



Christian County Commission

100 West Church St, Room 100
Ozark, MO 65721

<http://ChristianCountyMO.iqm2.com>

April Term

~ Minutes ~

Thursday, April 30, 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	
Sue Ann Childers	Eastern Commissioner	Present	
Cheryl Mitchell	Assistant	Present	
Julia Maples	Administrative Assisstant	Present	
Norma Ryan	Chief Deputy County Clerk	Present	

II. Agenda

Motion/Vote - 8:50 AM Christian County Commission

Discussion - Approve Agenda

The meeting was attended by Commission Secretary Julia Maples, Brian Roy, Miranda Beadles, Brent Young,

The Commission met to approve the agenda for 04/30/15.

Commissioner Weter entertained a motion to approve the agenda.

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

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

Minutes & Financials Approval - Approve Minutes & Financials

The meeting was attended by Commission Secretary Julia Maples, Brian Roy, Miranda Beadles Highway Administrator, Brent Young C2 Supervisor,

The Commission met to approve the Minutes & Financials.

Commissioner Weter entertained a motion to approve the minutes for Monday April 27, 2015.

Under Financials is Court Order# 04-30-2015-1

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

Motion/Vote - 8:55 AM

- Motion to approve the court order

Commissioner Weter entertained a motion to approve Court Order# 04-30-2015-1 transferring of \$50,000.00 from general revenue to COLE.

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

Motion/Vote - 9:00 AM Miranda Beadles-Highway Engineer & Brent Young-Common II Supervisor

Bid Opening - Bid Opening-Security Fence for Common II Road Department Facility
The meeting was attended by Commission Secretary Julia Maples, Brian Roy, Jason Stutesmun

The Commission met with Miranda Beadles Highway Engineer & Brent Young-C2 Supervisor for a bid opening on a security fence for CII Road Department Facility.

Commissioner Weter open bids for a total of 1460 linear feet. The first bid from Carnahan White was for \$18,615.00. The 2nd bid from Glenstone Roofing & Fence L.L.C. was quoted at \$24,820.00.

Commissioner Weter entertained a motion for Highway Engineer C2 Supervisor & Commissioner Barnett to review the Bids and make a recommendation Monday May 4th, 9:30 a.m.

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

Motion/Vote - 10:00 AM Joe Vanwinkle-Missouri Career Center

Discussion - Summer Youth Program Discussion

The meeting was attended by Commission Secretary Julia Maples, Amelia Wigton with The Headliner,

The Commission met with Mr. Joe VanWinkle Missouri Career Center regarding the Summer Youth Program.

Mr. VanWinkle passed out work site pamphlets. The Program starts on 05/01/15 @ \$8.00 an hour. The program also provides liability and workers compensation insurance.

There are 2 programs. The income threshold is 180% above the poverty level. Evaluations are the key pointers for future employment skills. Emergency health care is covered. Training plan is detailed with what both employer & student wants. Mr. VanWinkle is asking permission for the program to go forward. Commissioner Weter asked if local government can partake? Answer was yes. Mr. VanWinkle said he will contact the City of Ozark to get word out about the program. Commissioner Childers had asked if Mr. VanWinkle has a list of employees interested in the program. Commissioner Weter said it would be best if Mr. VanWinkle presents the program, he believes its a good opportunity for the youth. Commissioner Weter asked if he can arrange time for Mr. VanWinkle to return back here to discuss the program with other elected officials.

Commissioner Weter entertained a motion to present information via various elected official & department heads.

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

Motion/Vote - 11:00 AM Lacey Hart-Auditor

Discussion - Discretionary Fund Disclaimer

The meeting was attended by Commission Secretary Julia Maples, Sheriff Joey Kyle, Kay Brown, Kelly Hall, Amelia Wigton, Judy Dollarhite, Keith Mills, Daniel Wells, Ted Nichols, Ken Hurley

The Commission met with Lacey Hart - Auditor regarding Discretionary Fund Disclaimer.

A discussion regarding adding a disclaimer to the purchasing manual. The disclaimer would address discretionary funds. It would indicate that signing requisitions for discretionary funds purchases does not indicate approval and is procedural only.

Commissioner Weter said no more actions today. Commissioner Weter said we are going to try to integrate department head schedules for a meeting later and discuss purchasing. Commissioner Weter entertained motion for later meeting.

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

Motion/Vote - 1:32 PM Judy Dollarhite-Citizens Task Force

Discussion - Task Force Discusses Expansion Needs

The meeting was attended by Commission Secretary Cheryl Mitchell, County Clerk Kay Brown, Ralph Phillips, County counselor John Housley, Cindy Childress, Judge Laura Johnson, Planning and Development Administrator Todd Wiesehan, Patrick and Lynn Kempen, 911 Director Rance Duffy, Ken Hurley, Eric Peterson, Hollis and Paulette

Overall, Linda Barger, Circuit Clerk Barbie Stillings, Auditor Lacey Hart, Prosecutor Amy Fite, EMA Director Phil Amtower, Sheriff Joey Kyle, Community Publisher reporter Amelia Wigton, Building Inspections Bob Barnhart, Recorder Kelly Hall, Nathan Weter, Doug Twigger, Juvenile Officer Terri Goodall, Attorney Jim Meadows, and nForm Architect Travis Tindall.

The Commission met with Judy Dollarhite and the Citizens Task force for a discussion on the expansion needs. They are trying to get some answers on financials. Judy said they could propose a number of options but they need to know if the 1/4 cent will remain, and how will that be allocated. They need to know now so they know if it can be allocated legally so their plans include that. Ray said beginning balance 2015 was \$1.2 million. The sales tax revenue is predicted to be \$1.7 million \$2,500 interest. Total this year is \$1.711 million.

\$2.9 million total including the beginning balance. Expenditures of \$1.1 million to pay off the building. \$1.1 million transfer to law enforcement, \$500,000 out for renovation for judicial building for a total of \$2.7 million leaving a ending balance of \$235,176. Meaning in 2016 this is what we start with.

Mr. Peterson asked how the sales tax comes in. Ms. Hart said monthly. In 2016 we will only have \$235,000 to start. Mr. Peterson asked what 2014 was. Commissioner Weter said beginning was \$1.3 million revenue \$1.7 million \$3,100 interest total of \$3 million and of that \$1 million bond retirement, transfer to law \$820,000 total \$1.9 million leaving \$1.2 million.

Ms. Dollarhite asked about the \$500,000 that she is not sure we can use for renovation, how do we determine that. Commissioner Weter said we have the best legal minds present in the room and asked the County counselor to give his opinions on the question. Mr. Housley, County Counselor, stated in light of the language used in the ballot proposition in the April 4, 2000 election which was currently to be "used to operate and maintain the law enforcement services of the County" April 3, 2012 ballot language which provided that the existing one quarter cent law enforcement sales tax would continue to be imposed for the "purpose of providing law enforcement services for the County", may have limited its use to expenditures such as salaries, equipment, and maintenance of existing law enforcement related facilities. Although the term "law enforcement services" is not defined in section 67.582, RSMO., a 1990 Atty. Gen. Opinion opined that the phrase "law enforcement services" could be extended to allow a County to expend sales tax revenue collected pursuant to section 67.582 on a facility which housed circuit court rooms, offices for the prosecuting attorney, circuit clerk, and Sheriff. However, Mr. Housley noted that the County commission did not submit the continuation of the quarter cent sales tax as a single initiative to the voters at the April 2012 election, but submitted two separate tax proposals. The first sought to continue the law enforcement sales tax of one quarter cent which was to be used for the purpose of "providing law enforcement services to the County", and a separate proposition which sought to impose an additional one quarter cent countywide sales tax for the "purpose of providing funding for law enforcement related capital projects including acquiring land in constructing additions and improvements to the County Justice Facility

and furnishing and equipping the same." The first ballot proposition was approved by the voters but the second initiative was defeated by the voters. Mr. Housley noted that Missouri appellate courts, which it construed the scope of law enforcement sales tax initiatives to determine whether they could be spent on capital or capital improvement projects, such as *Armstrong v. Adair County* and *White v. Cole County*, have held that the ballot language is to be narrowly construed to limit the purposes to the express terms contained in the ballot language. Here the only LEST ballot initiative that was approved by County voters in 2012 authorized the money to be spent for "law enforcement purposes", while voters simultaneously rejected a separate proposition that allowed law enforcement taxes to be spent for "law enforcement related capital projects". Commissioner Weter asked if the courts may have an issue if the County said we are going to divert the revenue from paying for law enforcement services to a capital building project. Mr. Housley said they certainly could based upon to Court of Appeals decisions previously discussed. Mr. Housley stated he had concerns that either a taxpayer or an elected official the County could file a declaratory judgment action in court to challenge the expenditure of the one quarter cent law enforcement sales tax approved by voters in 2012 if it was being spent on capital improvement projects. If this revenue stream were put out for a bond, to finance construction of a new judicial facility, and if a court were subsequently to determine the expenditure was not within the purpose authorized by the voters when they approved the LEST in 2012, the County could be in serious financial difficulty trying to find an alternative source of funding to pay off the bonds. Therefore, in an abundance of caution, the County counselor stated he was his opinion the one quarter cent LEST revenues approved I April 2012 should not be spent by the County commission or obligated to pay bonds associated with the construction of new law enforcement related capital projects. However, he did state that it may be possible to spend the LEST taxes authorized in 2012 to pay the cost to maintain current law enforcement related buildings or to rent space for offices for law enforcement purposes, such as the prosecutor's office or Sheriff's offices.

Ms. Dollarhite said Mr. Peterson is on the Building Bond Board and she would like to defer to him, he has spoken to Dick Bartow. Mr. Peterson passed out a packet for discussion. He believes if the issues are properly presented to the public, they will accept. Page C is the email about the question from a bond counsel who deals with this all the time. He is a bond attorney. It is his opinion the extension approved is an extension should be an extension of the original ballot question regardless of the second outcome. There was discussion about \$500,000 from the general fund to law enforcement. Mr. Barnhart said he was leaving because this doesn't include him. It will cost a bloody fortune to put an extra floor on the building. Ms. Dollarhite asked Mr. Barnhart In regard to remodeling is it the 25% rule before everything becomes today's building code. At what point does it throw us in the realm of sprinklers and etc. Mr. Barnhart asked her where she got the 25%. There is an international building code. Mr. Barnhart said the 25% rule is you have to pay 25% of your costs for ADA acessability. Commissioner Weter said the \$500,000 earmarked for this year may not happen if the sheriff decides he needs that money, they won't be able to transfer from general revenue. Commissioner Weter said what they have is transferred to law enforcement.

Another \$500,000 comes out of for a total of \$1.6 million. Without that the Sheriff has to live on \$3.6 million and he can't. Mr. Peterson said they need to figure out how they can get this information to the people. Ms. Dollarhite said the general public has no idea how crowded we are and how we will adjust when we get another judge. They are working diligently of coming up with short term mid term and long term solutions and need something definite how those funds will be allocated so they can make plans accordingly. The Task force has some short term ideas, medium, and long term ideas. They are finding there won't be any money. Ms. Dollarhite said the \$500,000 is earmarked for one year. The confusion is the \$500,000 in two places. One is from general revenue to go to the sheriff and the other is from building bond to go to renovation. Mr. Peterson said we may be able to rent or lease some space for immediate short term relief to be ready when the judge shows up. Is was a great meeting for clarification. Ms. Dollarhite wanted to ask Mr. Housley if it is possible to do a video and show the crowding of the jail issue and blur out faces . They haven't been able to discuss 911 and EMA and kicking them out so we need the space. Mr. Burger that is a huge lift. Commissioner Weter wanted to speak about one time moves. A one time move would be to fund a building south of the courthouse and move the Prosecuting Attorney and then remodel for the judge. Ms. Dollarhite asked the deadline to put something on the ballot. County Clerk Kay Brown said May 26 for August and the end of August for November. Mr. Barnhart came back and said they wouldn't require anything from the building department. Commissioner Weter said the historic preservation applies to the outside. Mr. Housley said if you want to have a PR campaign and have jail video, there is no right of privacy if you think that is helpful as long as the sheriff says it doesn't compromise the jail security. Ms. Dollarhite said the other questions is about a roof leak on the pods and the septic problem. What has the commission done about those repairs. Commissioner Weter said the septic issue is because the inmates stuff everything down them. Mr. Peterson asked about the pumps. Ken said there is an 8" line going into the pit hole and the grinder pump. The only thing going out is a 4" line when the pumps are turned on. Mr. Hurley will call the general contractor and find out who the plumbing company is. Mr. Hurley doesn't think the public has been sold well in the past. Ms. Stillings asked if there had ever had the modular people come. Ms Dollarhite said they did talk to them and it wasn't cost effective. Mr. Peterson just to summarize there is around \$500,000 that can be earmarked for a short term fix. Commissioner Weter said if it is spent on the judicial building itself. Mr. Peterson said 2016 is too far away. Ms. Fite asked about the language in April 26 referencing the tax only with no reference for the capital improvements. Mr. Housley said it just puts into effect what you are collecting effective June 2015. Mr. Meadows said you have two sets of taxes. They say you judge it by the ordinary ballot language. It is highly questionable to use the bonds for anything other than law enforcement services. Case law authorized any taxpayer to sue. Bonding counsel is paid out of the deal. If you go down that road you would want an opinion from the bond counsel that they will bond and defend it. Mr. Housley is skeptical they will stick their neck out. Ms. Dollarhite asked if it is Mr. Housley's opinion that the tax can be used for remodeling and renovating. Commissioner Ray pointed out that you would have to remodel somewhere and move someone and remodel that and move

someone else and it seems more logical to build and move once and remodel once. Mr. Peterson is trying to get out as much information as possible what we have to spend for law enforcement is, it significantly less that surrounding counties based on sales in the area? Sheriff Joey Kyle said it is a countywide problem not just a sheriff problem. It is the taxable sales. We will be looking at a growth. In 5 years we will have 105-110,000 people we have 84,000 now. Mr. Peterson said anything they can do to get the word out of what needs to happen to get this fixed. Sheriff Joey Kyle would like for people to consider this to be a county problem, not just a sheriff problem. Commissioner Weter thanked everyone for coming and sharing their perspective. Commissioner Barnett wants to echo what Commissioner Weter said.

Commissioner Weter entertained a motion to adjourn.

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

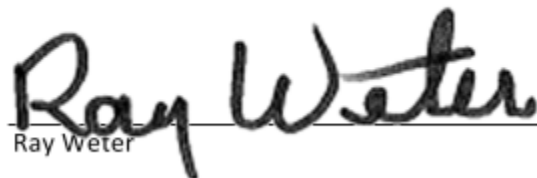
III. Adjournment

The meeting was closed at 3:16 PM
 The Commission is adjourned until Monday, May 4, 2015.

Motion/Vote - 3:16 AM

- Motion to adjourn
 Commissioner Weter entertained a motion to adjourn.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sue Ann Childers, Eastern Commissioner
SECONDER:	Bill Barnett, Western Commissioner
AYES:	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