



Christian County Commission

100 West Church St, Room 100
Ozark, MO 65721

October Term

<http://ChristianCountyMO.iqm2.com>

~ Minutes ~

Wednesday, October 5, 2016

9:00 AM

The Christian County Courthouse

I. Convene

The meeting was called to order at 9:00 AM by Presiding Commissioner Ray Weter

A. Roll Call

II. Agenda

Attendee Name	Title	Status	Arrived
Ray Weter	Presiding Commissioner	Present	9:00 AM
Bill Barnett	Western Commissioner	Present	9:00 AM
Sue Ann Childers	Eastern Commissioner	Present	9:00 AM
Krista Cronin	Deputy Clerk	Present	9:00 AM
Ashley Hannah	Secretary	Present	9:00 AM

Motion/Vote - 9:00 AM Todd Wiesehan-Planning and Development

Hearing - Board of Adjustment-Continued-Case No. 2016-0153 the Herschend Family Foundation/Dogwood Ranch Corp., Proposed Conditional Use Permit Public Riding Academy) in a A-1 Agriculture District, 2689 Parch Corn Road, Rogersville
Attendees: Todd Wiesehan - Planning and Development Department Administrator, Lynn Morris, Dana Lopez, Brian Lopez, Kathy Noret, James Crowell with the Dogwood Ranch Corporation, Miranda Beadles - Christian County Highway Engineer

LATE ARRIVAL: John Housley

Todd Wiesehan met with the Commissioners to discuss the Board of Adjustment regarding the Continued Case No. 2016-0153 Herschend Family Foundation/Dogwood Ranch Corporation proposed conditional use permit public riding academy in an A-1 Agricultural District, 2689 Parch Corn Road in Rogersville, Missouri.

Presiding Commissioner Ray Weter said that the Board of Adjustment is now in session. The Minutes will be filed in the Board of Adjustment as public record. Presiding Commissioner Ray Weter noted the presence of a quorum.

Presiding Commissioner Ray Weter entertained a motion to approve the minutes from the last meeting, August 3, 2016. They have been reviewed and appear to be substantially correct.

MOVER: Western Commissioner Bill Barnett [AYE]

SECONDER: Eastern Commissioner Sue Ann Childers [AYE]

Presiding Commissioner Ray Weter said we've had the public comment portion of this meeting before. What we have today has been presented by Todd Wiesehan, Christian

County Planning and Development Department Administrator. What he has presented is the Staff Report along with the Recommendation to the Board of Adjustment.

Todd Wiesehan said that the issue of the property's use for Equine Therapy seems to be approved by the board with no major issues that would need mitigation. The issue we're dealing with now is compliance with the site and the fact that we have a building that they would like to use that is in a flood plain.

Mr. Wiesehan said that there are several options to consider with regards to the large riding arena in question. The building could be picked up and moved, but at a great expense. A flood wall could be used, but it may cost more to do that than to move the building. He is asking that the Board consider separating the building itself from the use.

Mr. Wiesehan then discussed the conditions that would be attached to the approval, such as the owners obtaining a Floodplain Development Permit related to the riding arena, creating an Emergency Plan, a weather band radio being permanently placed in the riding arena, ADA and building code compliance must be met, and the property owners must make contact with the Army Corps of Engineers regarding the low water crossing on site.

Presiding Commissioner Ray Weter asked if there is a restroom in the structure.

Mr. Wiesehan answered that there would need to be a restroom on site in order to be compliant with ADA and building code regulations.

Presiding Commissioner Ray Weter said to Mr. Wiesehan that he has five conditions listed that he's recommending that the Board of Adjustment consider. He asked if Mr. Wiesehan has discussed these conditions with the property owners.

Mr. Wiesehan answered yes, and that this will be a conditional use permit, so the property owners will have to meet the conditions first.

Brian Lopez was then sworn in by Presiding Commissioner Ray Weter.

Mr. Lopez said that he and Mr. Wiesehan have discussed what he's proposing. He thinks the proposal is reasonable, and they are striving to make the building compliant. He said that he would love to start business before these conditions are met, however. This would allow them to generate income to pay for the cost of making the building up to code.

Eastern Commissioner Sue Ann Childers asked Mr. Lopez if he knows how long the remodeling and repairs would take.

Mr. Lopez answered no, he doesn't know how long it will take. He said the flood vents would probably be the easiest part, and then they could work towards the greater expense of the restroom.

Mr. Wiesehan said that he thinks the ADA compliance needs to be taken care of as soon as possible.

Presiding Commissioner Ray Weter said that they are in a situation where it's difficult to give the County's blessing to begin operations right away because the building is not yet compliant.

Mr. Wiesehan said that Ms. Beadles gave him the suggestion that Board of Adjustment could require an accessible port-a-john be put on site until a restroom can be built in the building.

Eastern Commissioner Sue Ann Childers asked Mr. Lopez what he's working on right now.

Mr. Lopez answered that this meeting was their first step. He said they've been working with a contractor to install flood vents.

Presiding Commissioner Ray Weter said the truth of the matter is we can't give the County's blessing to engage in the business and services in question. That is outside the limits of the County's authority. I want to address the variances or the conditional use elements. The Board has to decide if all of these elements are addressed and the documentation is provided to the proper authorities in the County, will this satisfy the request for a conditional use permit?

Mr. Wiesehan answered that it would. He said that the request for the conditional use element is to operate within the regulation. He said that his department's regulations don't allow them to issue any permits while there's a violation on the property. He said that we need to be firm on a deadline to get that building up to code.

Presiding Commissioner Ray Weter said that he'd like to see something in writing that the Board can vote on. Presiding Commissioner Ray Weter entertained a motion to have Mr. Wiesehan to discuss the conditional use requirements with the owners, write up the conditional use requirements, and then the subject could be put on the schedule as a continuation of today's Board of Adjustment 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 - 10:05 AM Christian County Commission

Discussion - Sheriff Fund Balance-Loan Payback

Attendees: John Housley - County Counselor, Auditor Lacey Hart, Sheriff Brad Cole, Amelia Wigton with the Christian County Headliner

The Commission met with County Counselor John Housley and Sheriff Brad Cole regarding the Sheriff Fund Balance, Loan Pay Back.

Presiding Commissioner Ray Weter said that this meeting is regarding the loan pay backs to our General Revenue fund and our LEST fund. The court orders in question are as follows:

Court Order 02-29-2016-01 transferring \$26,000.00 from LEST, with the amount to be transferred back to LEST at a later date.

Court Order 03-24-2016-01 transferring \$75,000.00 from LEST to COLE, with no qualifications of that being transferred back to LEST.

Court Order 06-30-2016-02 transferring \$75,000.00 from LEST and \$97,570.00 from the General Revenue Fund to COLE.

Presiding Commissioner Ray Weter said that it looks like the only transfer that wasn't specified as a loan is the Court Order from March. We've received numerous notices from the Auditor that we need to address paying back these funds to their respective source funds. There has been communication by email by the Sheriff, Commission, and Auditor regarding these funds.

Ms. Hart said in her monthly reports she has clearly indicated that these transfers were monies to be paid back and the Commission has never come back and said otherwise. She said there was a mistake in the wording of the March transfer because she was sick at home.

Sheriff Cole said that his position is that we keep throwing out the word "loan", and we're talking about LEST. One fund needed help so we transferred money. If we need to take what was taken out of LEST and put it into COLE to make the books right, then we can do that. My preference at this point would be to not do that right now. I'd rather we do that towards the end of the year so that we have sufficient funds to get us through the year.

Presiding Commissioner Ray Weter asked County Counselor John Housley if the Commission should consider moving the money out of COLE and back into LEST as an obligation under proper budgeting techniques.

Mr. Housley answered that he's hearing all of this for the first time, but he's looked at the total amount budgeted for the beginning of 2016 and there was a potential transfer included if needed in that budget. He said that the Sheriff hasn't been over-spending, and that this situation usually happens when anticipated revenue isn't coming in on a timely basis, which can't be controlled. At some point the anticipated revenue is going to come in, and at that point the transfers can be repaid. I don't think that there's anything we need to do immediately, but we need to do it before the end of the year. I understand the Sheriff's point of view on waiting until the end of the year. I would get this squared up late November or early December. If he really comes up short between now and then, he still has \$200,000 that he can dip into that hasn't been used if he needs it. At the end of the day the Commission has the right to set and amend budgets, it's just a matter of balancing the books. The question is, when is the best time to do this? I'll leave that up to the Commission's discretion.

Sheriff Cole suggested that a transfer be made in the amount of \$176,000.00 from COLE to LEST immediately, and the General Revenue Money be addressed in the near future.

Presiding Commissioner Ray Weter entertained a motion to do as the Sheriff suggested and pay back LEST from COLE in the amount of \$176,000.00 by means of a court order.

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

III. Adjournment

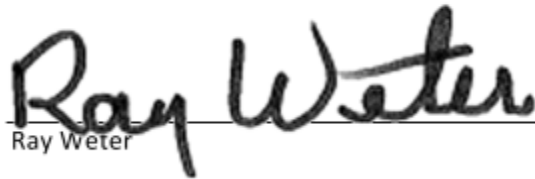
The meeting was closed at

Motion/Vote - 10:48 AM

Adjourn

Presiding Commissioner Ray Weter entertained a motion to adjourn.

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



Ray Weter

Presiding Commissioner, Ray Weter



Bill Barnett

Western Commissioner, Bill Barnett



Sue Ann Childers

Eastern Commissioner, Sue Ann Childers