

# **OFFICIAL MINUTES**

**MAY 21, 2012, 15TH DAY OF  
THE APRIL ADJOURN TERM**

The County Commission met in the Commission Hearing Room at 8:30 a.m. with Ron Houseman, Danny Strahan and Jim Strafuss present. The following proceedings were had and made a matter of record:

## **PRELIMINARY STUDY**

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

## **PUBLIC COMMENT**

There was no public comment.

## **CALL TO ORDER**

Presiding Commissioner Houseman called the May 21, 2012 meeting to order at 9:00 a.m.

## **PRAYER**

Commissioner Strafuss led the prayer.

## **PLEDGE OF ALLEGIANCE**

Commissioner Strahan led the Pledge of Allegiance.

## **PREVIOUS MEETING MINUTES**

Commissioner Strafuss moved to approve meeting minutes dated May 14, 2012 with correction and changes. 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: Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye). There were no transfers or journal entries.

# ACCOUNTS PAYABLE

DATE 5/21/2012

CHECKS	WARRANTS
329071 to 329137	_____
<del>328912</del> to _____	_____
_____ to _____	_____

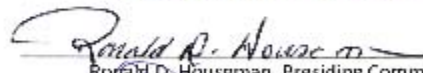
- TRANSFERS**
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  4. \_\_\_\_\_


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

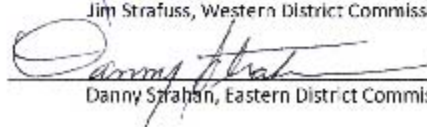
Date	Time	Signature	Comments
5/16/2012	3:30PM	JJ	

NOT APPROVED		COMMENTS:
CHECKS	TRANSFERS	
_____	_____	_____
_____	_____	_____

### COMMISSION APPROVAL

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

  
 \_\_\_\_\_  
 Jim Strafuss, Western District Commissioner

  
 \_\_\_\_\_  
 Danny Strafuss, Eastern District Commission

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

**CONTRACT ADDENDUM 001 & 002 REGARDING THE SOFTWARE LICENSE AND SERVICES AGREEMENT**

Commissioner Strafuss moved to accept the addendums 001 and 002 to the contracts between Trensicore and Taney County regarding the software license and services agreement. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**TRANSMISSION REPAIR SERVICES AGREEMENT**

Purchasing Agent Ron Erickson went before the Commission to discuss an Ace Transmission agreement. An option for when peculiar circumstances occurred was added to allow charges to be added with County Commission permission, which had County Counsel's review. Discussion ensued. Commissioner Strahan indicated he would like the permission given in writing. Commissioner Strafuss moved to approve the purchase agreement with Ace Transmission. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**PURCHASE AGREEMENT  
FOR  
TRANSMISSION REPAIR SERVICES**

**THIS AGREEMENT** dated the 21<sup>st</sup> day of May 2012 is made between Taney County, Missouri, a political subdivision of the State of Missouri through the Taney County Commission, herein "County" and ACE TRANSMISSION S&S, Inc., herein "Contractor".

**IN CONSIDERATION** of the parties performance of the respective obligations contained herein, the parties agree as follows:

**1. Contract Documents** - This agreement shall consist of this Purchase Agreement for Transmission Repair Services, County of Taney Request for Bid number 201203-173, Introduction and General Conditions of Bidding, Primary Specifications, the un-executed Response Form, Standard Terms and Conditions, any applicable addenda, as well as the Contractor's bid response dated April 18, 2012 and executed by Darla Gott, on behalf of the Contractor. All such documents shall constitute the contract documents, which are attached hereto and incorporated herein by reference. Service or product data, specification and literature submitted with bid response may be permanently maintained in the County Purchasing Office bid file for this bid if not attached. In the event of conflict between any of the foregoing documents, this Purchase Agreement, the Introduction and General Conditions of Bidding, Primary Specifications, Response, the un-executed Response Form, Standard Terms and Conditions, any applicable addenda, shall prevail and control over the Contractor's bid response.

**2. Contract Duration** - This agreement shall commence on May 1, 2012 and extend through April 30, 2013 subject to the provisions for termination specified below. This agreement may be extended beyond the expiration date by the order of the county for two (2) additional one (1) year periods subject to the pricing clauses in the contractor's RFB response. This agreement may be renewed thereafter on a month to month basis for up to six months in the event the County is unable to rebid and/or award a new contract prior to the expiration date after exercising diligent efforts to do so or not.

**3. Purchase** The County agrees to purchase from the Contractor and the Contractor agrees to supply the County all items per the bid specifications as responded to on the Response Form, and in conformity with the contract documents for the prices set forth in the Contractor's bid response, as needed and as ordered by Taney County. ACE TRANSMISSION S&S, Inc. shall act as the primary supplier and shall furnish Transmission Repair Services for the County. Repair services will be performed on an "as needed" basis with scheduling being completed via mutual agreement which includes all items as listed within the Bid Response including a maximum 5 day turnaround time. Taney County stipulates and agrees with the fact that this Contractor does not offer, nor will they be responsible for, towing charges.

**4. Billing and Payment** - All billing for work done for the Taney County Sheriff's Department, or any other vehicle belonging to Taney County shall be invoiced accordingly with specific department information and include bid number 201203-173 for reference and purchase order processing. Billings may only include the prices listed in the Contractor's bid response. No additional fees or extra services not included in the bid response or taxes shall be included as additional charges in excess of the charges in the Contractor's bid response to the specifications. **(NOTE: If certain unusual circumstances occur specific to a certain repair which require additional costs or charges beyond those prices listed within the Bid Response - it is not the intention of the County for the Contractor to blindly absorb said charges. Rather it is understood that if/when unusual circumstance occur which impact pricing a phone call shall be made from the Contractor to the County for permission to continue.)** The County agrees to pay all correct monthly statements within thirty days of receipt; Contractor agrees to honor any cash or prompt payment discounts offered in its bid response if 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; in the event the billing dispute is resolved in favor of the Contractor, the County agrees to pay interest at a rate of 9% per annum on disputed amounts withheld commencing from the last date that payment was due.

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.

7. **Termination** - This agreement may be terminated by the County upon thirty days advance written notice for any of the following reasons or under any of the following circumstances:

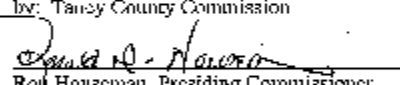
- a. County may terminate this agreement due to material breach of any term or condition of this agreement, or
- b. County may terminate this agreement if in the opinion of the Taney County Commission if delivery of products are delayed or products delivered are not in conformity with bidding specifications or variances authorized by County, or
- c. If appropriations are not made available and budgeted for any calendar year.

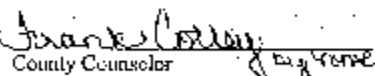
**IN WITNESS WHEREOF** the parties through their duly authorized representatives have executed this agreement on the day and year first above written.


ACE TRANSMISSION S&S, INC.

TANEY COUNTY, MISSOURI

by \_\_\_\_\_  
 Title \_\_\_\_\_  
 address \_\_\_\_\_  
 \_\_\_\_\_

by: Taney County Commission  
  
 Ron Housman, Presiding Commissioner

APPROVED AS TO FORM:  
  
 County Counselor

ATTEST:  
  
 Donna Neale, County Clerk

**AUDITOR CERTIFICATION**

In accordance with RSMo 50.660, I hereby certify that a sufficient unencumbered appropriation balance exists and is available to satisfy the obligation(s) arising from this contract. (Note: Certification of this contract is not required if the terms of this contract do not create a measurable county obligation at this time.)

Signature \_\_\_\_\_ Date \_\_\_\_\_ Appropriation Account \_\_\_\_\_

**ORDINANCE TO AUTHORIZE ISSUANCE OF PERMITS FOR THE OPERATION OF  
ATV'S AND UTV'S**

County Clerk Donna Neeley went before the Commission regarding the issuance of ATV and UTV permits. Ms. Neeley said the State had amended the statutes to allow permit use on county roads within the National Forest, if the County were to amend its ordinance. The ordinance was reviewed by County Counsel. Discussion ensued. Commissioner Strafuss moved to approve the ordinance regarding the operating of ATV's which expanded the coverage to UTV's on certain county roads within the National Forest. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**IN THE COUNTY COMMISSION OF TANNEY COUNTY, MISSOURI**

**AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF PERMITS FOR THE OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY VEHICLES ON CERTAIN COUNTY ROADS**

Whereas, Section 304.013.1 provides that Counties may issue special permits to licensed drivers for special uses of All-Terrain Vehicles on County Roads within the County, and may collect and retain a fee of \$15 for such permits; and

Whereas, Section 304.032.1 provides that Counties may issue special permits for Utility Vehicles to be used on County Roads within the County by licensed drivers, and may collect and retain a fee of \$15 for such permits; and

Whereas, Section 49.266 and Section 49.270 provide that the County Commission shall have control and management of County property and may promulgate reasonable regulations concerning the use of same.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF TANNEY, MISSOURI, AS FOLLOWS:**

**One.** The County Clerk will accept applications from and issue permits to owners of All-Terrain Vehicles and Utility Vehicles for the special purpose of operating All-Terrain Vehicles and Utility Vehicles upon certain county roads in Taney County, Missouri.

**Two.** Permits shall be issued subject to the following conditions:

**A.** Permits shall be issued to each vehicle, and shall be affixed to the vehicle.

**B.** The permit shall remain in effect so long as the owner of the vehicle at the time of issuance continues to own the vehicle.

**C.** The permit fee shall be \$15, and all proceeds from the sale of permits shall be retained by the County to defray the administrative costs of issuing the permits.

**D.** Permitted All-Terrain Vehicles and Utility Vehicles shall have all safety equipment required by State Law and Federal Regulation, and maintain same in good working order.

**E.** All-Terrain Vehicles and Utility Vehicles shall be ridden only upon gravel surface roads within the National Forests located in Taney County.

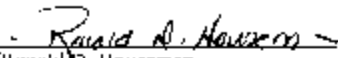
**F.** Any licensed All-Terrain Vehicle or Utility Vehicle bearing a permit issued from any other County within the State of Missouri will not be required to obtain a Taney County permit so long as the owner is domiciled outside Taney County, Missouri.

**Three.** At all times operators of All-Terrain Vehicles and Utility Vehicles shall comply with all applicable State Laws, and particularly Section 304.013 and Section 304.032.

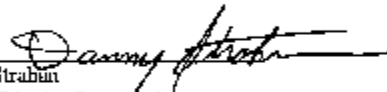
**Four.** This ordinance shall be in full force and effect from and after its passage.

SO MOVED AND SECONDED, AND PASSED AND ORDAINED ON THIS 21st DAY OF MAY 2012.

VOTE: AYE 3 NAY 0

  
Ronald D. Houseman  
Presiding Commissioner

  
Jim Strafuss  
Western District Commissioner

  
Danny Strabin  
Eastern District Commissioner

ATTEST:

I, Donna Neeley, as the Clerk of the Taney County Commission hereby attest that the above Ordinance To Authorize the Issuance Of Permits For The Operation of All-Terrain Vehicles and Utility Vehicles On Certain County Roads was executed by the County Commission and that it was signed pursuant to a duly passed motion of the Taney County Commission approving the above agreement.

  
Donna Neeley, County Clerk

Date: 5-21-12



## **FOREST PARK ESTATES LETTER**

Commissioner Strafuss noted he was drafting a letter to MODot regarding the railroad crossing at Forest Park Estates. Per statute 300.360 it allowed railroad crossing only be blocked for 5 minutes.

Commissioner Strafuss moved to postpone said issue to a definite time of 2 p.m. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**RECESS**

**9:25 AM**

**RECONVENED**

**9:33 AM**

## **PROPOSED FIREWORK STAND AMENDMENT TO THE TANEY COUNTY DEVELOPMENT GUIDANCE CODE**

Bob Atchley with Planning and Zoning presented a proposed amendment to the Taney County Development Guidance Code regarding firework stands. Mr. Atchley explained the situation causing the need and his proposed amendment. Discussion ensued. Commissioner Houseman asked if anyone from the public wanted to comment, either for or against the amendment. There were no public comments regarding the proposed amendment to the guidance code.

Commissioner Strafuss moved to approve the County Development Guidance Code amendment, page 12 of 107 as recommended by the Planning and Zoning Commission. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**Planning Commission Recommended Amendment to the Taney County Development  
Guidance Code for County Commission Consideration**

**Planning Commission Public Hearing - May 23, 2012**

**Highlighted Items - Proposed Addition**

**Page 12 of 107 Taney County Development Guidance Code**

**2. DEFINITIONS**

Special Event

Any event that lasts for less than thirty (30) calendar days and includes, but is not limited to, fairs / carnivals, parades, activities using a tent, etc. **excluding fireworks stands (so long as they conform to state guidelines).**

## **AGENDA REQUESTS REVIEW**

Nikki Lawrence met with the Commission to review agenda requests.

### **EXECUTIVE SESSION – PERSONNEL PER SECTION 610.021(3)**

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

### **EXECUTIVE SESSION**

**9:59 AM**

See Executive Session Minutes for actions, if any.

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

### **OUT OF EXECUTIVE**

**10:50 AM**

### **RECONVENED**

**12:01 PM**

## **TANEY COUNTY REGIONAL SEWER DISTRICT/CITY PROJECT AGREEMENT ISSUES**

The Taney County Commission met jointly with the Taney County Regional Sewer District regarding city project agreement issues. Nathan Easley representing the Sewer Board wanted to move toward the same goal as the County and determine where the Sewer District issues stood.

Commissioner Houseman asked what needed resolved. Mr. Easley said funding agreements. Pat Keck stated she had been informed of city concerns. Two items Ms. Keck was addressed were, first, to create an agreement which involved an agreement between Taney County and the District, and second, to resolve issues the City of Hollister had. Because of an Attorney General's opinion that a county could not pass funds to cities, the County wanted to make sure the agreement was correct. Commissioner Houseman gave a historical perspective of situations leading to this meeting. No agreements between an incorporated area and the Sewer District had been created within the past several years.

Mr. Rick Ziegenfuss with the City of Hollister addressed the Commission. He indicated his main concern was the indemnification paragraph as to where the City would stand. He would like to see two agreements; a conceptual agreement and a construction agreement. He explained the City of Hollister's concerns.

Commissioner Strahan said the Commission had the monies to be appropriated, but it had to be done in a legal manner. Commissioner Strafuss stated this was a new process and we were struggling with it, but the agreements needed to be put into place.

Discussion ensued regarding a previous animal shelter request, sales tax tracking and certification page on agreements. Larry Kline, Mayor of Rockaway Beach spoke about a funding delay. Discussion ensued regarding projects for the City of Forsyth, Bull Creek Village, Rockaway Beach and the City of Hollister which had been submitted to the sewer board.

Commissioner Houseman read the changes to the concept agreement. Ms. Keck made comments to the cities regarding the contracts. Emergencies were discussed.

**EXECUTIVE SESSION – LITIGATION, PERSONNEL, & CONTRACTS PER  
SECTION 610.021(1), (3) & (12)**

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

**EXECUTIVE SESSION  
1:30 PM**

See Executive Session Minutes for actions, if any.

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

**OUT OF EXECUTIVE  
2:01 PM**

**F HIGHWAY AND U S HIGHWAY 160 PROPERTY**

Purchasing Agent Ron Erickson joined the Commission to discuss the bid for the appraisal of the F Highway and 160 property.

Commissioner Strafuss stated that he had posted the topic thinking an appraisal would have been completed by this time; however, it was not yet done.

Commissioner Strafuss stated that he had spoken to HDR Engineering and they had quoted him a \$2,000 amount, as well as had given him instructions on how the appraisal could be done.

After discussion the Commissioners agreed to move forward with the survey portion of the project, with an appraisal to follow after the lot dimension details could be more clearly established.

The Commission agreed to direct Randy Haes to contact HDR Engineering, John Soutee and the Taney County Ambulance District to coordinate the completion of the survey.

### **APPROVAL OF PAYROLL**

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

*PAYROLL DATE: May 25, 2012*

*GCR: 113124 - 113125, 113146 - 113166*

*RB: 113126 - 113140*

*AF: 113141 - 113143*

*TS: 113144 - 113145*

*911: None*

*Manual Warrants: 5628 - 5629*

*Accounts Payable: 329138 - 329157*

### **COURT ORDERS & ABATEMENTS**

Commissioner Strahan moved to approve personal property abatement 20130008 and 20130009. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

Commissioner Strafuss moved to approve Personal Property refunds 20130004 -0007. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

Commissioner Strafuss moved to deny 20130013. Commissioner Strafuss withdrew his motion. The Commission directed Cristy Smith to hold for summer BOE.

Commissioner Strafuss moved to approve 20130010 – 20130019. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

### **FOREST PARK ESTATES LETTER**

Commissioner Houseman read the Forest Park Estates letter addressed to MODot. Commissioner Strafuss moved to approve the letter to Missouri Department of Transportation. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

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

**ADJOURNED**  
**2:33 PM**

The minutes were taken and typed by Lyn Wieneke & Cristy Smith, Deputy Clerks.