

**OFFICIAL
COMMISSION MINUTES
JULY 3rd, 2023 – 1st DAY OF
THE JULY ADJOURN TERM**

FORMAL AGENDA

The County Commission met in the Commission Hearing Room with Nick Plummer (present), Brandon Williams (absent), and Sheila Wyatt (present).

PUBLIC COMMENT

None.

CALL COUNTY COMMISSION MEETING TO ORDER

Presiding Commissioner Nick Plummer called the meeting to order at 9:01a.m.

COMMISSION REMARKS

Presiding Commissioner Plummer made a statement that Tomorrow, July 4th, the Taney County Courthouse and Judicial Center will be closed.

APPROVAL OF ACCOUNTS PAYABLE

Commissioner Wyatt moved to approve Checks #472221 through Check #472246, Checks #472248 through Check #472314, no warrants and two Journal Entries/Transfers. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

Commissioner Wyatt stated that they will hold check #472247 until next week.

APPROVAL OF PAYROLL

Commissioner Wyatt moved to approve payroll. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

APPROVAL OF PREVIOUS MEETING MINUTES

Commissioner Wyatt moved to approve Regular Session Minutes for June 26th, 2023. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

PORTION OF MCCANN ROAD VACATION #23-080RB

JT Magness and Crystal Turner, 595 McCann Road, Powersite, Mo, were present.

Presiding Commissioner Plummer read into the record the petition to vacate the public road. The undersigned duly qualified and competent adults, registered voters of Taney County Missouri, Section 9, Township 23, Range 20 all reside in the immediate neighborhood of the following described proposed road to be vacated to the sole private use to adjacent land owner and the repairs and upkeep should not burden and be maintained by the district.

This is a road that was never dedicated to the public but the district voluntarily did the upkeep since it was an extension of "F" street which was later renamed to McCann Road under the 911 name change. McCann Road runs east of VV Highway to a dead end.

This proposed vacation of the unplotted section of McCann Road is located within and through the petitioner's property with public utility and water permits and easements and it is further declared that petitioner placed public notice of this application in three distinct, separate and independent places, in said township (in accordance with RSMO 228.110). One at the proposed beginning of said public road, one at the proposed termination of said public road and one at the Post Office at Powersite, Missouri and there maintained until taken up by the County Commission, and that a duplicate original copy of one of said public notices is herewith filed with return thereof duly entered thereon, and that by said means public notice of this application has been duly given, and said County Commission has duly obtained jurisdiction of the subject-matter and of all parties herein, and that the facts herein justify the establishment of said public road to be closed, Wherefore, said petitioners make a request for the close of public right of way and use of said proposed road.

Signature sheet, dated at the County this 18th day of May, 2023, as witness our respective hands, full names and proper signatures for closing said road from County Road System.

GRANT OF PERMANENT AND PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR PUBLIC ROAD PURPOSES AND TEMPORARY CONSTRUCTION EASEMENT FOR CONSTRUCTION OF PUBLIC ROAD IMPROVEMENTS – MICHAEL & DARLA BROWER, TRUSTEE(S) OF THE MICHAEL & DARLA BROWER TRUST AGREEMENT

Devin Huff, Road & Bridge Administrator, was present.

Commissioner Wyatt moved to approve the Grant of Permanent and Perpetual Easement and Right-of-Way for Public Road Purposes and Temporary Construction Easement for Construction of Public Road Improvements by and between Michael & Darla Brower, Trustees of the Michael & Darla Brower Trust Agreement and Taney County. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), Wyatt (aye).

GRANT OF PERMANENT AND PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR PUBLIC ROAD PURPOSES AND TEMPORARY CONSTRUCTION EASEMENT FOR CONSTRUCTION OF PUBLIC ROAD IMPROVEMENTS

Michael & Darla Brower, Trustee(s) of the Michael & Darla Brower Trust Agreement, of the County of Taney in the State of Missouri, hereinafter referred to as "GRANTORS", on this 29 day of JUNE, 2023 grant and convey unto

TANEY COUNTY, MISSOURI, c/o Taney County Commission, P.O. Box 1086, Forsyth, Missouri 65653 a body politic and corporate, hereinafter referred to as "GRANTEE",

for and in consideration of One Dollar (\$1.00) and other good and valuable consideration received, the receipt of which is hereby acknowledged, and for the advantages to be gained from the existence of such road improvements, do hereby grant, bargain, sell, transfer, and confirm unto GRANTEE, its successors, heirs and assigns, a permanent and perpetual easement and right-of-way for the purpose of locating, constructing, maintaining, removing, operating, replacing and repairing and improving the public road now known as Sherwood Forest Ln (86-60A), for the passage of vehicular and pedestrian traffic and for all uses incident thereto, including but not limited to installation of a box culvert, over, upon, under and through the following described tract of land laying and being situate in the County of Taney, State of Missouri, to-wit:

Legally described as set forth in Attachment "A" and "B" to this easement document, and incorporated herein by reference as though fully set out.

Together with the right of ingress to and egress from the adjacent lands of GRANTORS, their successors and assigns, for the purposes of this easement, *to-wit:*

GRANT OF PERMANENT AND PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR PUBLIC ROAD PURPOSES AND TEMPORARY CONSTRUCTION EASEMENT FOR CONSTRUCTION OF PUBLIC ROAD IMPROVEMENTS – SOUTHWEST ADVISORY SERVICES LLC

Devin Huff, Road & Bridge Administrator, was present.

Commissioner Wyatt moved to approve the Grant of Permanent and Perpetual Easement and Right-of-Way for Public Road Purposes and Temporary Construction Easement for Construction of Public Road Improvements by and between Southwest Advisory Services, LLC and Taney County. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

GRANT OF PERMANENT AND PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR PUBLIC ROAD PURPOSES AND TEMPORARY CONSTRUCTION EASEMENT FOR CONSTRUCTION OF PUBLIC ROAD IMPROVEMENTS

Southwest Advisory Services, LLC, of the County of Taney in the State of Missouri, hereinafter referred to as "GRANTORS", on this 29 day of June, 2023 grant and convey unto

TANEY COUNTY, MISSOURI, c/o Taney County Commission, P.O. Box 1086, Forsyth, Missouri 65653 a body politic and corporate, hereinafter referred to as "GRANTEE",

for and in consideration of One Dollar (\$1.00) and other good and valuable consideration received, the receipt of which is hereby acknowledged, and for the advantages to be gained from the existence of such road improvements, do hereby grant, bargain, sell, transfer, and confirm unto GRANTEE, its successors, heirs and assigns, a permanent and perpetual easement and right-of-way for the purpose of locating, constructing, maintaining, removing, operating, replacing and repairing and improving the public road now known as Historic Hwy 165 (Historic Hwy 165), for the passage of vehicular and pedestrian traffic and for all uses incident thereto, including but not limited to installation of a box culvert, over, upon, under and through the following described tract of land laying and being situate in the County of Taney, State of Missouri, to-wit:

Legally described as set forth in Attachment "A" and "B" to this easement document, and incorporated herein by reference as though fully set out.

Together with the right of ingress to and egress from the adjacent lands of GRANTORS, their successors and assigns, for the purposes of this easement, to-wit:

NOTICE OF RENEWAL FOR MOTOR OIL & HYDRAULIC OIL #23-082RB

Devin Huff, Road & Bridge Administrator, was present. Presiding Commissioner Plummer reference a letter from their attorney.

Commissioner Wyatt moved to approve the Notice of Renewal Agreement for Motor Oil & Hydraulic Oil file #23-082RB by and between Gabes Oil, Inc. d/b/a Heritage Petroleum, LLC and Taney County. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

No. 23-082RB

NOTICE OF RENEWAL

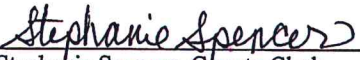
To: Gabes Oil, Inc. dba Heritage Petroleum, LLC, Danny Baum, Authorized Representative, 311 Tracker Road, Nixa, Missouri, 65714

Notice is given that the County of Taney, Missouri hereby renews its agreement with Gabes Oil, Inc. dba Heritage Petroleum, LLC, for motor oil & hydraulic oil, commencing July 11, 2023, for a period of (1) one year, which will expire on July 10, 2024. A copy of this agreement is attached hereto as Exhibit A.


Nick Plummer, Presiding Commissioner

Date: 7-3-2023


ATTEST: I, Donna Neeley, as the Clerk of the Taney County Commission hereby attest that the above Notice of Renewal was executed by Taney County Presiding Commissioner, Mike Scofield, pursuant to a duly passed motion of the Taney County Commission approving the above Notice of Renewal.

By: 
Stephanie Spencer, County Clerk

Date: 7/5/2023

Certification of Accounting Officer pursuant to Section 50.660RSMo:

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 Notice of Renewal 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 obligations scheduled to be incurred under this Notice of Renewal.

By: 
David Clark, Taney County Auditor

Date: 7/5/2023

ORDER CONFIRMING ACCEPTANCE AND ESTABLISHMENT OF JIMCO DRIVE

Devin Huff, Road & Bridge Administrator, was present. Presiding Commissioner Plummer reference a letter from their attorney.

Commissioner Wyatt moved to approve the Order of Taney County, Missouri Commission Confirming Acceptance and Establishment of Jimco Drive as a County Road. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

**ORDER OF THE TANEY COUNTY, MISSOURI COMMISSION
CONFIRMING THE ACCEPTANCE AND ESTABLISHMENT OF JIMCO DRIVE**

WHEREAS, on January 11, 2021, the Taney County Commission considered a Petition for Establishment Change or Relocation of Public Road, dated July 31, 2020, to establish a public road referred to as "Jimco Drive" (the "Road"); and

WHEREAS, the Road is depicted, described and dedicated to the public in Replat of Lot 12, Sunset Hills Subdivision, as recorded in the Taney County Recorder of Deeds at Document 2010P00072, Slide J, Page 556, dated October 13, 2010;

WHEREAS, the County Commission voted to accept said Road; and

WHEREAS, Jimco Products, Inc. has prepared, executed and delivered to the County a Grant of Permanent and Perpetual Easement and Right-of-Way for Public Road Purposes and Temporary Construction Easement for Construction of Public Road Improvements, dated February 17, 2023, as recorded in the Taney County Recorder of Deeds in Book/Page 2023L04815, on March 14, 2023;

WHEREAS, Daniel Vernon West, a married person, Susan Kay Davis, a married person, and Vickie Lou Shaffer, a single person, have prepared, executed and delivered to the County a Grant of Permanent and Perpetual Easement and Right-of-Way for Public Road Purposes and Temporary Construction Easement for Construction of Public Road Improvements, dated December 20, 2022, as recorded in the Taney County Recorder of Deeds in Book/Page 2023L04814, on March 14, 2023;

WHEREAS, the County Commission desires to accept the Road and to formally confirm the acceptance and establishment of Jimco Drive as a county road for use by the public.

NOW, THEREFORE, the County Commission of Taney County, Missouri, confirms and orders, as follows:

- 1. Incorporation. Each and every finding set forth in the whereas clauses set forth above are incorporated as the findings of the County Commission by reference.

ORDER CONFIRMING ACCEPTANCE AND ESTABLISHMENT OF BOBCAT COURT

Devin Huff, Road & Bridge Administrator, was present. Presiding Commissioner Plummer reference a letter from their attorney.

Commissioner Wyatt moved to approve the Order of the Taney County, Missouri Commission Confirming the Acceptance and Establishment of Bobcat Court as a County Road. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

ORDER OF THE TANEY COUNTY, MISSOURI COMMISSION CONFIRMING THE ACCEPTANCE AND ESTABLISHMENT OF BOBCAT COURT

WHEREAS, on January 11, 2021, the Taney County Commission considered a Petition for Establishment Change or Relocation of Public Road, dated January 21, 2020 and February 5, 2020, to establish a public road referred to as "Bobcat Court" which begins south of the intersection of Davis Road and Wilderness Road and runs south to a cul-de-sac; and

WHEREAS, the Road is depicted and described as "Swan Lake Road" in the plat of the Swan Lake subdivision, Book 19, Page 35, Slide B, Slide Page 410, dated June 13, 1980;

WHEREAS, on January 11, 2021, the County Commission voted to accept said Road subject to certain conditions ("Easement"); and

WHEREAS, the County intends to construct a hammerhead turnaround located within the cul-de-sac located at the southern end of Bobcat Lane, as depicted and described in Exhibit A, which is attached hereto and incorporated herein by reference;

WHEREAS, the County Commission desires to accept the Road and to formally confirm the acceptance and establishment of Bobcat Court as a county road for use by the public.

NOW, THEREFORE, the County Commission of Taney County, Missouri, confirms and orders, as follows:

1. Incorporation. Each and every finding set forth in the whereas clauses set forth above are incorporated as the findings of the County Commission by reference.
2. Acceptance; Establishment; Dedication. The Taney County Commission hereby ratifies, accepts, and adopts Bobcat Court as a public road, as depicted and legally described as follows:

"Swan Lake Road" in the plat of the Swan Lake subdivision, Book 19, Page 35, Slide B, Slide Page 410, dated June 13, 1980;

And including the area depicted and described in Exhibit A.

ORDER CONFIRMING ACCEPTANCE AND ESTABLISHMENT OF STAGE COACH ROAD, OLD WELL LANE AND WAGON WHEEL COURT

Devin Huff, Road & Bridge Administrator, was present. Presiding Commissioner Plummer reference a letter from their attorney.

Commissioner Wyatt moved to approve the Order of the Missouri Commission Confirming the Acceptance and Establishment of Stage Coach Road, Old Well Lane, and Wagon Wheel Court for Taney County to maintain as public road.

Commissioner Wyatt moved to amend her motion for the Order of the Taney County, Missouri Commission Confirming the Acceptance and Establishment of Stage Coach Road, Old Well Lane, and Wagon Wheel Court to enter into the Taney County Road System. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

ORDER OF THE TANEY COUNTY, MISSOURI COMMISSION CONFIRMING THE ACCEPTANCE AND ESTABLISHMENT OF STAGE COACH ROAD, OLD WELL LANE, AND WAGON WHEEL COURT

WHEREAS, on April 9, 2019, the Taney County Commission considered a Petition for Establishment Change or Relocation of Public Road, dated March 30, 2019, to establish three (3) public roads referred to as "Stage Coach Road," "Old Well Lane," and "Wagon Wheel Court" (collectively the "Roads"); and

WHEREAS, the Roads are depicted and described in The Horizon Subdivision Final Plat, as recorded in the Taney County Recorder of Deeds at Slide D, Page 285 and 286, dated October 12, 1994 (the "Plat");

WHEREAS, on April 9, 2019, the County Commission voted to accept said Road conditioned on the affected landowners dedicating the Roads to the public; and

WHEREAS, the affected landowners have prepared, executed and delivered to the County a Public Road Dedication – The Horizon Subdivision dated January 5, 2003 and recorded in the Taney County Recorder of Deeds at Book/Page 2023L02293 on February 2, 2023, dedicating to the public certain roads or streets identified in Plat, which was executed by the following Grantors:

- Lot 7: RCF 2 Acquisition Trust;
- Lot 8: Double Diamond-S, LLC;
- Lot 9, 10, and 11: John C. Pernicka and Diana L. Pernicka;
- Lot 12: Bryon Richardson and Mallory Richardson;
- Lot 13: David P. Houck and Stacey R. Houck;
- Lot 14: Tim Dent and Brenda Dent;
- Lot 15: Chad M. Pakieser and Tammy L. Pakieser;
- Lot 16: Lucas Riutzel and Christine Riutzel;
- Lot 17: Anthony D. Russell and Debra K. James, Trustees of the Russell-James Revocable Trust dated December 27, 2018;
- Lot 19: Stephanie Barney;
- Lot 20: Bradley D. Allbritton and Jamie E. Allbritton; and

WHEREAS, the County Commission desires to accept the Roads and to formally confirm the acceptance and establishment of Stage Coach Road, Old Well Lane, and Wagon Wheel Court as county roads for use by the public.

NOW, THEREFORE, the County Commission of Taney County, Missouri, confirms and orders, as follows:

1. Incorporation. Each and every finding set forth in the whereas clauses set forth above are incorporated as the findings of the County Commission by reference.

APPROVAL AGREEMENT FOR GLASS BEADS #23-081RB

Devin Huff, Road & Bridge Administrator, was present. Presiding Commissioner Plummer reference a letter from their attorney.

Commissioner Wyatt moved to approve the Agreement for Glass Beads by and between Swarco Industries, LLC and Taney County. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

No. 23-081RB

Agreement
for
Glass Beads

THIS AGREEMENT dated the _____ day of _____ 2023 is made between Taney County, Missouri, a political subdivision of the State of Missouri, (hereinafter "County") and SWARCO Industries, LLC. of Columbia, TN. (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 to purchase glass beads for paint ("Materials") shall include the quotation dated May 5, 2023, pursuant to the Request for Quote for the City of Columbia, Missouri, the bid response, and RFQ #156-2022, which are attached hereto and incorporated herein by reference as Exhibit A ("Contract Documents"). Contract Documents, Product 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. The County agrees to purchase the Materials from the Contractor and the Contractor agrees to sell to the County the Materials described in this Agreement. If certain unusual circumstances occur specific to Materials availability, the County may consider all other options.

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 Quote response.

4. Billing and Payment. All billing must be invoiced with specific department information. Billings and invoices may only include the prices provided for via 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.

APPROVAL ABATEMENT ADD-ON REPORT

Jen Hutchison, Deputy Clerk, was present.

Commissioner Wyatt moved to enter into the record the Personal Property Abatement Add-On Report for June 2023 as presented by the Clerk’s Office. Presiding Commissioner Plummer seconded the motion. The motion passed by vote: Plummer (aye), Williams (absent), and Wyatt (aye).

PP ABATEMENTS/ADD-ONS JUNE 2023							
AbYear	Date	Account	Name	Reason	BegVal	AdjVal	EndVal
2020	2023-06-01	1-92618-0	AFFORDABLE CYCLES		500	-500	0
2022	2023-06-02	1-130749-0	COLON DIANA QUILES		3160	100	3260
2022	2023-06-05	1-55452-0	MORRIS GEORGE		6533	-150	6383
2021	2023-06-07	1-57610-0	EARNSHAW CHRISTOPHER AND HEAVEN		1930	-1930	0
2019	2023-06-12	1-71046-0	LAMB DAVID L		1778	-1778	0
2022	2023-06-13	1-95681-0	FELTS KENNY		16600	7030	23630
2022	2023-06-14	1-20595-0	JOHNSTON DANNY L		1220	0	1220
2022	2023-06-14	1-121285-0	OSBORN KATHY		2840	5430	8270
2022	2023-06-16	1-340-0	LANDMARK INN		100	-100	0
2021	2023-06-20	1-116353-0	PELTON BONNEE		2150	4940	7090
2022	2023-06-21	1-30548-0	SWIFT RODNEY & GINA		1200	558	1758
2021	2023-06-22	1-107621-0	SUMMERS MELISSA		200	1430	1630
2022	2023-06-22	1-126323-300	COLE CHRISTOPHER E	TAX CODE CHANGE	100	-100	0
2022	2023-06-22	1-105172-0	DEAN JIMMY		4740	-50	4690
2022	2023-06-22	1-109407-0	VAUGHAN KEVIN		0	200	200
2022	2023-06-22	1-78472-0	WHITE BRUCE & CHRISTINE		4750	-100	4650
2020	2023-06-27	1-89448-0	CAREY CHRIS M		1060	-860	200
2021	2023-06-28	1-86758-0	MARTINEZ FRANCISCA F		0	0	0

RECESS: 9:33 A.M.

RECONVENE: 10:00 A.M.

DAILY STAFF REVIEW AND AGENDA REQUESTS

(Taney County Commission Conference Room)

Present: Presiding Commissioner Plummer, and Commissioner Wyatt.

Also present: Tami Koran, Commission Assistant, and Lesley Wallace, Deputy Clerk.

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

ADJOURNMENT

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

ADJOURN: 10:08 A.M.

The minutes were taken and typed by Lesley Wallace, Deputy Clerk.