



# Christian County Commission

100 West Church St, Room 100  
Ozark, MO 65721

<http://ChristianCountyMO.iqm2.com>

April Term

~ Minutes ~

Thursday, April 14, 2016

8:50 AM

The Christian County Courthouse

## I. Convene

The meeting was called to order at 8:50 AM by

Attendee Name	Title	Status	Arrived
Ray Weter	Presiding Commissioner	Present	8:50 AM
Bill Barnett	Western Commissioner	Present	8:50 AM
Sue Ann Childers	Eastern Commissioner	Present	8:50 AM
Cheryl Mitchell	Assistant	Present	8:50 AM
Kay Brown	County Clerk	Present	8:50 AM

## II. Agenda

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

Discussion - Approve Agenda

The meeting was attended by Commission Secretary Cheryl Mitchell, Robert Palmer, Karen Haynes and Wendy Neugebauer.

Presiding Commissioner Weter entertained a motion to approve the agenda as published for Thursday April 1, 2016.

<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 - 8:55 AM Kay Brown-Christian County Clerk**

Minutes & Financials Approval - Approve Minutes and Financials

The meeting was attended by Commission Secretary Cheryl Mitchell, Robert Palmer, Karen Haynes and Wendy Neugebauer.

Presiding Commissioner Weter entertained a motion to approve the minutes for Thursday, April 7, 2016.

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

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**Motion/Vote - 8:56 AM**

Approve the April 11, 2016 Minutes

The meeting was attended by Commission Secretary Cheryl Mitchell, Robert Palmer, Karen Haynes and Wendy Neugebauer.

Presiding Commissioner Weter entertained a motion to approve the minutes for Monday, April 11, 2016.

<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 - 8:57 AM**

Approve Agreement With Ozark Electric

The meeting was attended by Commission Secretary Cheryl Mitchell, Robert Palmer, Karen Haynes and Wendy Neugebauer.

Commissioner Weter reviewed the current County revenue in comparison to last year's revenue and numbers show that we are ahead for the year.

Presiding Commissioner Weter said an agreement with Empire District Electric was reviewed that would provide guaranteed bandwidth fiber for internet for a \$ 100.00 a port. We currently have one port.

Presiding Commissioner Weter entertained a motion to approve the agreement with Empire Electric.

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

**Motion/Vote - 9:00 AM Wendy Neugebauer-Citizen**

Discussion - Windridge Subdivision

The meeting was attended by Commission Secretary Cheryl Mitchell, Robert Palmer, Karen Haynes and Wendy Neugebauer.

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Presiding Commissioner Weter said there was a previous discussion between he and the County Counselor Housley and Wendy Neugebauer regarding the east side of the detention area that some residents consider to be the Windridge Subdivision.

Wendy Neugebauer said the detention pond in the subdivision has four foot tall weeds, dead trees, risk of snakes, mice, feral cats and potential liability. Ms. Neugebauer said her property is devalued due to the blighted property in the subdivision. Ms. Neugebauer said she is seeking assistance from the County Commission or the Planning and Zoning Commission to issue a letter to the property owner to clean up his property.

County Counselor John Housely said he obtained a copy of the covenants and restrictions for the Windridge Subdivision and an aerial photograph of the subdivision showing the supposed blighted area. Mr. Housley said Liberty Bank owns the west side and the east side is owned by Robert Stidham. Mr. Housely asked if a homeowners association is in place to deal with the maintenance of the subdivision.

Wendy Neugebauer said there is not a homeowners association and they do not want one.

Counselor Housley said when the property was originally platted the covenants and restrictions were recorded with the Recorder of Deeds. Mr. Housley encouraged Ms. Neugebauer to form a homeowners association. Mr. Housley said if the homeowners association went into default it can be reinstated. Mr. Housley said the homeowners association can force a homeowner to clean up the property or suffer a lien against their property.

Wendy Neugebauer said the homeowners association was defunct before they purchased their home and their understanding was the County would be responsible.

Mr. Housely stated "nobody from the County told you that!"

Wendy Neugebauer said are you are saying the Planning and Zoning Department or the County Commission will not send a letter to the property owner to clean up his property.

Counselor Housley said it is the responsibility of the homeowners association to maintain the property and have the ability to take legal action with Mr. Stidham.

Presiding Commissioner Weter said we will have to take this under consideration whether we want to draft a letter because we don't want to give the impression that if a homeowners association dissolves then the responsibility would fall to the County Commission.

Commissioner Childers said if we write a letter it will only take care of the problem one time and not for two years from now.

Ms. Haynes said when the subdivision was platted the homeowners association was created with the covenants and restrictions, which is required for all platted subdivisions.

Wendy Neugebauer said there was no homeowners association when each person bought a lot in the subdivision.

Presiding Commissioner Weter said there is nothing that prevents you from reestablishing a home owners association.

Wendy Neugebauer said why did the title company tell us there was no home owners association and the County would be responsible.

Robert Palmer said he was one of four homeowners that belonged to a homeowners association and one member was the developer and he had one vote. Mr. Palmer agreed with the Commission that the issue needs to be addressed by the homeowners association.

Karen Haynes said a copy of the covenants and restrictions are available and can be filed with the Secretary of State and then she could proceed to place a lien on the property and or take him to court.

Karen Haynes said in the original plat there were covenants and restrictions with no homeowners association established but since then there were two separate phases platted which has nothing to do with the covenants and restrictions.

County Counselor Housley said to send Mr. Stidham a letter after the homeowners association is established and if he doesn't respond then get awarded the expense of cleaning up the property. Mr. Housely referenced paragraph 13 of the covenants and restrictions that states an individual owner can also file suit against Mr. Stidham.

Wendy Neugebauer said they are just looking for help from the County Commission by sending a letter to Mr. Stidham and are not interested in having any liability for the retention ponds.

Counselor Housley said Mr. Ron Stidham would be liable if someone gets hurt on his property.

Presiding Commissioner Weter said if you are concerned that this will devalue your property it would be in your best interest to have a homeowners association.

Presiding Commissioner Weter said he would consider writing a letter but doesn't know how effective it would be.

**Motion/Vote - 11:30 AM Christian County Commission**

Discussion - One or More Commissioners Will be Attending Ozark East Elementary 2Nd Grade Restaurant

**Motion/Vote - 1:30 PM Christian County Commission**

Discussion - 2895 : Motion to Move into Closed Session-Real Estate-Statute 610.021 Subsection 2

The meeting was attended by Commission Secretary Cheryl Mitchell and Auditor Lacey Hart.

Presiding Commissioner Weter entertained a motion to Move into Closed Session pursuant to Real Estate-Statute 610.021 Subsection 2

ROLL CALL VOTE: Presiding Commissioner Ray Weter (Yes), Western Commissioner Bill Barnett (Yes), Eastern Commissioner Sue Ann Childers (Yes).

<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 - 1:30 PM      Christian County Commission**

Discussion - 2895 : Move Into Open Session From Closed Session

The meeting was attended by Commission Secretary Cheryl Mitchell and Auditor Lacey Hart.

Presiding Commissioner Weter entertained a motion to move into open session.

ROLL CALL VOTE: Presiding Commissioner Ray Weter (Yes), Western Commissioner Bill Barnett (Yes), Eastern Commissioner Sue Ann Childers (Yes).

Open Session resumed.

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

**III. Adjournment**

The meeting was closed at

**Motion/Vote - 2:30 PM**

Motion to Adjourn

The meeting was attended by Commission Secretary Cheryl Mitchell, Lacey Hart.

Presiding Commissioner Weter entertained a motion to adjourn.

ROLL CALL VOTE: Presiding Commissioner Ray Weter (Yes), Western Commissioner Bill Barnett (Yes), Eastern Commissioner Sue Ann Childers (Yes).

<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