

**OFFICIAL
COMMISSION MINUTES
AUGUST 10th, 2020 – 7th DAY OF
THE JULY 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

Chuck Pennel, Assessor, thanked and applauded the Commission on their consideration and review of the recycling center that was discussed in the August 3, 2020 Commission meeting.

CALL COUNTY COMMISSION MEETING TO ORDER

Presiding Commissioner Mike Scofield called the meeting to order at 9:06 a.m.

COMMISSION REMARKS

None.

APPROVAL OF ACCOUNTS PAYABLE

Commissioner Wyatt moved to approve Checks #460076 through Check #460091, through #460093 through #460114, then #460116 through Check #460128, Warrants #7446 through #7449, and note that is voiding Check #460115.

Commissioner Wyatt moved to amend her motion to approve Checks #460076 through Check #460012, and then, Checks #460093 through Check #460114, then Checks #460116 through Check #460128, Warrants #7446 through #7449, and note that is voiding Check #460115. Motion dies due to lack of a second.

Commissioner Williams moved to approve Checks #460076 through Check #460091, and then, Checks #460093 through Check #460114, then Checks #460116 through Check #460128, Warrants #7446 through #7449, no Journal Entries or Transfers. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

Commissioner Williams moved to void Check #460115. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

Sheila Wyatt left the meeting at 9:11 a.m.

Commissioner Williams moved to approve Check #460092. Presiding Commissioner Scofield seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (absent).

Sheila Wyatt entered the meeting at 9:11 a.m.

APPROVAL OF PREVIOUS MINUTES

Commissioner Williams moved to approve the Regular Session Minutes for August 3, 2020. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

Commissioner Williams moved to approve the Executive Session Minutes for August 3, 2020. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

MONTHLY BUDGET REPORT

David Clark, County Auditor, presented the Monthly Budget Report to the Commission.

FILL DIRT AGREEMENT – SCOTT BEANLAND

Devin Huff, Road & Bridge Administrator, was present.

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

UNLIMITED LOADS

FILL DIRT AGREEMENT

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

8-3-2020
Date:

UTILIZING HOWE PARK DURING 2020 FIREARMS SEASON – LICENSE AGREEMENT (#20-057RB)

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

Commissioner Wyatt moved to approve the Agreement between Taney County and the Missouri Conservation Department from November 14th through November 21st 2020 for the Checking Station. Commissioner Williams seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye), and Wyatt (aye).

LICENSE AGREEMENT

This License Agreement is made and entered into this 10th day of August, 2020, by and between Taney County, Missouri (hereinafter “Licensor”) and the State of Missouri, Department of Conservation (hereinafter “Licensee”).

WHEREAS, § 70.220, RSMo. permits political subdivisions and the State of Missouri to contract and cooperate with one another for the planning, development, construction, acquisition or operation of any public improvement or facility or common service; and

WHEREAS, Licensor is the owner of the property located at 124 Howe Park Road (the “Property”); and

WHEREAS, Licensee desires to utilize the Property for use as a deer check-in location during the 2020 whitetail deer firearms season; and

NOW, THEREFORE, in consideration of the mutual promises set forth below, the parties hereby agree as follows:

1. Term. The term of this Agreement shall be effective for the period beginning on Saturday, November 14, through Tuesday, November 24, 2020 (“Initial Term”). This Agreement may be renewed for up to two (2) additional terms (each a “Renewal Term”) for subsequent periods of time coinciding with the 2021 and 2022 whitetail deer firearms season, by Licensee providing advance written notice to Licensor of the intent to renew on or before August 1 of the year in question. This Agreement shall not be effective during periods of time not described in this paragraph, including those periods of time between Terms.

2. Common Use of Licensor’s Property. During the term of this License Agreement, Licensee shall have the right to use, in common with Licensor, the Property located at 124 Howe Park Road for use as a deer check-in location during the Term.

3. Roadway Use. Licensee shall have the right to utilize the roadway known as Howe Park Road for purposes of ingress and egress in order to utilize the Property for the purposes described in paragraph 2.

4. Use. Licensee agrees to use the Property solely for the purposes described in this Agreement, and for no other purpose without the express written consent of Licensor. Licensee shall be responsible for removal of all trash, debris or any other items on that may be present on or immediately adjacent to Property during the Term related to Licensee’s use of the Property.

5. Insurance; Liabilities. The parties recognize that Licensee is covered by the Missouri State Legal Expense Fund under Chapter 106 of the Revised Missouri Statutes and as such is not required to obtain any additional liability insurance with respect to any liability

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT RELATED TO REIMBURSEMENT OF PAYMENTS FOR CERTAIN QUALIFIED EXPENSES FOR THE TANEY COUNTY GENERAL AVIATION AIRPORT (#20-086AIR)

Mike Mulnik, M Graham Clark Airport Manager, was present. Mike Scofield, Presiding Commissioner, referenced a letter from their attorney.

Commissioner Williams moved to approve the Amendment to Intergovernmental Agreement by and between the City of Branson and Taney County. Commissioner Wyatt seconded the motion. The motion passed by Scofield (aye), Williams (aye), and Wyatt (aye).

File No. 20-086AIR

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT RELATED TO REIMBURSEMENT PAYMENTS FOR CERTAIN QUALIFIED EXPENSES FOR THE TANEY COUNTY GENERAL AVIATION AIRPORT

THIS AMENDMENT made as of the 10th day of August, 2020, by and between Taney County, Missouri, a county of the first class (hereinafter "County") and the City of Branson, Missouri, a fourth class city in Taney County, State of Missouri (hereinafter "City").

WHEREAS, the County and City entered into an Intergovernmental Agreement Related To Reimbursement Payments for Certain Qualified Expenses For The Taney County General Aviation Airport, dated November 24, 2015 (the "Agreement");

WHEREAS, the parties desire to amend the terms and conditions of the Agreement as more fully set forth herein;

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

1. Amendment. The parties agree to delete paragraph 1 of the Agreement, and replace it with the following provision:

"1. QUALIFIED EXPENSES. This contract authorizes payment of certain expenses incurred by the Taney County Airport. Qualified expenses suitable for reimbursement under the terms of this agreement are as follows:

Acquisition or improvement of a fixed asset with a useful life of five (5) years or greater, or payment of insurance premiums."

2. Agreement: No Modification. This Amendment is subject to the Agreement and to each and every term, covenant, condition and agreement set forth therein, except to the extent set forth in paragraph 1 of this Amendment. County and City continue to be bound by the terms of the Agreement and remain primarily liable under the terms of the Agreement. The Agreement is modified only to the extent provided in paragraph 1, above.

COURT ORDERS

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

Commissioner Williams moved to table Abatement #205999 to August 17, 2020. Commissioner Wyatt seconded the motion with a question. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

RECESS: 9:29 A.M.

EXECUTIVE SESSION: 9:51 A.M.

EXECUTIVE SESSION PER SECTION 610.021 (1)(2)(3)(12) (LEGAL, REAL ESTATE, PERSONNEL & CONTRACTS)

(Taney County Commission Conference Room)

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

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

END OF EXECUTIVE OF EXECUTIVE SESSION: 10:55 A.M.

RECONVENE: 10:55 A.M.

DAILY STAFF REVIEW AND AGENDA REQUESTS

(Taney County Commission Conference Room)

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

Also present: Shanna Tilley, Administrative Assistant.

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

ADJOURNMENT:

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

ADJOURN

11:06 A.M.

The minutes were taken by Mike Scofield, Presiding Commissioner, and Stephanie Spencer, Deputy Clerk, and typed by Stephanie Spencer, Deputy Clerk.