

**OFFICIAL
COMMISSION MINUTES
MAY 1st, 2023 – 5th DAY OF
THE APRIL ADJOURN TERM**

FORMAL AGENDA

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

PUBLIC COMMENT

Chuck Pennel requested permission from the Commission to hold the Annual National Day of Prayer Service on Thursday, May 4th, 2023 on the north-east lawn of the Courthouse. The service will be led by Sue Clayton, with Paul Michel, Dennis Winzenried, and other local religious leaders participating. Mr. Pennel also requested the use of the Commission Hearing Room for the service in the event of inclement weather. Mr. Pennel mentioned that the Prayer Service held at the Branson Convention Center is the second largest National Day of Prayer event in the nation.

CALL COUNTY COMMISSION MEETING TO ORDER

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

COMMISSION REMARKS

Presiding Commissioner Plummer noted that the Taney County Courthouse and Judicial Center will be closed on Monday, May 8th, 2023 in observance of Harry S. Truman's birthday. The regularly scheduled Taney County Commission meeting will be held on Tuesday, May 9th, 2023.

APPROVAL OF ACCOUNTS PAYABLE

Commissioner Williams moved to approve Checks #471510 through Check #471561, no Warrants, and two Journal Entries/Transfers. Commissioner Wyatt seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

APPROVAL OF PREVIOUS MEETING MINUTES

Commissioner Wyatt moved to approve Regular Session Minutes for April 24th, 2023. Commissioner Williams seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

**APPROVAL OF EMERGENCY EVENT PROCUREMENT – TANEY COUNTY
TRANSFER STATION FLOORING (#EEP202304-530)**

Devin Huff, Road & Bridge Administrator, was present.

Commissioner Williams moved to approve the request for Emergency Event Procurement #EEP202304-530. Commissioner Wyatt seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

EEP#202304-530
Taney County, Missouri



TANEY COUNTY MISSOURI

Purchasing Department
132 David Street / P. O. Box 1630
Forsyth, Missouri 65653

➤ **EMERGENCY EVENT PROCUREMENT**

Taney County Emergency Procurement Policy (PER RSMo. # 50.780.2): Notwithstanding any other provisions of this Policy the Taney County Commission may waive the requirement of competitive bids or proposals for supplies when the County Commission has determined that there exists a threat to life, property, public health, or public safety or when immediate expenditure is necessary for repairs to County property in order to protect against further loss of, or damage to, County property, to prevent or minimize serious disruption in County services or to ensure the integrity of County records. Emergency procurements shall be made with as much competition as is practicable under the circumstances. After an emergency procurement is made by the County Commission, the nature of the emergency and the vote approving the procurement shall be noted in the minutes of the next regularly scheduled meeting. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made including the contractor's name, amount and type of the contract, a listing of the item(s) procured under the contract. The County Purchasing Agent will assign a specific Emergency Event Procurement number ("EEP") for each event to cover all emergency purchases made within the necessary recovery timeframe as set by the Taney County Commission.

REQUEST FOR EMERGENCY PROCUREMENT – EEP #202304-530

DATE REQUESTED: Tuesday, April 25, 2023

EMERGENCY EVENT: Taney County Transfer Station Flooring

ORIGINATING OFFICE: Taney County Road & Bridge

PERSON(S) REQUESTING: Devin Huff, Highway Administrator

CONTACT PHONE : 417-546-7268/417-527-2733

UPON COMPLETION OF THIS FORM, PLEASE SUBMIT TO THE PURCHASING DEPARTMENT.

PURCHASING DEPARTMENT APPROVAL:  April 25, 2023
Signature Date

EMERGENCY EVENT PROCUREMENT NUMBER: **EEP#202304-530** (Assigned by Purchasing)

COMMISSIONER APPROVAL:  April 25, 2023
Signature Date

Emergency Event Recovery Dates: Same as above as the emergency need will be relieved by this purchase

APPROVAL GENERAL CONSENT FOR LIMITED QUERIES OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) DRUG AND ALCOHOL CLEARINGHOUSE (FILE NO. 23-049HR)

Commissioner Williams move to approve the General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse. Commissioner Wyatt seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

First Name: _____ Last Name: _____

DL#: _____ State: _____

Date of Birth: _____

I hereby provide consent to **Taney County Commission & KT Health Clinic** to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

This consent is valid as long as you are employed with **Taney County Commission**. I understand that if the limited query conducted by **Taney County Commission & KT Health Clinic** indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to **Taney County Commission & Health Clinic** without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for **Taney County Commission & KT Health Clinic** to conduct a limited query of the Clearinghouse, **Taney County Commission & KT Health Clinic** must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle as required by FMCSA's drug and alcohol program regulations.

Signature

date

-printed name

APPROVAL AMENDED ORDER MRG GROUP #05-01-2023-01 (FILE NO. 23-038PZ)

Presiding Commissioner Plummer referenced a letter from their attorney.

Commissioner Williams moved to approve the Amended Order for MRG Group File #23-038PZ. Commissioner Wyatt seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

TITLE OF DOCUMENT: ORDER OF TANEY COUNTY, MISSOURI
DATE OF DOCUMENT: May 1, 2023
GRANTOR(S): Taney County, Missouri
GRANTOR(S) ADDRESS: P.O. Box 1086, Forsyth, MO 65653
GRANTEE(S): MRG Group LLC
GRANTEE(S) ADDRESS: 800 State Hwy 248, Ste 4A
Branson, Missouri 65616
LEGAL DESCRIPTION: See Exhibit "A"

ORDER NUMBER: 05-01-2023-01

AMENDING ORDER NUMBER 11-28-2022-03

AMENDED ORDER
OF THE
TANEY COUNTY COMMISSION
FORSYTH, MISSOURI

DATE: April 24, 2023

SUBJECT: ZONING DISTRICT AMENDMENT

WHEREAS, Taney County, Missouri desires to coordinate physical development in accordance with its present and future needs; so as to conserve the natural resources of the County, to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of its inhabitants; and

WHEREAS, the Planning Commission has held public hearings in order to obtain public input concerning an amendment to the Taney County, Missouri Zoning District map, in accordance with the requirements of Chapter 64 and Section 64.863, RSMo.; and

WHEREAS, on November 14, 2022, the Taney County Planning Commission has recommended the amendment to the Zoning District map grid number L15, Oliver Township, from A-1 Agricultural District to NR-3 Multi-Family Nightly Rental District, requested by MRG Group LLC, Parcel Number 18-7.0-26-001-003-001.003, located off State Hwy. 265, Hollister, Missouri; and

WHEREAS, on November 28, 2022, the Taney County Commission issued Order Number 11-28-2022-03, relating to a Zoning District Amendment for Parcel Number 18-7.0-26-001-003-001.003, located at State Hwy. 265, Map Grid # L15, Oliver Township, Zoning District NR-3 (the "Order"), attached as Exhibit A; and

WHEREAS, on November 28, 2022, the Taney County Commission voted to “approve Order #11-28-2022-03 with the amendments in the order stating that it is NR1 not a NR3 also contingent to 12 total units single family structures and also with the contingency to limit it two stories based on the definition in the code book” the minutes of which are attached as Exhibit B; and

WHEREAS, the Taney County Commission has found and determined that it is necessary to amend the Order consistent with the motion of the Commission of November 28, 2022 approving the Order as set forth herein; and

NOW, THEREFORE, on this 1st day of May, 2023, at a duly called meeting of the Taney County Commission, the County Commission orders amendment of the Order to read as follows:

“NOW, THEREFORE, on this 28th day of November 2022, at a duly called meeting of the Taney County Commission, having received the recommendation of the Planning Commission and, after public notice, and in open session, upon motion made to approve and seconded, the Taney County Commission voted 3 in favor and 0 opposed to amend the Taney County, Missouri Zoning District map L15, pursuant to the provisions of Chapter 64.845 through 64.880 of the Revised Statutes of Missouri.

IT IS HEREBY ORDERED that the Taney County, Missouri Zoning District to be amended as follows and pursuant to the information below:


<u>Parcel Number</u>	<u>Location</u>	<u>Map Grid #</u>	<u>Township</u>	<u>Zoning District</u>
18-7.0-26-001-003-001.003	State Hwy 265	L15	Oliver	NR-1

Further, contingent to 12 total units single family structures and also with the contingency to limit to two stories based on the definition in the code book.

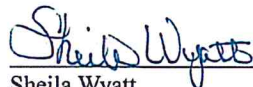
IT IS FURTHER ORDERED that the Zoning District Amendments to the Taney County, Missouri Zoning Map shall become effective on the 28th day of November 2022, and a copy of the Order shall be filed in the office of Planning & Zoning”

SO ORDERED THIS 1ST DAY OF MAY, 2023.


TANEY COUNTY COMMISSION



Nick Plummer,
Presiding Commissioner

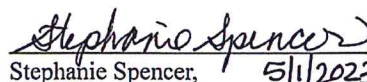


Sheila Wyatt,
Eastern District Commissioner



Brandon Williams,
Western District Commissioner

ATTEST:



Stephanie Spencer, 5/1/2023
County Clerk



APPROVAL HOLD HARMLESS AGREEMENT – FILE NO. 23-041RB

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

Commissioner Williams moved to approve the Hold Harmless Agreement by and between Capital Materials, Co and Taney County, Missouri. Commissioner Wyatt seconded the motion. The motion passed by vote: Plummer (aye), Williams (aye), and Wyatt (aye).

No. 23-041RB

**HOLD
HARMLESS
AGREEMENT**

THIS AGREEMENT, by and between Capital Materials Company ("Company"), and Taney County, Missouri ("County").

WHEREAS, Company and County have has contracted with one another pursuant to an Agreement for Aggregate Rock (Loaded & Scaled by County-Journagan) dated May 13, 2019, as amended by the Addendum to Agreement for Aggregate (the "Agreement"); and

WHEREAS, Company and County intend and agree that County shall be responsible for the acts and omissions of its officers, employees and agents relating to any liability arising out of the Agreement for any losses arising out of such relationship for damage or loss caused by County's fault or negligence, subject to the protections of governmental and sovereign immunity to which County is entitled, and further by maintaining insurance to protect County; and

WHEREAS, Company and County intend and agree that Company shall be responsible for the acts and omissions of its officers, employees and agents relating to any liability arising out of the Agreement for any losses arising out of such relationship for damage or loss caused by Company's fault or negligence, and further by maintaining insurance to protect Company;

WHEREAS, the parties agree that Company and County have an independent contractor relationship and neither party is an employee or agent of the other;

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. **Hold Harmless.** To the extent permitted by law and without waiving the governmental or sovereign immunity of the County, or the official immunity of any elected

LIBRARY BOARD UPDATE

Debbie Redford, Library Board Chair, and Anne McGregor, Library Board Treasurer, were present.

Discussion ensued.

APPOINTMENT TO THE LIBRARY BOARD

Tabled until the May 9th, 2023 Commission Meeting.

RECESS: 10:04 A.M.

RECONVENE: 10:18 A.M.

ROUND TABLE DISCUSSION ROAD & BRIDGE

(Taney County Commission Conference Room)

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

Also present: Devin Huff, Road & Bridge Administrator, Brad Daniels, Sheriff, David Clark, County Auditor, and Stephanie Spencer, County Clerk.

Discussion ensued.

EXECUTIVE SESSION: 10:37 A.M.

EXECUTIVE SESSION PER SECTION 610.021.(1)(3) (LEGAL & PERSONNEL)

(Taney County Commission Conference Room)

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

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

END OF EXECUTIVE SESSION: 11:19 A.M.

DAILY STAFF REVIEW AND AGENDA REQUESTS

(Taney County Commission Conference Room)

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

Also present: Tami Koran, Commission Assistant.

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

ADJOURNMENT

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

ADJOURN: 11:28 A.M.

The minutes were taken by Nick Plummer, Presiding Commissioner, and Stephanie Spencer, County Clerk, and typed by Stephanie Spencer, County Clerk.

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