

# **OFFICIAL MINUTES**

## **OCTOBER 3, 2011, 1st DAY OF THE OCTOBER ADJOURNED TERM**

The County Commission met in the Commissioner's Hearing Room at 8:31 a.m. with Ron Houseman, Danny Strahan and Jim Strafuss 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.

### **PUBLIC COMMENT**

Melissa Duckworth with Emergency Services informed the Commission that next Saturday from 9 a.m. to 1 p.m. a Hazardous Materials Spill practice would take place at Shadow Rock Park.

### **RECESS 8:50 AM**

### **CALL TO ORDER**

Presiding Commissioner Houseman called the October 3, 2011 meeting to order at 9:00 a.m. with all members present.

### **PRAYER**

Treasurer Helen Soutee led the prayer.

### **PLEDGE OF ALLEGIANCE**

Commissioner Strahan led the Pledge of Allegiance.

### **PREVIOUS MEETING MINUTES 9/23, 9/26 & 9/29**

Commissioner Strafuss moved to approve the minutes of 9/23, 9/26 and 9/29/2011 with changes and corrections. Commissioner Strahan 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 as follows:

## ACCOUNTS PAYABLE

DATE 10/3/2011

CHECKS		WARRANTS	
326124	to	326210	5498
326211	to	326218	5499
	to		

**TRANSFERS**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Please sign and date that you have reviewed the included information.

Date	Time	Signature	Comments
9/30/2011	9:30AM	JJ	GREAT RIVER INVOICES TOTAL \$34,874.02 TO BE PUT ON AP CREDIT CARD AFTER APPROVAL.

**NOT APPROVED**

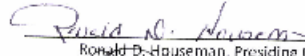
**CHECKS**

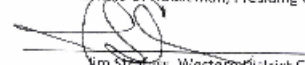
**TRANSFERS**

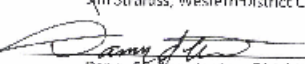
**COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMISSION APPROVAL**

  
 \_\_\_\_\_  
 Ronald D. Houseman, Presiding Commissioner

  
 \_\_\_\_\_  
 Jim Straffuss, Western District Commissioner

  
 \_\_\_\_\_  
 Danny Strahan, Eastern District Commission

Please keep accounts payable in the order in which you receive them.

Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Straffuss (aye).

### ROAD VACATIONS – POWELL ROAD

Commissioner Strahan moved to leave Powell Road vacation open for decision in the quarterly meeting. Discussion ensued. The motion died due to lack of a second.

Commissioner Houseman opened the hearing for the Powell Road Vacation. The Presiding Commissioner asked if anyone was in favor of the road vacation. Randy Haes stated there was a Powell Road petition and work was underway to see that sections of the road were vacated. A

posting was in the Road and Bridge office. Commissioner Houseman asked if anyone was in opposition of the Powell Road vacation. There was no written remonstrance. Commissioner Strafuss moved to postpone to a definite time of 11 a.m. the road vacation of Powell Road. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

### **STAFF DEPARTMENTAL MEETING – ROAD AND BRIDGE SALT SHED**

Randy Haes and Harlan Collins with the Road and Bridge department met with the Commission. Harlan Collins and David Stottle met to look at the Mt. Branson Barn to inspect the existing building for use as a salt shed. A new building was needed for a salt shed and the old shed would be used for storage.

### **DRAINAGE ISSUE**

Chris Robertson called regarding a drainage issue at the License Bureau building. There was flooding in the building during the last heavy rain. The Commission asked Randy Haes to refer the matter to the City of Forsyth.

### **DIRT AGREEMENT**

Randy Haes had a fill dirt agreement between Larry Huffman of Protem and Taney County as he requested more than three loads of dirt. Discussion ensued. Commissioner Strahan moved to approve the dirt agreement with Larry Huffman.

### FILL DIRT AGREEMENT

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

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS AGREEMENT ON THE DATE SET FORTH BELOW.

OWNER

TANEY COUNTY, MISSOURI

LARRY HUFFMAN  
Owner's Name

Ron Houseman  
Ron Houseman, Presiding Commissioner  
Taney County Commission

413 74 Hwy 700 Jefferson Mo  
Owner's Address

Date: 9/14 OCT 3 2011  
RAH

4177669729  
Owner's Phone Number

ATTEST

Date: 9/10/11

The Taney County Clerk, Donna Neeley hereby attests that the Presiding Commissioner of the Taney County Commission, Ron Houseman, signed this agreement on behalf of the Taney County Commission pursuant to a previously passed motion of the Taney County Commission.

Donna Neeley  
Donna Neeley, Taney County Clerk

Date: 10/4/11

Auditor's Certification

The undersigned, as Budget 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 agreement 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 obligation incurred. Section 50.530(1) & Section 50.660 RSMo.

Rick C. Findley  
Rick Findley, Taney County Auditor

Date: 10/4/11

Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**ROAD SIGNS**

The Commission agreed to approve a 911 sign for Harding Boulevard in accordance with the plat. Kiier Court needed a dead end sign to reduce traffic. Two speed limit signs would be confirmed by Randy Haes. The Commission would check with legal counsel to determine what needed to be done with the "children at play" signs. A speed monitor was discussed. Yield signs upgrading was discussed. Posts and anchors needed to be restocked.

## **WATER USER'S AGREEMENT**

Commissioner Strafuss moved to approve Presiding Commissioner Houseman to sign the Water Users Agreement between Mt. Branson and Water District #2.

Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

Harlan Collins said basic chip and seal was done. Holes were being patched then chip and seal would be put over it. Additional material was needed to finish patching.

## **COUNTY BOARD APPOINTMENTS**

Planning and Zoning Administrator Bob Atchley met with the Commission to discuss board recommendations. Planning & Zoning board had two recent resignations. Two members of the Board of Adjustments, David Nelson and Jack Johnston, have not been officially reappointed for this term. Discussion ensued. A Park board appointment was also needed. Board appointments were postponed until Thursday.

### **EXECUTIVE SESSION – LEGAL UPDATE PER SECTION 61-.021(1), (2), (3) & (12)**

Commissioner Strafuss moved to go into Executive Session pursuant to RSMo 610.021 (1), (2), (3) and (12). Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

### **EXECUTIVE SESSION**

**10:09 AM**

See Executive Session Minutes for actions, if any.

Commissioner Strafuss moved to postpone the Executive Session to a definite time of 1:30 p.m. Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

### **OUT OF EXECUTIVE**

**1:18 PM**

### **MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION SUPPLEMENTAL AGREEMENT TO AIRPORT AID AGREEMENT & ORDINANCE**

Commissioner Strafuss moved to approve the Missouri Highway and Transportation Commission Supplemental Agreement to Airport Aid Agreement and Ordinance.

CCO Form: AC05  
Approved: 7/94 (MLH)  
Revised: 03/10 (AML)  
Modified:

Project No. AIR 096-101A

**MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  
SUPPLEMENTAL AGREEMENT TO AIRPORT AID AGREEMENT**

THIS AGREEMENT AMENDMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and County of Taney (hereinafter, "Sponsor").

WITNESSETH:

WHFRFAS, the parties entered into an Airport Aid Agreement executed by Sponsor on August 6, 2010, and executed by the Commission on September 22, 2010 (hereinafter, "Original Agreement") under which the Commission granted the sum of One Hundred Ninety-four Thousand Four Hundred dollars (\$194,400.00) to the Sponsor to assist in specified pavement maintenance of taxiway and apron; and

WHEREAS, the Commission previously approved funds for this project; and

WHEREAS, the Commission and Sponsor desire to formally amend the Original Agreement as sufficient funds are available to extend the project scope as contained in this Amendment.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PROJECT SCOPE: The project scope is hereby amended to include pavement maintenance of runway, taxiway and apron.

(2) ADDITIONAL GRANT: The Commission hereby grants to the Sponsor an additional sum of Seventy-five Thousand Six Hundred dollars (\$75,600) for pavement maintenance of runway, taxiway and apron. The Sponsor shall provide matching funds of not less than Eighty-Four Hundred dollars (\$8,400.00) toward the project in addition to those previously committed by the Sponsor in the Original Agreement.

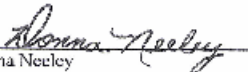
(3) PROJECT TIME PERIOD: Based upon the revised project schedule, the original project time period of December 31, 2010, will be extended to December 31, 2011, to allow for completion of the work. Paragraph (4) of the Original Agreement is hereby amended accordingly.

4) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement between the

**ATTEST**

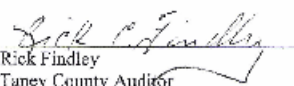
On this 4 day of October, 2011, before me personally appeared Ronald Houseman, Presiding Commissioner, and said Commissioner acknowledge said instrument to be his free act and deed on behalf of the Taney County Commission.

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 **Missouri Highway & Transportation Commission Supplemental Agreement to Airport Aid Agreement** for Taney County, Missouri, made and entered into by the Taney County Commission and signed by Presiding Commissioner Ronald Houseman on this 4 day of October, 2011.

  
Donna Neeley  
Clerk of the Taney County Commission

**CERTIFICATION OF TANEY COUNTY ACCOUNTING OFFICER**

Pursuant to Section 50.660 RSMo, I hereby certify that there is a balance otherwise unencumbered to the credit of the appropriation to which it is to be charged and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred by the above **Missouri Highway & Transportation Commission Supplemental Agreement to Airport Aid Agreement**.

By:   
Rick Findley  
Taney County Auditor

Date: 10-4-11



County of TANEY  
Ordinance No. 11-1004

BILL NO. \_\_\_\_\_

An Ordinance to authorize the County Commission to execute a contract between the County of Taney and the Missouri Highways and Transportation Commission providing for Airport Aid Agreement / reimbursement of funds for airport maintenance.

Be it ordained by the Commission of Taney County as follows:

Section 1. That the Commission is hereby authorized to execute on behalf of the County of Taney a contract with the Missouri Highways and Transportation Commission providing for Airport Aid Agreement / reimbursement of funds for airport maintenance.

Section 2. That all ordinances or parts of ordinances therefore enacted which are in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval. Read three times, passed and approved on the day 4 of October, 2011.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

APPROVED TO AS TO FORM

Frank Cottey by Joliana Rukan  
County Attorney

TANEY COUNTY, MISSOURI

By: Ronald C. Houseman  
Ron Houseman, Presiding Commissioner  
Taney County Commission

ATTEST:

Donna Neelley  
Donna Neelley, Taney County Clerk

Commissioner Strahan seconded the motion for discussion. Legal Counsel Frank Cottey had previously reviewed documents. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

### ROAD VACATIONS (POWELL ROAD)

No signed petitions were submitted for the road vacation of Powell Road. The one vacation considered was to be turned over to Mr. Frank Cottey.

## **RFQ FOR ECONOMIC SERVICES**

Commissioner Strafuss wanted to work with Ron Erickson to solicit ideas and prices for a cost from a third party company to make a recommendation for cooperative structure with county, agencies and cities for economic development. Discussion ensued. As there was no expense to the county, the Commission agreed to proceed.

## **AGENDA REQUESTS REVIEW**

The Commission met to review Agenda Requests reviews with Jillian Rulon.

## **EXECUTIVE SESSION – LEGAL UPDATE PER SECTION 61-.021(1), (2), (3) & (12)**

Commissioner Strafuss moved to go into Executive Session pursuant to RSMo 610.021 (1), (2), (3) and (12). Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

## **EXECUTIVE SESSION**

**1:51 PM**

See Executive Session Minutes for actions, if any.

Commissioner Strahan moved to go out of Executive Session. Commissioner Strafuss seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

## **OUT OF EXECUTIVE**

**1:52 PM**

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