

**OFFICIAL
COMMISSION MINUTES
JANUARY 27, 2020 –6th DAY OF
THE JANUARY ADJOURN TERM**

FORMAL AGENDA

The County Commission met in the Commission Hearing Room with Mike Scofield (present), Brandon Williams (present), and Sheila Wyatt (present).

PUBLIC COMMENT

None.

CALL COUNTY COMMISSION MEETING TO ORDER

Presiding Commissioner Mike Scofield called the meeting to order at 9:03 a.m.

COMMISSION REMARKS

None.

LAW ENFORCEMENT TAX AND RENEWAL BALLOT APPROVAL

Commissioner Williams moved to approve the Order of the Taney County Commission to put the ballot language as presented for the Law Enforcement Tax Renewal on the April 2020 Ballot. Presiding Commissioner Scofield seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

ORDER OF THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

WHEREAS, § 67.582, RSMo. authorizes the governing body of a county to impose a countywide sales tax on all sales which are subject to taxation under the provisions of §§ 144.10 to 144.525, RSMo. for the purpose of providing law enforcement services; and

WHEREAS, § 67.582, RSMo. provides that the tax authorized by that section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax shall be effective unless the governing body of the county submits to the voters of the county, at a county or state general, primary or special election, a proposal to authorize the governing body of the county to impose a tax; and

WHEREAS, in November, 2005, the voters approved a law enforcement sales tax of one-eighth of one percent pursuant to § 67.582, RSMo., which is set to expire on December 31, 2022; and

WHEREAS, the County Commission of Taney County, Missouri, has determined and does now find and determine that a ballot question shall be submitted to the voters of the county to authorize the repeal of the existing countywide sales tax of one-eighth of one percent pursuant to § 67.582, RSMo., and authorize and impose a countywide sales tax of three-eighths of one percent pursuant to § 67.582, RSMo. for a period of fifteen (15) years on all sales which are subject to taxation under §§ 144.010 to 144.525, RSMo. for the purpose of providing law enforcement services for the county, including capital improvements, equipment, and operations of the Sheriff's Department and Jail; the Prosecuting Attorney's office; and Juvenile office; and

WHEREAS, the County Commission desires to submit a proposal in the form of a ballot question to the voters of Taney County, Missouri, at the general municipal election, to be held on April 7, 2020, authorizing the County Commission of Taney County, Missouri, to impose a countywide sales tax of three-eighths of one percent pursuant to § 67.582, RSMo. for a period of fifteen (15) years for the purpose of providing funding to support capital improvements, equipment and operations of the Sheriff's Department and Jail, the Prosecuting Attorney's office, and Juvenile Office and to authorize the repeal of the existing countywide sales tax of one-eighth of one percent pursuant to § 67.582, RSMo.; and

WHEREAS, in the event a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then a countywide sales tax of three-eighths of one percent for law enforcement purposes shall be imposed and in effect for a period of fifteen (15) years and the existing countywide sales tax of one eighth of one percent for law enforcement services shall be repealed; and

WHEREAS, pursuant to § 99.845, RSMo., in the event a majority of the voters in Taney County vote to approve the repeal of the existing countywide sales tax of one-eighth of one percent pursuant to § 67.582, RSMo. and authorize and impose a countywide sales tax of three-eighths of one percent pursuant to § 67.582, RSMo. for a period of fifteen (15) years, one-eighth of one percent of the countywide sales tax shall be considered economic activity taxes subject to deposit into the applicable special allocation fund for any existing redevelopment project area and the County consents to said action; and one-quarter of one percent of the countywide sales tax shall be considered an

increase in the sales tax and any additional revenues generated within an existing redevelopment project area that is directly attributable to one-quarter of one percent of the voter-approved tax shall be considered an incremental increase and shall not be considered economic activity taxes subject to deposit into any special allocation fund without the consent of Taney County; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, AS FOLLOWS:

1. Confirmation. The County Commission incorporates by reference the recitals, statements and reasons set forth above and confirms that they are true and correct.
2. Order of County Commission. The Taney County Commission hereby orders submission of the following ballot question to the voters of Taney County, Missouri, at the general municipal election, to be held April 7, 2020, to authorize the County Commission to extend and increase a county sales tax pursuant to § 67.582, RSMo:

QUESTION

"Shall Taney County impose a countywide sales tax of three-eighths (3/8) of one percent (1%), for a period of fifteen (15) years for the purpose of providing law enforcement services for the county, including providing funding to support capital improvements, equipment and operations of the Sheriff's Department and Jail, Prosecuting Attorney's office, and Juvenile office, and repeal the existing countywide sales tax previously authorized for law enforcement services of one-eighth (1/8) of one percent (1%)?"

YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. Notice and Publication. The Taney County Commission requests the Clerk of Taney County, Missouri, and the County Clerk is authorized and directed to take all actions necessary and appropriate to provide proper notice of election and publication of the notice of election regarding the ballot question described in paragraph 2, above.

4. Conduct of Election. The election shall be held and conducted by the County Clerk of Taney County, Missouri, under the general election laws governing the County, on April 7, 2020, at the polling places designated, or hereafter designated for each precinct in the County by order or orders of the County Clerk of Taney County, Missouri, and that the polls of the election shall be opened and kept open on that day during the hours required by law. The election shall be conducted by the judges and clerks appointed or to be appointed by the County

Clerk of Taney County, Missouri, who shall supply the judges and clerks with all necessary voting equipment, machines, ballot boxes, poll books, tally sheets, and other supplies and equipment required for the conduct of the election, and that the ballot to be used in voting upon the proposition shall be in substantially the form set forth in paragraph 2, above.

5. Legal Effect.

- a. This Order shall be in full force and effect from and after its passage. In the event a majority of the votes cast on the proposal described in paragraph 2 by the qualified voters voting thereon are in favor of the proposal, then the existing countywide sales tax of one-eighth of one percent for law enforcement services pursuant to § 67.582, RSMo. shall be repealed and the countywide sales tax of three-eighths of one percent for law enforcement purposes pursuant to § 67.582, RSMo. shall be imposed and in effect for a period of fifteen (15) years.

- b. Pursuant to § 99.845, RSMo., in the event a majority of the voters in Taney County vote to approve the repeal of the existing countywide sales tax of one-eighth of one percent pursuant to § 67.582, RSMo. and authorize and impose a countywide sales tax of three-eighths of one percent pursuant to § 67.582, RSMo. for a period of fifteen (15) years, one-eighth of one percent of the countywide sales tax shall be considered economic activity taxes subject to deposit into the applicable special allocation fund for any existing redevelopment project area and the County consents to said action; and one-quarter of one percent of the countywide sales tax shall be considered an increase in the sales tax and any additional revenues generated within an existing redevelopment project area that is directly attributable one-quarter of one percent of the voter-approved tax shall be considered an incremental increase and shall not be considered economic activity taxes subject to deposit into any special allocation fund without the consent of Taney County.

By order of the County Commission of Taney County, Missouri, this 27th day of January, 2020.


Mike Scofield
Presiding Commissioner

ATTEST:


Donna Neeley

APPROVAL OF ACCOUNTS PAYABLE

Commissioner Williams moved to approve Checks #457814 through Checks #457871, Warrant #7347 and two Journal Entries. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

APPROVAL OF PREVIOUS MEETING MINUTES & EXECUTIVE MINUTES

Commissioner Wyatt moved to approve Regular Session Minutes for January 21st, 2020. Presiding Commissioner Scofield seconded the motion. The motion passed by vote: Scofield (aye), Williams (abstain) and Wyatt (aye).

AGREEMENT FOR FOUNDATION STABILIZATION – POLY LIFTING – RAISING SOLUTIONS, LLC #20-004RB

Devin Huff, Road and Bridge Administrator, was present. Presiding Commissioner referenced a letter from their attorney.

Commissioner Wyatt moved to approve the Agreement for Foundation Stabilization – Poly Lifting Raising Solutions, LLC and Taney County. Commissioner Williams seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

No. 20-004RB

AGREEMENT for FOUNDATION STABILIZATION / POLY LIFTING (Coop)

THIS AGREEMENT dated the 27th day of January 2020 is made between Taney County, Missouri, a political subdivision of the State of Missouri, (hereinafter "County") and Raising Solutions, LLC. of Kimberling City, Missouri (hereinafter "Contractor").

NOW, THEREFORE IN CONSIDERATION of the mutual considerations and obligations of the parties contained herein, the parties agree as follows:

1. Contract Documents. The contract documents to this Agreement for the purchase of Poly Lifting Work / Foundation Stabilization ("Services") at one Taney County facility, and one Taney County Bridge, is made via cooperative purchasing with MODOT contract #180518-501. Product or Services data, specifications, and literature submitted may be permanently maintained in the County Purchasing Office. In the event of a conflict between any of the foregoing Contract Documents, and this Agreement, the terms and conditions of this Agreement shall prevail and control.

2. Contract Price. Services, and or, any product, provided under this Agreement shall not exceed the costs, or fees, as quoted in Contractor's Estimate #1911-0613-4231 of \$12,000.00. All of which are covered by the aforementioned MODOT contract. If certain unusual circumstances occur specific to Contractor's availability, the County may consider all other options. All charges, costs, and services performed are sanctioned by RSMo. #70.220 for cooperative purchasing.

3. Contract Duration. This agreement shall commence on the date it is fully executed and terminate upon expiration of all applicable warranties. This agreement may only be extended by the order of the County subject to the pricing, and delivery clauses as agreed to, and offered by the Contractor's Estimate – as attached.

4. Billing and Payment. All billing shall be invoiced with specific department information. Billings and invoices may only include the prices provided for in this Agreement. No additional fees or extra services not included, or taxes, shall be included as additional charges in excess of the charges in this Agreement or the Contract Documents. The County agrees to pay all correct statements within thirty days of receipt; Contractor agrees to honor any cash or prompt payment discounts, if any are available, when County makes payment as provided therein. In the event of a billing dispute, the County reserves the right to withhold payment on the disputed amount.

5. Binding Effect. This Agreement shall be binding upon the parties hereto and their successors and assigns for so long as this Agreement remains in full force and effect.

6. Entire Agreement. This Agreement constitutes the entire Agreement between the parties and supersedes any prior negotiations, written or verbal, and any other bid or bid specification or contractual Agreement. This Agreement may only be amended by a signed writing executed with the same formality as this Agreement.

FILL DIRT AGREEMENT – BRADLY LILLIECH

Devin Huff, Road and Bridge Administrator, was present.

Commissioner Williams moved to approve the Fill Dirt Agreement by and between Taney County and Bradly Lilliech. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

FILL DIRT AGREEMENT

COMES NOW the Taney County Commission on behalf of Taney County, Missouri, (hereinafter "Taney County") and enters into this agreement with Bradly Lilliech (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.

If 3 loads or less needs approval of the County Highway Administrator only.

Devin Huff
Devin Huff County Highway Administrator

1-17-2020
Date:

CITY OF HOLLISTER FUNDING AGREEMENT – HOLLISTER INN LIFT STATION REPLACEMENT PROJECT

John Soutee, Environmental Services Project Coordinator, and Kelly Burgess, City of Hollister Waste Water Treatment Plant Supervisor, were present.

Commissioner Williams moved to approve the Inter-Governmental Funding Agreement by and between Taney County and City of Hollister for the Hollister Inn Lift Station Replacement Project. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

**INTER-GOVERNMENTAL FUNDING AGREEMENT
BETWEEN
TANEY COUNTY, MISSOURI
AND
THE CITY OF HOLLISTER
HOLLISTER INN LIFT STATION REPLACEMENT PROJECT**

THIS AGREEMENT is made and entered into between Taney County, Missouri (hereinafter referred to as “County”) and the City of Hollister (hereinafter referred to as “City”).

WITNESSETH:

WHEREAS, the County is a political subdivision of the State of Missouri; and

WHEREAS, the City is a political subdivision of the State of Missouri; and

WHEREAS, pursuant to section 70.220 RSMo, the County and City are authorized to enter into agreements for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; and

WHEREAS, pursuant to the above stated authority the County may enter into agreements for the purpose of making improvements to sewer systems within Taney County through projects utilizing expenditures of Sewer Sales Tax Funds (hereinafter “Sewer Sales Tax”); and

WHEREAS, the County shall oversee sewer sales tax funds which may be made available for use in areas of Taney County to finance capital improvements to their wastewater infrastructure. It has been determined that the Project (Hollister Inn Lift Station Replacement Project) is feasible and meets the criteria necessary under the Sewer Sales Tax Guidelines. **This project will provide for the replacement of the existing lift station including new structures and equipment that will improve the performance and operational efficiency of the facility. This project will provide for the construction of a new wetwell and valve vault, the addition of new pumps, control panel, fencing and all other appurtenances necessary for a complete and useable lift station.**

NOW, THEREFORE, the County and City, in exchange for the mutual obligations and covenants contained herein, agree as follows:

COURT ORDERS

Chuck Pennel, Assessor, and Wesley Shoemaker, Chief Deputy Clerk, were present.

Commissioner Wyatt moved to approve Exhibit “A” (#300319 and #300320) dated January 27, 2020. Commissioner Williams seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

PP PAID ABATEMENTS											
Exhibit: <i>A</i>		Date: <i>27 JAN 20 20</i>									
AbNumber	AbYear	Status	Date	Account	Name	Reason	EndVal	AdjVal	Approved	Denied	Tabled
300319	2019	PENDING	2020-01-22	1-47186-900	WHEELER JACK G & MARILYN J	OFFICE ERROR	11620	-1920	<i>/</i>		
300320	2019	PENDING	2020-01-22	1-89274-900	RODRIGUEZ AIDE J	REFUND MH, PAID ON REAL ESTATE	3450	-1278	<i>/</i>		

MoDOT MONTHLY UPDATE

Beth Schaller, MoDOT Area Engineer, presented the MoDOT Monthly Update to the Commission.

RECESS 10:13 A.M.

RECONVENE 10:39 A.M.

ROAD & BRIDGE ROUND TABLE DISCUSSION

(Taney County Commission Conference Room)

Present: Presiding Commissioner Scofield, Commissioner Williams and Commissioner Wyatt.

Also present: Jason Sivils, Great River Engineering, Devin Huff, Road and Bridge Administrator, and Kim Lovelace, Deputy Clerk.

Discussion ensued.

ADJOURNMENT

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

ADJOURN

1:13 P.M.

The Minutes were taken and typed by Kim Lovelace, Deputy Clerk.