

**OFFICIAL
COMMISSION MINUTES
SEPTEMBER 16th, 2019 - 15th DAY OF
THE JULY ADJOURN TERM**

PRELIMINARY STUDY

Did not take place.

FORMAL AGENDA

The County Commission met in the Commission Hearing Room with Mike Scofield (present), Brandon Williams (present), and Sheila Wyatt (present).

PUBLIC COMMENT

None

Prayer & Pledge

CALL COUNTY COMMISSION MEETING TO ORDER

Presiding Commissioner Scofield called the meeting to order at 9:02 a.m.

COMMISSION REMARKS

None

APPROVE ACCOUNTS PAYABLE

Commissioner Wyatt moved to approve Checks #456231 - #456245 and Checks #456247 - 456284, Warrants #7269 - #7270, and two Journal Entries. Commissioner Williams seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

Commissioner Wyatt left the room.

Commissioner Williams moved to approve Checks #4564246. Presiding Commissioner Scofield seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (absent).

Commissioner Wyatt entered the room.

APPROVAL OF PAYROLL

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

APPROVAL OF PREVIOUS MEETING MINUTES

Commissioner Wyatt moved to approve Executive Session Minutes from September 9, 2019. Commissioner Williams seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

Commissioner Wyatt moved to approve Regular Session Minutes from September 9, 2019. Commissioner Williams seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

BRO SOFTMATCH UPDATE

Devin Huff, Road & Bridge Administrator, and Jason Sivils, Great River Engineering, were present.

Commissioner Williams moved to approve the transfer of Softmatch Credit between Henry County and Taney County. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

ACCOUNTS PAYABLE CLARIFICATION OF CORRECT CHECK & WARRANT NUMBERS

Commissioner Wyatt moved to approve Checks #456231 - #456245 and Checks #456247 – 456284, Warrants #7269 - #7272, and two Journal Entries. Commissioner Williams seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

SHERIFF’S REQUEST FOR REPLACEMENT OF LAPTOP COMPUTERS IN PATROL CARS

Jimmie Russell, Sheriff, was present for discussion.

Sheriff Russell requested to purchase laptops. Discussion ensued.

PERSONAL PROPERTY ADD ON REPORT FOR JULY AND AUGUST 2019

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

Commissioner Williams moved to accept and enter into the Record the Pre-Paid Abatement Add On Report for July of 2019 and August of 2019 as presented by the County Clerk. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

COURT ORDERS

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

Commissioner Wyatt moved to approve Exhibit “A” (#300304) dated September 16, 2019. Commissioner Williams seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

Exhibit “A”

PP PAID ABATEMENTS											
Exhibit: <u>A</u>		Date: <u>16 Sep 2019</u>									
AbNumber	AbYear	Status	Date	Account	Name	Reason	EndVal	AdjVal	Approved	Denied	Tabled
300304	2018	PENDING	2019-09-09	1-32106-900	NICHOLAS JOHN AND BETTY	DUPLICATE ACC W 32106-100	0	-200	<i>W</i>		

TANEY COUNTY HEALTH DEPARTMENT UPDATE

Lisa Marshall, Taney County Health Department Director, presented an update on Health Department Programs to the Commission.

**HARVEST MOON FESTIVAL AND CAR SHOW LIABILITY WAIVER & RELEASE
#19-108CM**

Presiding Commissioner Scofield referenced a letter from their attorney.

Commissioner Williams moved to approve the Liability Waiver and Release the Assumption of Risk & Indemnity Agreement. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

**LIABILITY WAIVER AND RELEASE,
ASSUMPTION OF RISK AND INDEMNITY AGREEMENT
(Event Sponsor)**

In consideration of being permitted to offer, conduct, organize or sponsor Harvest Moon Festival and Car Show activities or events, on real property owned by Taney County, Missouri ("County") located 132 David Street, Forsyth, Missouri, or 266 Main Street, Forsyth, Missouri, which are conducted, organized or sponsored by Forsyth Chamber of Commerce, and its officers, managers, employees, volunteers, or agents, and being permitted to enter onto or participate for any purpose upon the property for which Harvest Moon Festival and Car Show activities or events are offered, conducted, organized or sponsored by Forsyth Chamber of Commerce ("Chamber"), Chamber agrees as follows:

1. Chamber acknowledges, agrees, and represents that it has or will immediately upon entering the Premises and continuously thereafter, inspect the Premises, and further agrees and warrants that if at any time Chamber and its officers, managers, employees, volunteers, agents or participants are in or about the Premises and feel or observe anything to be unsafe, Chamber will immediately advise County of such and if necessary, will immediately require all officers, managers, employees, volunteers, agents, participants, observers, attendees, and all others to immediately leave the Premises.
2. Chamber and its officers, managers, employees, volunteers, agents and participants release, waive, discharge and covenant not to sue the County, or its officers, officials, employees, volunteers, or agents (collectively, the "Released Parties"), as an owner or lessor of the Premises at which any Harvest Moon Festival and Car Show activity or event is held, from all liability to Chamber, and its personal representatives, assigns, heirs, and next of kin, for any and all loss or damages, and any claim or demands on account of injury to person or property or resulting in death or injury to the Chamber arising out of or related to the Premises, and any and all Harvest Moon Festival and Car Show activities or events, whether caused by the negligence of the County, or not.
3. Chamber agrees to indemnify and save and hold harmless the County, and its officers, officials, employees, volunteers, or agents from any loss, liability, damage or cost that may be incurred arising out of or related to the Premises, and any Harvest Moon Festival and Car Show activities or events, whether caused by the County, or not.
4. Chamber assumes full responsibility for any risk of bodily injury, death or property damage, including, but not limited to any person(s) on the Premises, arising out of or related to the Premises, and any Harvest Moon Festival and Car Show activities, events, or clinics, whether caused by the negligence of the County, or not.
5. Chamber agrees that this Liability Waiver and Release, Assumption of Risk, and Indemnity Agreement extends to all acts of negligence by the County, and is intended to be as broad and inclusive as is permitted by the laws of the State of Missouri, and that if any portion is held invalid, it is agreed that the remaining part of the Agreement shall continue in full legal force and effect.
6. Chamber agrees to be responsible for the safety of its officers, managers, employees, volunteers, agents and participants in any Harvest Moon Festival and Car Show activities or events. Chamber agrees that if at any point prior to, during, or after Harvest Moon Festival and Car Show

2019 TANEY COUNTY & TDD INTERGOVERNMENTAL AGREEMENT

Presiding Commissioner Scofield referenced a letter from their attorney.

Discussion ensued.

Jeff Bourk, Branson Airport Executive Director, entered the meeting at 9:50 a.m.

Discussion continued.

Donna Neeley, County Clerk, entered the meeting at 9:56 a.m.

Chuck Pennel, Assessor, joined the discussion at 10:15 a.m.

Discussion continued.

Commissioner Williams moved to approve the Amended Taney County and TDD Intergovernmental Agreement. Presiding Commissioner Scofield seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (nay).

No. 19-081CM

2019 TANEY COUNTY, MISSOURI & TDD INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made, entered and effective as of September 16, 2019, by and between the **COUNTY OF TANEY, MISSOURI** ("COUNTY"), and the **BRANSON, MISSOURI REGIONAL AIRPORT TRANSPORTATION DEVELOPMENT DISTRICT** ("TDD") and **BRANSON AIRPORT, LLC** ("BA").

WHEREAS, the TDD was lawfully created on or about September 4, 2003, pursuant to § 238.200 through 238.275, inclusive, as amended, of the Revised Statutes of Missouri (the "TDD Act") for the purpose of, among other things, developing the Branson, Missouri Regional Airport (the "Airport") located in Taney County, Missouri, and the TDD has entered into an Airport Lease, whereby the TDD leases certain property owned by the COUNTY (the "Airport Lease"), and a separate Operating Lease (the "Operating Lease") with Branson Airport, LLC ("BA") with respect to the Airport; and

WHEREAS, the COUNTY and the TDD are public governmental bodies that are authorized to cooperate and enter into agreements with respect to matters relating to the airports; and

WHEREAS, the Airport provides a substantial public benefit to the COUNTY, the TDD and the citizens of the COUNTY by creating tourism, transportation infrastructure and the resulting revenue benefits derived therefrom; and

WHEREAS, the purposes of the TDD will be furthered by the TDD's performance of its activities hereunder; and

WHEREAS, as new airlines agree to serve the Airport and open new routes to and from the Airport, the public benefit to the COUNTY and the TDD increases; and

WHEREAS, because of the COUNTY's ownership of the land underlying the Airport, its interest under the Airport Lease, and the substantial public benefit derived from the Airport, the COUNTY has a substantial interest in its continued operation and viability; and

WHEREAS, in order to support the continued viability of the Airport and aid the TDD in attracting additional commercial air carriers or new air carrier routes ("New Airline") to the Airport, the parties desire to enter into this Agreement whereby the COUNTY will pledge the possible use of funds (the "Risk Mitigation Guarantee") in order to off-set financial risk incurred by any New Airline who may as a result of this Agreement agree to provide service to the Airport, thereby providing additional transportation alternatives all to the economic benefit of the COUNTY and its citizens; and,

WHEREAS, effective April 1, 2015, the TDD and the COUNTY entered into an Intergovernmental Agreement (the "Original Agreement"), the First Amendment to Intergovernmental Agreement dated February 22, 2016 (the "First Amendment"), the Second Amendment to Intergovernmental Agreement dated April 27, 2016 (the "Second Amendment"), and the Amended and Restated Intergovernmental Agreement dated April 2, 2018 (the "Amended

NOTICE OF RENEWAL MEMORIALIZATION OF TERMS OF APPOINTMENT OF INSURANCE AGENT OF RECORD (HEALTH) – OLLIS & COMPANY
Presiding Commissioner Scofield referenced a letter from their attorney.

Commissioner Williams moved to approve the Notice of Renewal for Memorialization of Terms of Appointment of Insurance Agent of Record for Health which is with Ollis & Company. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

No. 19-106HR(a)

NOTICE OF RENEWAL OF
MEMORIALIZATION OF TERMS OF APPOINTMENT
OF INSURANCE AGENT OF RECORD (HEALTH)

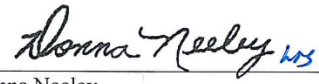
To: Ollis and Company d.b.a. Ollis/Akers/Arney, Richard Ollis, President/CEO, 201 Buccaneer Boulevard, Branson, Missouri 65616

Notice is given that the County of Taney, Missouri hereby renews with Ollis/ Akers/ Arney the Memorialization of Terms of Appointment of Insurance Agent of Record (Health) for a period of one year, beginning on October 1, 2019. A copy of the original is attached hereto as Exhibit A.

By: 
Mike Scofield
Presiding Commissioner

Date: 9/16/19

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 agreement.

By: 
Donna Neeley
County Clerk

Date: 17 Sept 2019

MEMORIALIZATION OF TERMS OF APPOINTMENT OF INSURANCE AGENT OF RECORD (PROPERTY & LIABILITY) – CONNELL INSURANCE

Commissioner Williams moved to approve the Memorialization of Terms of Appointment of Insurance Agent of Record for Property and Liability with Connell Insurance. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

No. 19-106HR(b)

NOTICE OF RENEWAL OF
MEMORIALIZATION OF TERMS OF APPOINTMENT
OF INSURANCE AGENT OF RECORD (PROPERTY & LIABILITY)

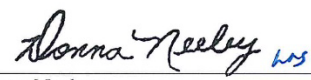
To: Connell Insurance, Tim Connell, President/CEO, P. O. Box 1840, Branson, Missouri 65616

Notice is given that the County of Taney, Missouri hereby renews with Connell Insurance the Memorialization of Terms of Appointment of Insurance Agent of Record (Property & Liability) for a period of one year, beginning on October 1, 2019. A copy of the original is attached hereto as Exhibit A.

By: 
Mike Scofield
Presiding Commissioner

Date: 9/16/19

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 agreement.

By: 
Donna Neeley
County Clerk

Date: 17 Sept 2019

RECESS: 10:39 A.M.

RECONVENE: 10:48 A.M

PURPLE WAVE VEHICLE DISCUSSION

(Taney County Commission Conference Room)

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

Also present: Devin Huff, Road and Bridge Administrator, Joanna Jasper, Auditing Specialist, and Stephanie Spencer, Deputy Clerk.

Devin Huff and Joanna Jasper left the meeting at 10:54 a.m.

Nikki Lawrence, Legal Assistant, entered the meeting at 10:56 a.m.

DAILY STAFF REVIEW & AGENDA REQUESTS

(Taney County Commission Conference Room)

Nikki Lawrence, Legal Assistant, and Stephanie Spencer, Deputy Clerk were present for the meeting.

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

EMERGENCY MEETING FOR LEGAL ISSUE

EXECUTIVE SESSION PER SECTION 610.021.1 (LEGAL)

(Taney County Commission Conference Room)

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

11:02 A.M. Commissioner Williams moved to enter into Emergency Executive Session per section 610.021.1 (Legal). The Commission received a letter this morning that they need to take action on and discuss in an Emergency Executive Session. Commissioner Wyatt seconded the motion. The motion passed by vote: Scofield (aye), Williams (aye) and Wyatt (aye).

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

ADJOURNMENT

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

ADJOURN

11:13 A.M.

The Minutes were taken and typed by Stephanie Spencer, Deputy Clerk.