

OFFICIAL MINUTES

JULY 5, 2011, 1st DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Commissioner's Hearing Room at 8:32 am with Ron Houseman, Jim Strafuss and Danny Strahan present. The following proceedings were had and made a matter of record:

PRELIMINARY STUDY MEETING (COMMISSION HEARING ROOM)

The County Commission met to review previous meeting minutes and accounts payable.

CALL TO ORDER

Presiding Commissioner Houseman called the July 5, 2011 meeting to order in the Commission Hearing Room at 9:00 am with all members present.

PRAYER

Commissioner Strafuss led the prayer.

PLEDGE OF ALLEGIANCE

Commissioner Strahan led the Pledge of Allegiance.

PREVIOUS MEETING MINUTES – 6/23/2011

Commissioner Strahan moved to table the previous minutes of June 23rd until Monday, July 11th. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

ACCOUNTS PAYABLE/JOURNAL ENTRIES/TRANSFERS

Commissioner Strafuss moved to approve accounts payable 325065 through 325120, holding back 325083 through 325085, 325097 and holding back 325105 through 325109. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye). There were no Journal entries or transfers to discuss.

ACCOUNTS PAYABLE							
DATE	7/5/2011						

	CHECKS				WARRANTS		
	325065	to	325120		5439		
		to			5440		
		to			5441		

ROAD VACATIONS

The Powell Road Vacation was presented from Bob Paulson, who handled the legal work, and it was noted that the petition was filed by Nick Plumber, owner of the property along the portion of Powell road proposed to be vacated. An affidavit was provided that notice of the hearing had been posted 15 days prior according to RSMo 71.270, and that it was posted in at least five public places in the county. Technical aspects went before the Road and Bridge Department and were reviewed by Randy Haes. There was a legal description change to match the road built years ago.

Commissioner Houseman asked if there were any protests to the request. Commissioner Strahan moved to approve the vacation of Powell Road. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

BEFORE THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

IN THE MATTER OF:)
)
Vacation of the following road:)
)
A portion of POWELL ROAD, located)
In Taney County, Missouri)
(see Exhibit A attached hereto)
for survey and legal description))

**ORDER VACATING A PORTION OF POWELL ROAD AND ESTABLISHING A
SEGMENT OF ROAD REPLACING THE VACATED PORTION**

On the 5th day of July, 2011, the first day of the regular July term of the County Commission of Taney County, Missouri, Petitioners herein, Nick Plummer caused the matter of the petition of a portion of Powell Road to be taken up by the County Commission and said petition sought the vacation of the following-described road:

A portion of Powell Road, located in Taney County, Missouri (see Exhibit "A" attached hereto for survey and legal description).

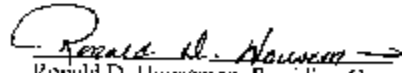
The County Commission having read said Petition and after having heard the evidence in support thereof finds that the Petitioner is owner of the property adjoining the real estate and fronting the above mentioned road and requests that such portion of the road described in Exhibit "A", attached hereto, be vacated together with the establishment of a replacement segment of road to be opened by this Order, which is more particularly described in Exhibit "B" attached to this Order.

The Commission further finds that the Petition was previously filed with the County Commission and that written notice of the original hearing date in April was posted in at least five public places in Taney County in a manner in compliance with the requirements of the Revised Statutes of Missouri, advising that the application by Petition would be made to the County Commission of Taney County, Missouri for the vacation of the above-described portion of Powell Road, and requesting that the same be vacated, and that this matter came on for hearing on this date. In addition, the Commission finds that said notice complies with the terms and provisions of the Revised Statutes of the State of Missouri.

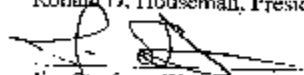
The Commission further finds that the vacation of said road would not be detrimental to any adjoining landowners, and the maintenance of same would be an unnecessary burden upon the County.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Commission that the portion of Powell Road described in Exhibit "A" is hereby vacated, and is replaced by the portion of road described in Exhibit "B", and said new portion is hereby established as a public road by this Order.


IT IS FURTHER ORDERED by the County Commission that a certified copy of this Order be recorded in the Office of the Recorder of Deeds of Taney County, Missouri, along with a duly executed easement granting to Taney County a road easement as to the portion of road described in Exhibit "B", and costs herein are taxed against Petitioners.



Ronald D. Houseman, Presiding Commissioner



Jim Strafuss, Western Commissioner

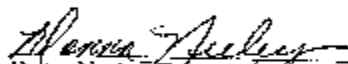


Danny Strahan, Eastern Commissioner

ATTEST

On this 5 day of July, 2011, before me personally appeared Ronald D. Houseman, Jim Strafuss and Danny Strahan, and said Taney County Commissioners acknowledged said instrument to be their free act and deed on behalf of the Taney County Commission and Taney County, Missouri.

I, Donna Neeley, Clerk of the Taney County Commission, do hereby certify that the above and foregoing is a true and accurate record of the Order Vacating A Portion Of Powell Road And Establishing A Segment Of Road Replacing The Vacated Portion, made, voted and entered into by the Taney County Commission on the 5th day of July, 2011, and signed on this 5 day of July, 2011.



Donna Neeley, Taney County Clerk

UNNAMED ROAD VACATION

The second vacation, an Unnamed Road, was an order vacating a public road or public street which was petitioned by Charles and Vivian McArthur, represented by Bill McCullah. Other landowners had joined in the request. A newspaper publication was made 15 days prior.

Commissioner Houseman asked if there were any protests to the request. Commissioner Strahan moved to give approval of the Unnamed Road Vacation. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

IN THE COUNTY COMMISSION
OF TANEY COUNTY, MISSOURI

IN RE: VACATION OF PORTION
OF THE PLATTED BUT UNNAMED
EAST-WEST STREET THAT IS

ONE BLOCK SOUTH OF GABRIEL
LANE AND ONE BLOCK NORTH
OF MIKEL ROAD, BUT ONLY THE
PORTION WEST OF MISSION
LANE

CHARLES MCARTHUR AND
VIVIAN MCARTHUR,
HUSBAND AND WIFE,

PETITIONERS

ORDER VACATING PORTIONS OF
PUBLIC ROADS OR PUBLIC STREETS

This cause comes on for hearing upon the petition of Charles McArthur and Vivian McArthur. The Commission, having reviewed the pleadings, finds as follows:

1. Charles and Vivian McArthur are the owners of some of the ground lying on both sides of or fronting on the portion of the platted street or road described below.
2. The location and course of the platted street or road sought to be vacated is described as follows:

The portion of the platted but unnamed east-west street that is one block south of Gabriel Lane and one block north of Mikel Road, but only the portion west of Mission Lane, all in Taney County, Missouri.

The portion sought to be vacated is bounded by Lots 1, 2, 3, and 4, Block B, Dixieland Heights Subdivision on the north; Lots 1, 2, 3, and 4, Block C, Dixieland Heights Subdivision on the south; and Mission Lane on the east.

3. Petitioners are not seeking to vacate any portions of Gabriel Lane, Mikel Road, or Mission Lane.

4. The described portion of the platted street or road was never opened, are of no public benefit, and never been of any public benefit.
5. No utility services are located on or alongside the described portion of the platted street or road.
6. Notice of this proceeding was sent to all landowners whose land is crossed by or touches said road, a complete list of whom is:
 - a. Block B: Lot 1:
Doug and Tracy Fisher
115 Gabriel Lane
Kirbyville, Missouri 65679-8406
 - b. Block B: Lot 2
Terry and Donna McArthur
5039 Bunker Hill Road
Lincoln, Nebraska 68521
 - c. Block B: Lot 3
Margaret B. True
135 Gabriel Lane
Kirbyville, Missouri 65679-8406
 - d. Block B: Lot 4
Gary and Carla McDonald
375 Woodland Court
Branson, Missouri 65616
 - e. Block C: Lot 1
Dorothy Booth
Post Office Box 234
Kirbyville, Missouri 65679-0234
 - f. Block C: Lots 2, 3, 4 and 5
Charles and Vivian McArthur
7. All landowners whose land is crossed by or touches said street or road have consented to the proposed vacation.
8. Petitioners sent notice to the entities that provide sewer and electric utility services

to the property owners listed in paragraph 6. The sewer and electric utility providers responded that there is no intention to locate utilities in or on the described portions of the platted street or road to be vacated.

9. At least fifteen days before this hearing date, notice was published in the *Taney County Times*, a legal newspaper of general circulation published in this County, that this Petition would be presented to this Commission on Tuesday July 5 2011, being first day of the July 2011 Term of this Commission.

Wherefore, Charles and Vivian McArthur pray that the County Commission order the described portions of the streets or public roads to be vacated pursuant to the provisions of §71.270 RSMo.

Wherefore, the County Commission orders the vacation of the following-described portions of the platted street or road, pursuant to the provisions of §71.270 RSMo., *to-wit*:

The portion of the platted but unnamed east-west street that is one block south of Gabriel Lane and one block north of Mikel Road, but only the portion west of Mission Lane, all in Taney County, Missouri.

The portion sought to be vacated is bounded by Lots 1, 2, 3, and 4, Block B, Dixieland Heights Subdivision on the north; Lots 1, 2, 3, and 4, Block C, Dixieland Heights Subdivision on the south; and Mission Lane on the east.

Date: July 5 2011

COUNTY COMMISSION OF
TANEY COUNTY, MISSOURI

BY: 
RONALD HOUSEMAN
PRESIDING COMMISSIONER

ATTEST

On this 5th day of July, 2011, before me personally appeared Ronald Houseman, and said Taney County Presiding Commissioner acknowledge said instrument to be their free act and deed on behalf of the Taney County Commission and Taney County.

I, Donna Neeley, Clerk of the Taney County Commission, do hereby certify that the above and foregoing is a true and accurate record of the **Portion of the Platted but Unnamed East-West Street That is One Block South of Gabriel Land and One Block North of Mikal Road, But Only the Portion West of Mission Lane, all in Taney County Missouri** made, voted and entered into by the Taney County Commission and signed by the Taney County Commission on this 5th day of July, 2011, and signed on this 5th day of July, 2011.


Donna Neeley
Clerk of the Taney County Commission

BID OPENING & AWARD – HYDRAULIC THUMB

Randy Haes went before the Commission to receive and open the bids. Four bids were received to purchase and install an excavator and a hydraulic thumb for one price. The first bid was from Fabick CAT with a bid price of \$11,309 to include freight, labor and attachment. The second was from Murphy Tractor & Equipment with a bid price of \$12,620. The third was from Victor L. Phillips with a bid price of \$15,840. The fourth was from Potter Equipment Company with a bid price of \$5,897.

Commissioner Houseman asked Randy with Mr. Ron Erickson, director of purchasing, to review and present a recommendation at 10:15 am. Commissioner Strafuss moved to postpone the bid award regarding the Hydraulic Thumb to 10:15 am. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

RECESS
9:18 AM

RECONVENED
9:30 AM

BID OPENING & AWARD – ROCK DRILLING

Randy opened bids for rock drilling holes for guard rail posts at Moore Bend Road in Cedar Creek. The County had received three bids. The first was from James H. Drew Corporation from Sedalia with a bid price of \$62.00 per hole, with a total of 50 holes for \$3,100. The second was from L & D Rock Drilling, Inc, from Crane, for a price of \$450 per hole, at approximately 3 ft per hole. No total price was given. Commissioner Strafuss stated that would be a total of \$22,500. The third bid received was from Southern Construction for a price of \$660 per hole, with a price per foot of \$165, and a total price of \$33,000 for 50 holes, 4 foot deep, and 12” in diameter.

Randy stated that Drew Corporation had done a lot of work for MoDOT. Commissioner Houseman inquired as to the difference in costs. Randy stated the price increase was due to not being set up to perform that type of work. Randy recommended James H. Drew. Commissioner Strafuss moved to award the rock drilling bid to James H. Drew Corporation. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

TRANSFER STATION FLOOD WAIVER

Commissioner Strafuss stated that on July 1 the waiver expired, and that there were still residents working on their houses. He asked if waived Transfer Station fees would still be allowed. Discussion ensued regarding other options.

RECESS
9:51 AM

RECONVENED
10:00 AM

MID-YEAR INSURANCE UPDATE

John Akers and Vicky Rice with Akers and Arney presented the Commission with an Experience Accounting Summary on health insurance for the period of April 1, 2010 thru March 2011, paid thru that time, which was the most current data they had.

Commissioner Strafuss asked when they would start gathering data for the renewal. Mr. Akers responded that they would start October 1st. The data point would stop the end of July or possibly August. It looked like there would be an increase.

Commissioner Houseman asked if there was anything we could do differently to reduce costs. It was expressed that staff education regarding office visits, urgent care, and hospital emergency room visits could reduce costs. Commissioner Houseman asked them to get a meeting on the schedule to help reduce the cost.

BID AWARD – HYDRAULIC THUMB

Randy Haes and Ron Erickson addressed the Commission. Potter Equipment Company was contacted. Only a Manufacturer Warranty would be included which would be the same as the other bids. Fabick CAT did have a two year warranty on their parts. Randy recommended the bid be awarded to Potter. Commissioner Strahan moved to award the bid of the Hydraulic Thumb to Potter Equipment Company. Commissioner Strafuss seconded the motion for discussion. Commissioner Strahan asked Randy to get an additional price for an extended warrantee. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

Commissioner Houseman asked if there were any additional items that would need to go to bid in the near future. Randy stated that an additional or replacement power self-propelled broom was needed. Commissioner Houseman directed Randy to get some specs worked up and discuss them with Mr. Erickson, as he would be handling all the bids for the County system.

Commissioner Strafuss stated that we did not have any funding for equipment purchases. A total budget review next week needed to be addressed prior to putting out a bid.

CLEO AGREEMENT

The Commission received the annual presentation of the Counsel of Local Elected Officials for the Ozark Region Workforce Investment Act. Commissioner Strahan moved to approve the new CLEO agreement. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

APPROVAL OF PAYROLL

Commissioner Strafuss moved to approve payroll due to staffing issues. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

PAYROLL DATE: July 8, 2011

GCR: 112167 - 112178

RB: 112146 - 112161

AF: 112162 - 12164

TS: 112165 - 112166

911: None

Manual Warrants: 5437 - 5438

Accounts Payable: 325047 - 325064

ADJOURNED
10:23 AM

Minutes were taken and typed by Lyn Wieneke, Deputy Clerk.