), from Transfer Station to Road & Bridge (\$2577.85); and two Journal Entries for Postage 8/30/2014 – 10/1/2014, and IS Department to Misc Department for equipment. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

PAYROLL

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

PREVIOUS MEETING MINUTES AND EXECUTIVE SESSION MINUTES

Commissioner Strahan moved to approve Regular Session Minutes for the Commission Meetings held on September 25, 29, and August 12, 2014, with corrections; and Executive Session Minutes for the Commission Meetings held on September 12 and 25, 2014. Commissioner Williams seconded the motion. Discussion: Commissioner Williams stated instead of Executive Session Minutes dated September 12 it should be September 22, 2014. Commissioner Strahan amended his motion to reflect this change. Commissioner Williams amended his second. The motion now reads: Commissioner Strahan moved to approve Regular Session Minutes for the Commission Meetings held on September 25, 29, and August 12, 2014, with corrections; and Executive Session Minutes for the Commission Meetings held on September 22 and 25, 2014. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

The Commission is holding the Regular Session Minutes dated September 22, 2014, for a couple of items; and then they will resubmit it for approval.

ROAD VACATIONS

County Counsel Frank Cottey; Road & Bridge Administrator Randy Haes; Attorney Cody Fenton - on behalf of Mark Cook; and Mike Ray and William Dustin, with the City of Branson; came before the Commission to present the following two roads to be vacated: Flynn Road an unnamed portion of road between Flynn and Bird Road. Mr. Fenton is presenting this under RSMo 71.270.

Commissioner Strahan stated they should have signatures of all of the property owners for this vacation showing the other property owners are in agreement with this vacation. Mr. Cottey stated that he understood the petition to read that the "Petitioner" owns the properties on both sides of the roads in question. Mr. Fenton stated that he understands the statute stating that any owner can petition to have a road vacated. Commissioner Strahan restated that he wants the signatures from every property owner on both sides of the proposed road vacates.

The following items have been requested by the Commission:

*Property Owner Signatures,

*A map designating the placement of sewer and water lines.

This item will be rescheduled for a later meeting this Quarter.

QUIT CLAIM DEED – ESTABLISHING A CEMETERY

Mr. Merrell came before the Commission to present a Quit Claim Deed to establish a Family Cemetery for Michael and Connie Van Skike; Jerry and Linnea Russell; Larry Russell; Dannie and Crystal Russell; and Todd and Sherry Stopyra families. Mr. Merrell stated that after discussing this deed with County Counsel Mr. Cottey they believe it needs to be changed to a Warranty Deed to establish a Family Cemetery, of a one acre tract, with an easement to that property.

Commissioner Strahan asked about plans for the maintenance of the property after the family members are deceased. Mr. Merrell and Mr. Cottey both stated they were unable to find anything in the statutes that specifies who is responsible for the upkeep of the cemetery at that time.

Discussion ensued regarding when to schedule to hear this item again after the correction to the deed. Mr. Merrell asked if the Commission could go ahead with their approval and make it contingent on a satisfactory Warranty Deed being presented, due to two of the family members living out of the area. Mr. Cottey notified the Commission that action would be satisfactory.

Commissioner Strahan moved to approve the establishment of a family cemetery contingent on a proper deed being presented and satisfactory to our attorney Mr. Cottey and Mr. Merrell as previously described in the Quit Claim Deed as presented on today's date. Commissioner Williams seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

CENTURY FARM PRESENTATIONS

Chrystal Irons, with the University of Missouri Extension, presented two Century Farm Awards to the following two families:

*Joseph S. Smith, whose farm was established 143 years ago, and

*Dwayne and Randy Rossner, whose farm was established 101 years ago.

RECESS

9:45 AM

RECONVENE

9:54 AM

FLOOD BUYOUT PROPERTY DISCUSSION

Bob Atchley, Planning & Zoning Administrator, came before the Commission to take part in a discussion concerning the future use of the 2011 Flood Buyout properties. He understands that FEMA has revised their guidelines on "open spaces". He notified the Commission that FEMA will no longer allow paved or concrete areas on these properties, and the County will have to request written approval from the Regional FEMA Director for any plans.

Commissioner Williams questioned the list of allowed uses and how the new requirements of FEMA didn't matchup with this list provided by FEMA. Commissioner Strahan expressed his displeasure with recent changes with the FEMA guidelines.

Commissioner Houseman would like the Commission to discuss the possibility of passing the property on to the Department of Conservation and all other options, and issues the County may face with liability. Mr. Atchley stated the County could lease the properties to the adjoining property owners. Commissioner Houseman asked Mr. Cottey if the liability would also be transferred to anyone who leased the properties.

The Commission will revisit this item at a later meeting.

WELL PUMP REMOVAL AND WELL PUMPING CONTRACT

Bob Atchley, Planning and Zoning Administrator, notified the Commission that one of the flood buyout properties had a private well and it will need to be removed and then the hole plugged. He has requested quotes for this service and has received the following two:

- *Booth Drilling Plus for \$920.00
- *Holcomb Pump Services for \$850.00

Mr. Atchley has chosen to go with the low quote and asks the Commission to approve the contract with Holcomb Pump Services.

Commissioner Strahan moved to approve the Contract for Well Pump Removal and Well Plugging Services by and between Taney County and the Holcomb Pump Services for \$850.00. Commissioner Williams seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

BID #201408-278 RECOMMENDATION FOR PROPANE

Purchasing Agent Ron Erickson came before the Commission to present formal recommendation for Bid #201408-278 for propane. The County has received the following response:

- *MS Propane (Sell Gas) LLC out of Springfield/Rogersville, Missouri, in the amount of \$1.60/gallon with free tank rental

Mr. Haes stated he would like to go with this company for winter use.

Commissioner Strahan moved to award Bid #201408-278 for propane to MS Propane (Sell Gas) LLC as recommended by Road & Bridge. Commissioner Williams seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

BID #201408-277 RECOMMENDATION FOR COUNTY UNIFORMS

Purchasing Agent Ron Erickson came before the Commission to present formal recommendation for Bid RFP #201408-277 for county uniforms. Mr. Erickson explained the process that was taken to review the companies, which included an interview of the representatives of the companies before an employee panel. The County has received the following 3 responses:

- *Aramark Uniform Services out of Springfield, Missouri, with a Total Point Value of 43.
- *Cintas Corporation out of Springfield, Missouri, with a Total Point Value of 50.
- *Unifirst Corporation out of Springfield, Missouri, with a Total Point Value of 49.

Mr. Haes recommends the Commission award Bid RFB #201408-277 to Cintas based on the employee panel score and the provision of uniforms, t-shirts, bomber jackets, and foot gear, for a three year contract.

Commissioner Strahan moved to award RFB #201408-277 to Cintas as recommended by Road & Bridge for county uniforms. Commissioner Williams seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

FILL DIRT AGREEMENT

Road & Bridge Administrator Randy Haes came before the Commission to present a Fill Dirt Agreement for Jason Thompson who lives in the Bear Creek area.

Commissioner Strahan moved to approve the Fill Dirt Agreement with Jason Thompson and Taney County. Commissioner Williams seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR A SMALL PROJECT (MT. BRANSON)

Commissioner Strahan questioned the length of time the Wilson Group will be accepting bids from contractors. Mr. Erickson explained the process of the Wilson Group's Project Manager after a contract with the County has been signed. Commissioner Strahan asked when this project would be started. He was told they are waiting on this contract to be able to move forward.

Commissioner Strahan moved to approve the Standard Form of Agreement between owner and Contractor for a Small Project for the Mt. Branson Shop. Commissioner Williams seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (nay).

CENTURYLINK AGREEMENT AMENDMENT

IS Department Administrator Mark Rys came before the Commission to present an amendment to the CenturyLink Agreement that was signed at the end of last year. Due to an error on their part on the original contract this amendment is needed. This will be for three years once the services start

Commissioner Strahan moved to approve the amendment to the CenturyLink Loyal Advantage Agreement as presented. Commissioner seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

PERSONNEL AND CONTRACTS DISCUSSION WITH DONNA NEELEY

County Clerk Donna Neeley came before the Commission to discuss Personnel issues and contracts. Ms. Neeley stated that she had requested to meet with the Commission in Executive Session due to speaking on a certain employee.

EXECUTIVE SESSION PER SECTION 610.021 (3) (12) FOR PERSONNEL AND CONTRACTS

Commissioner Strahan moved to enter Executive Session per section 610.021 (3) (12) for personnel with Donna Neeley, County Clerk, and contracts. Commissioner Williams seconded the motion. The motion passed by roll call vote: Houseman (aye), Strahan (aye), and Williams (aye).

ENTER EXECUTIVE SESSION 10:37 AM

See Executive Session Minutes for any motions made of votes taken.

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

EXIT EXECUTIVE SESSION 12:07 PM

RECESS 12:07 PM

RECONVENE 1:03 PM

ROAD STANDARDS VARIANCE FOR THUNDER RIDGE ESTATES

Planning & Zoning Administrator Bob Atchley and Road & Bridge Administrator Randy Haes came before the Commission to discuss Road Standards Variance for Thunder Ridge Estates. This subdivision was foreclosed on by the bank and is now with 7M Holdings, LLC as the new developer. It was explained that the roads had been platted prior to the 2009 Taney County Road Standards being adopted. Discussion ensued regarding the purpose of the requirements within the current Road Standards.

Mr. Haes stated the developer could take the curb out and correct width of the road with the finished layer of asphalt and then re-install the gutters and curb. Mr. Chad Ellis, representative for 7M Holdings, LLC, commented that to accomplish that the developer would have to move the utilities that have already been buried. He said they are asking for variance for six lots in Phase 2 and would come back at a later date to ask for a variance for the roads in Phase 3. Mr. Ellis said the original plans for Phase 3 had duplexes being built, but he stated they planned to scale that back and to keep with single family units. He explained the developer had been given approval from the Board of Adjustment for setback variances for future structures and a right-of-way variance in November of last year.

Mr. Atchley said the County Counsel has questioned whether the BOA has the authority to grant these variances. Commissioner Strahan said that since the BOA has already given approval he doesn't see anything the Commission can do with this issue, unless the Commission would want to take it to the Circuit Court. He

explained that there are only 3 ways to receive these variances is either through Planning & Zoning, Board Of Adjustment, or the Circuit Court.

Mr. Ellis asked if the Commission could go approve what they are currently presenting for the roads in Phase 2 and then Phase 3 probably won't be built out and just used as a common area if they are required to go through the process Mr. Haes had suggested. He explained the process their owners had completed to get to this point. Commissioner Strahan stated he would have a hard time approving this variance due to wanting to treat everyone fairly.

Commissioner Strahan stated he would like to go and look at these roads before the Commission makes a decision on this. Commissioner Williams stated he would like to get all of this information to Mr. Cottey and allow him to tell the Commission what was possible due to the decision by the Board of Adjustment.

Mr. Atchley will get the information to Mr. Cottey and Mr. Haes will set-up a time that he and Commissioner Strahan can go see the roads. The Commission will reschedule this for a later meeting.

CONTRACT FOR COMPUTER SERVICES BY AOS, LLC

IS Department Administrator Mark Rys came before the Commission to present a contract for computer services by AOS, LLC. Discussion pursued concerning

Commissioner Williams moved to approve the Contract for Computer Services by and between AOS, LLC and Taney County as presented. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

PROCLAMATION FOR CHILDHOOD CANCER AWARENESS WEEK

Commissioner Houseman presented the following Proclamation for Childhood Cancer Awareness Week:

“WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in nearly 15,000 of our country's young people each and every year.

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children, and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded more than 20 years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Children's Mercy Hospital in Kansas City and St. Louis Children's Hospital, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connections also sponsor nationwide Courageous Kid recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW THEREFORE, The Taney County Commission, County of Taney, State of Missouri, does hereby proclaim the week of October 26, 2014 through November 1, 2014 to be:

CHILDHOOD CANCER AWARENESS WEEK”

Commissioner Strahan moved to approve the Proclamation for Childhood Cancer Awareness Week. Commissioner Williams seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye), and Williams (aye).

RECESS

1:51 PM

RECONVENE

1:58 PM

DAILY STAFF REVIEW

The Commission met with their staff to review the day's business and agenda requests.

RECESS

2:05 PM

RECONVENE

2:08 PM

Review continued.

Commissioner Strahan exited the meeting at 2:08 pm and re-entered the meeting at 2:11 pm.

Commissioner Williams exited the meeting at 2:12 pm and re-entered the meeting at 2:14 pm.

RECESS

2:18 PM

RECONVENE

2:20 PM

Review continued.

EMERGENCY EXECUTIVE SESSION PER SECTION 610.021 (1) FOR LITIGATION

Due to the Commission just receiving the legal opinion regarding tomorrow's mediation, the Commission need to discuss the options presented.

Commissioner Strahan moved to enter Emergency Executive Session per section 610.021 (1) for litigation. Commissioner Williams seconded the motion. The motion passed by roll call vote: Houseman (aye), Strahan (aye), and Williams (aye).

ENTERED EXECUTIVE SESSION

2:21 PM

See Executive Session Minutes for any motions made or votes taken.

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

EXIT EXECUTIVE SESSION

2:50 PM

DAILY STAFF REVIEW (continued)

Agenda Requests were presented to the Commission.

ADOURNMENT

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

ADJOURN

3:04 PM

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