



# Christian County Commission

100 West Church St, Room 100  
Ozark, MO 65721

<http://ChristianCountyMO.iqm2.com>

April Term

~ Minutes ~

Monday, April 6, 2015

8:50 AM

The Christian County Courthouse

## I. Convene

The meeting was called to order at 8:50 AM by Presiding Commissioner Ray Weter

Attendee Name	Title	Status	Arrived
Ray Weter	Presiding Commissioner	Present	
Bill Barnett	Western Commissioner	Present	2:00 PM
Sue Ann Childers	Eastern Commissioner	Present	
Norma Ryan	Chief Deputy County Clerk	Present	
Cheryl Mitchell	Assistant	Present	

## II. Agenda

### **Motion/Vote - 8:50 AM Christian County Commission**

Discussion - Approve Agenda

The meeting was attended by Commission Secretary Cheryl Mitchell and Beth Schaller-MoDot.

The Commission met to approve the agenda for Monday, April 6, 2015.

Commissioner Weter entertained a motion to approve the agenda.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett

### **Motion/Vote - 8:55 AM Kay Brown-County Clerk**

Minutes & Financials Approval - Approve Minutes & Financials

The meeting was attended by Commission Secretary Cheryl Mitchell and Beth Schaller - MoDot.

The Commission met to approve any minutes or financials.

There are no minutes or financials to approve.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett

### **Motion/Vote - 9:00 AM Beth Schaller-MoDot**

Discussion - Monthly Update

The meeting was attended by Commission Secretary Cheryl Mitchell.

The Commission met with Beth Schaller from MoDot for a monthly update. The main thing is paperwork involving funding. They went through the Amendment 7 and they support SB540. It would give them federal match and open up the cost share program. The 3/25 plan would go away and they could make safety improvements on more roads and maybe some additional major projects. Ray asked who had the senate bill. Beth said Libla. Ray said it would be 6 years before we get to 23 cents and we still have some of the lowest gas tax in the surrounding area. Financially by 2017 they will have used up part of the reserves and that is why they can't do these projects. They are trying to get the legislature to act this year so they can start collecting the revenue. 70% of the .06 cents would go to MoDot. 15% to Cities and 15% to Counties. Beth asked how much is the budget for roads in the county. Ray said they could use a round number of 1 million per district and be pretty close. Ray said OTO asked them to send letters of support to the Senators. Ray asked what is going on locally. Beth said the 65/CC will bid in May, award in June and proceed in 30-60 days and should be completed by June of 2016.

**Motion/Vote - 9:30 AM     Joey Kyle-Sheriff**

Agreement - Internet Access Agreement

The meeting was attended by Commission Secretary Cheryl Mitchell, Daniel Wells, Keith Mills and Lacey Hart.

The Commission met with Sheriff Kyle to sign an Internet access agreement. The County Counselor has looked at the agreement and has approved it. PC Solutions attorney has approved the agreement and Keith has been working with Lacey regarding how the transaction needs to take place. Ray asked if we have a current agreement. Keith said it is currently with Centurylink. The report writing system is currently behind because the current system is DSL and the new is fiber. They can't go any further and are under contract until November. PCS will be managing the new service. They need both of them for 3 months. The cost will be \$450.00 per month and the current is \$575.00. Keith said it comes into the Sheriff office and EMA, the Prosecutor will be able to get on it. Sheriff said they had PC Net at one time and they had issues with them. They have had PC Solutions and they are the hardware and software provider. Lacey said the services haven't been bid. Sue Ann asked if there is a cancellation fee? Keith said no they will ride the contract out. Joey said the overlap will give them an opportunity to work the bugs out. Ray said we need to give them a 60 day written notice? Do we have to give Centurylink a notice? Keith said he will double check that and make sure they know we are done in November. Joey said they have an IT person in the house and that reduces the time it takes and the expense. Ray wants to look this over and sign on Thursday. Commissioner Weter entertained a motion to revisit the issue on Thursday, April 9.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett

**Motion/Vote - 10:00 AM    Todd Wiesehan-Planning & Development**

Rezoning Application - Rezoning Case: Danny & Julie Penick-Motreux, NW Corner of Fremont Rd & Westwind Rd, Ozark

The meeting was attended by Commission Secretary Cheryl Mitchell, Steve Monsanto, Jared Rasmussen and Julie Penick.

The Commission met with Planning and Development Administrator Todd Wiesehan and Karen Haynes regarding the rezoning case of Danny & Julie Penick-Motreuz for the NW corner of Fremont road and Westwind road in Ozark. Ray said he has seen the initial application and there have been some people interested in the outcome. It is 40 acres with 12 home sites planned. Ray said P&Z have recommended approval and have sent it to the Commission for approval. Todd said all they are doing today is discussing whether it is appropriate to change the parcel from A-1 to R-1. The land use plans agree it would be appropriate and they don't have requirements for buildings at this point.

Commissioner Weter entertained a motion to approve the change of zoning from A-1 to R-1.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Sue Ann Childers
<b>ABSENT:</b>	Bill Barnett

**Motion/Vote - 2:00 PM    Spencer Jones-Great River Associates & Miranda Beadles-Highway Engineer**

Bid Decision - Bid Decision-Green Bridge & Lassley Bridge Repairs

The meeting was attended by Commission Secretary Julia Maples and Hanna Smith.

The Commission met with C1 Supervisor Richard Teague regarding the bid decision for Green and Lassley Bridge repairs. Great River sent a letter from Travis Rapp recommending the bid be awarded to R & J Warren Construction. Ray said if he recalls their bid was the most economical and we know the quality of their work. He feels the county should accept the engineers recommendation. Richard Teague said they are in agreement but they do need to have a start and finish date. Commissioner Weter entertained a motion to accept Great River engineering recommendation and award the bid to R & J Construction, LLC.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Bill Barnett, Western Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett, Sue Ann Childers

**Motion/Vote - 2:30 PM Ben Sexton-Pc Net/85 Under**

Discussion - Emails, Shared Calendars &amp; Office 365 Discussion

The meeting was attended by Commission Secretary Julia Maples and Ted Nichols. Karen Matthews and Kelly Hall came in at 2:41 pm.

The Commission met with Dustin Farrell, Mike, and Ben Sexton of PC Net/85 Under regarding emails, shared calendars and Office 365 discussion. Ray said this all started when he asked to be able to share calendars in his office. Ben said effectively the email system will not cover shared calendars properly. To get into one that will we will have to be moved from a pop server to an exchange server. There will be fees to move from one to the other. \$4 per month per user. We currently have 99 users. We would have to migrate them all. There is better backup, better searching, it works with tablets and phones. You can remove it remotely. We will only be having an up front fee to migrate. It takes \$125 per account to move them over. They will be moving any emails, calendars. To move unread emails it takes about an hour per account. Ray doesn't want to spend \$12,500 of the counties money. PC Net is pushing everyone they can to do this. The assessor has over 10,000 emails. If he loses his computer his emails are lost. If there is a switch, they will be saved. The other thing is the microsoft office can be assigned per account instead of the computer. The up front migration is the main expense. You can move any person at any time. The biggest concern he sees is all email is on the individual machine. In the exchange system it pushes it to the exchange server. The benefits are that you can use it across any device you have at home. They have been working with Emergency Management and they can't get it to work. Office 365 gives you the availability to be prepared now. It is the initial up front fee that you have to look at. Ray asked about EMA, is it because they only want to do the mail or what. Ray asked if they just did the email part are they going to have that problem. If you read and delete on your phone you don't have to do it on your computer, it updates automatically. Ted asked about the users. The total number of devices per user is 5. Your monthly cost won't change just the migration cost. Ray said when you have an office like this and you have an office manager scheduling appointments and you are scheduling appointments, the way to avoid double scheduling is to share calendars. Not everyone is in that situation. Karen said at that point your personal phone opens you up for sunshine requests and stuff. Kelly said that is the same information that will be on you desktop at work. Ray said he doesn't know if there is \$12,500 worth of benefit and he would like to reconsider this when we are talking about the budget next year. PC Net just wanted to let the commission know what was in store.

**Motion/Vote - 3:00 PM Joey Kyle-Sheriff**

Discussion - Discretionary Funds Discussion

The meeting was attended by Commission Secretary Julia Maples, Amelia Wigton, Lacey Hart, Nathan Weter and Daniel Wells.

The Commission met with Sheriff Kyle regarding discretionary funding discussion. Commissioner Weter said they addressed a request from the sheriff last week to pay an attorney based on RsMo 57.104.1 stating the Sheriff may appoint an attorney to represent him. From his perspective this statute is really poorly written. It should have said normal discharge of his duties and define representation. This is written where civil, or for any reason he would be entitled to hire an attorney and the county would pay for it. It doesn't say represent him in court regarding the discharge of his duties. Joey said in the way he stated in that case it does make it sound a bit broad. He still holds that if there would have been any restrictions they would have stated. Ray said if we do take it at face value, the county would have to provide an attorney if his cattle damaged the neighbors fence. Sheriff said the situation he is requesting the attorney is related to the business of running the office. 591.01 and 57.104 the language is the same. Sue Ann said she is concerned that he needs criminal representation and everything else is civil and she feels that if these charges are against the county we have paid his and the county's legal fees. Since we don't know the attorney's job. The charges have to do with the duties of his office and his personal responsibility. This statute is designed for the county to provide legal representation for the sheriff. Sue Ann is afraid to spend the county's money until a judge says we have to. Bill said his opinion is we go by the statute and it is clear to him the county takes care of his obligation. Sue Ann said we are going to pay our fees and the sheriff? Ray said he doesn't see any fees for the county. The county is not under any known eminent threat of prosecution. The only way at this point would be if we denied this and were sued. Ray said his feeling is we are only talking at this point about one attorney and that attorney representing the sheriff. The next fee he worries about is if it moves beyond that. Sue Ann asked if he has signed the contract. Joey said yes. Sue Ann said there should be an addendum that the money will be paid. The contracts will be signed by everyone. Sue Ann asked if the contract says the county will pay the bill? Joey said no the state statute says the county will pay the bill. Julia agrees with Sue Ann that the contract has to come through the county. Ray agrees. Julia said that is very easily remedied. Ray wants to talk about where the money comes from to pay for? Sue Ann asked if some of the other people need an attorney. Joey said it doesn't provide for it. Ray said what needs to happen is the attorney needs to be advised that the county needs to be a party to the contract and our counselor needs to approve it. Joey will need to talk to the attorney first. Lacey said the county counsel said the funding to pay for this is the COLE account. There are transfers from the general revenue into cole. Ray asked her if whatever we pay will take a bite out of the 500,000? Lacey said the expense of the lawyer comes out of what they budgeted for the employees. Ray asked how are we going to get a contract between his attorney and the county counsel. The commission will revisit this after visiting with county counsel and the sheriff attorney on April 16th. Sheriff is thinking about changing the funding source and if it is approved reimbursing the funding source. This would get the attorney retained and then continuing. Sue Ann asked about what fund? Civil Service fee fund has not been pulled out of Cole. Ray said we are stuck with what we initially said. We need

to have Joeys attorney and County Counsel talk and come up with an agreed upon contract. Ray asked Joey to contact his attorney and test the water about pursuing this. Joey said if we go through the process what is the harm paying it out of the revolving fund. That is the Conceal and Carry. Ray said we will inquire of Mr. Housely if we can take it out the conceal and carry. If Mr. Housely says it is ok they will send it through. Ray thinks Joey needs to approach his attorney and let them know there will need to be a contract. Joey will feel comfortable knowing he has the retainer fees now instead of 10 days. Ray said if we sign off in this fund and Joey approaches the attorney about the contract agreement and he says no then where are we? We will meet with Mr. Housely Thursday for discussion if possible and Joey will contact his attorney. Joey would like the check cut out of conceal and carry as soon as possible.

Ray said the fund balance as of now is \$17,344.72. Ray said his feeling is we go ahead and do this and proceed with finding out if we need to have a contractual agreement with the attorneys. Commissioner Weter would entertain a motion pursuant to 57.104.1 to use from Conceal and Carry account 615-610-331.

<b>RESULT:</b>	<b>ADOPTED [2 TO 1]</b>
<b>MOVER:</b>	Bill Barnett, Western Commissioner
<b>SECONDER:</b>	Ray Weter, Presiding Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett
<b>NAYS:</b>	Sue Ann Childers

### **III. Adjournment**

The meeting was closed at 3:45 PM  
The Commission is adjourned until Thursday, April 9, 2015.

#### **Motion/Vote - 3:45 PM**

- Motion to adjourn

Commissioner Weter entertained a motion to adjourn until Thursday, April 9, 2015.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sue Ann Childers, Eastern Commissioner
<b>SECONDER:</b>	Bill Barnett, Western Commissioner
<b>AYES:</b>	Ray Weter, Bill Barnett, Sue Ann Childers



Ray Weter

Presiding Commissioner, Ray Weter

  
Bill Barnett

Western Commissioner, Bill Barnett

  
Sue Ann Childers

Sue Ann Childers

Eastern Commissioner, Sue Ann Childers