



Christian County Commission

100 West Church St, Room 100
Ozark, MO 65721

January Term

<http://ChristianCountyMO.iqm2.com>

~ Minutes ~

Monday, March 6, 2017

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	8:50 AM
Ralph Phillips	Eastern Commissioner	Present	8:50 AM
Hosea Bilyeu	Western Commissioner	Present	8:50 AM
Krista Cronin	Deputy Clerk	Present	8:50 AM
Malinda Young	Secretary	Present	8:50 AM

II. Establish Quorum

III. Agenda

Motion/Vote - 8:50 AM Christian County Commission

Discussion - Approve Agenda

Presiding Commissioner Ray Weter noted the presence of a quorum, and then entertained a motion to approve the agenda for today, March 6, 2017, as published.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Hosea Bilyeu, Western Commissioner
SECONDER:	Ralph Phillips, Eastern Commissioner
AYES:	Ray Weter, Ralph Phillips, Hosea Bilyeu

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

Minutes & Financials Approval - Approve Minutes and Financials

Attendees: Clerk Kay Brown, Director of Purchasing Leo Snelling

There are no minutes or financials to discuss.

Motion/Vote - 9:00 AM Beth Schaller-MoDOT

Monthly Update - MoDOT Monthly Update

Attendees: Clerk Kay Brown, Director of Purchasing Leo Snelling, Frank Miller with MoDOT

Presiding Commissioner Weter said let the record show that Beth Schaller with MoDOT called this morning and notified the Commissioners that she will not be making this presentation, and Frank Miller will be here in her place. The Commissioners met with presenter Frank Miller (MoDOT) to receive the MoDOT monthly update. Mr. Miller presented the Commissioners with a 2017 Construction Guide which is produced every

year to show the public construction events happening in the area. He talked about upcoming ADA projects that will bring sidewalks up to compliance, as well as various resurfacing, pavement sealing, bridge painting, and widening projects happening within various counties. Presiding Commissioner Weter asked about the island at the intersection on North 17th Street and West State Highway J, between Lambert's and the Signal gas station. He said if you're traveling north on North 17th Street and you want to make a left turn, he's noticed a lot of people are hitting their left-rear tire on that island, and asked if that can be modified to create clearance. Mr. Miller said he would check on that. Mr. Phillips asked about the signal at the intersection of Highway NN and West Jackson Street, and said he feels the length of the light when you're traveling south on Highway NN is too short to accommodate the amount of vehicles traveling through the intersection. He asked if the lights could be adjusted to allow more traffic through. Mr. Miller said that he will check on that also, and it's probably related to the traffic flowing on West Jackson Street. Mr. Miller said that if the sales tax passes that's on the ballot in April they can probably do a lot more with that intersection by adding more lanes. The Commissioners thanked Mr. Miller for presenting the MoDOT update.

Motion/Vote - 10:00 AM Lacey Hart-Christian County Auditor

Monthly Update - Monthly Update

Attendees: Auditor Lacey Hart, Director of Purchasing Leo Snelling

The Commissioners met with presenter Lacey Hart to receive her monthly update for January 2017. The Conceal and Carry Fund was discussed, and Ms. Hart said that last month she talked about the Conceal and Carry Fund not being sufficient to cover the wages. She said it's a convoluted matter in which old Conceal and Carry funds can be spent on things not related to Conceal and Carry and have been used inappropriately, but it's not a battle worth fighting because Tyler Technology's system will have the capability of splitting wages. Eastern Commissioner Phillips asked Ms. Hart to give him an example of how the funds were being used inappropriately. Ms. Hart said if she's a person that gets paid for Conceal and Carry and she's answering phones for the entire Sheriff's office, delivering things not related to Conceal and Carry, that would be inappropriate. She said it's a moot point now, and it doesn't really matter unless the Sheriff's department starts using money out of the current year's collections to pay for things unrelated to Conceal and Carry. She said she would recommend that the Commissioners not sign those requisitions as it will become a matter of the State Auditor coming in and performing an audit. She said as those funds get depleted for things that are not Conceal and Carry it will become an issue, and out of courtesy she let the Sheriff know she has a problem. Eastern Commissioner Phillips said, "So we don't have a current issue?" Ms. Hart answered probably not because of the new rule that has come into effect. There was then discussion about two copiers purchased for the Consolidated Courts. Ms. Hart said Ms. Stillings ordered copiers which was an unexpected expense. Ms. Hart said Ms. Stillings hasn't run out of her budget as a whole, just on her line item. She said we don't go by the line item itself but by the entirety of the budget. Ms. Hart said that the Jury Expense line item is set high so it may cover expenses later to avoid adjusting the budget, and we're doing a wait and see where she

stands later on in the year. Mr. Snelling asked Ms. Hart if Ms. Stillings had enough money in her 2016 budget to cover the copier expense. Ms. Hart replied, "Of course, or I wouldn't have signed off on it. The problem was that the check was not cut in 2016." Eastern Commissioner Phillips said to Ms. Hart that what he heard her saying is that we should always request a higher budget for juries because I know I'll need that money for other things. Ms. Hart replied that signing off on those purchases isn't an issue, but the Commissioners signing off on it may be an issue.

Motion/Vote - 11:00 AM Todd Wiesehan-Planning and Development

Right-Of-Way Deeds - Right of Ways-Lenape Road-Billings Special Road District; Oldfield Road-Common One; Center Road-Common One

Attendees: Director of Purchasing Leo Snelling, Todd Wiesehan - Planning and Development Administrator

The Commissioners met with Todd Wiesehan, Planning and Development Administrator, to discuss Right of Ways within the Billings Special Road and Common One districts. Mr. Wiesehan said Lenape Road located within Billings Special Road District has an executed resolution requesting that the County take this right of way on their behalf. He said this is coming from the Revocable Living Trust Agreement of Carl Davis, Skylar Moore, and Ashlee Moore. Presiding Commissioner Weter entertained a motion that Christian County accept the right of way on Lenape Road on behalf of the Billings Special Road District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ralph Phillips, Eastern Commissioner
SECONDER:	Hosea Bilyeu, Western Commissioner
AYES:	Ray Weter, Ralph Phillips, Hosea Bilyeu

Motion/Vote - 11:03 AM Ashley Hannah, Christian County Commission

Right of Way Dedication - Right of Way-Oldfield Road-Common One

Attendees: Director of Purchasing Leo Snelling, Todd Wiesehan - Planning and Development Administrator

The Commissioners met with Todd Wiesehan, Planning and Development Administrator, to discuss Right of Ways within the Billings Special Road and Common One districts. Mr. Wiesehan said that Perry and Danetta Robertson have done some property line adjustment on the south side of Oldfield Road along the front of their property in Common One. Presiding Commissioner Weter entertained a motion to accept on behalf of Christian County and Common One the right of way as described on Oldfield Road.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ralph Phillips, Eastern Commissioner
SECONDER:	Hosea Bilyeu, Western Commissioner
AYES:	Ray Weter, Ralph Phillips, Hosea Bilyeu

Motion/Vote - 11:05 AM Ashley Hannah, Christian County Commission

Right of Way Dedication - Right of Way-Center Road-Common One

Attendees: Director of Purchasing Leo Snelling, Todd Wiesehan - Planning and Development Administrator

The Commissioners met with Todd Wiesehan, Planning and Development Administrator, to discuss Right of Ways within the Billings Special Road and Common One districts. Mr. Wiesehan presented a right of way for Center Road in Common One, the Grantor's being Garnold Stillman, Kevin Delong, and Kristine Delong. Mr. Wiesehan said they did some exchange of property there. Presiding Commissioner Weter entertained a motion to accept the right of way on Center Road as described on behalf of Common One and Christian County.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ralph Phillips, Eastern Commissioner
SECONDER:	Hosea Bilyeu, Western Commissioner
AYES:	Ray Weter, Ralph Phillips, Hosea Bilyeu

11:08 AM

Statement

Attendees: Director of Purchasing Leo Snelling, Todd Wiesehan - Planning and Development Administrator

Presiding Commissioner Weter said we will stand in recess until 1:30 p.m.

Motion/Vote - 1:30 PM Ashley Phipps-Citizen

Hearing - Tax Appeal Hearing with Christian County Collector

Attendees: Ashley Phipps, Collector Ted Nichols, Director of Purchasing Leo Snelling, Jim Kyle with the State Tax Commission

The Commissioners met with presenter Ashley Phipps regarding a tax appeal hearing with the Christian County Collector. Presiding Commissioner Weter said we are coming out of recess and resuming our regular agenda. Ms. Phipps said she's meeting with the Commissioners today to see if she can get a late fee waived. She said that she originally attempted to pay her taxes online, but when she realized that she would incur a \$36.00 convenience fee for paying it online using a credit card she tried to back out of the payment but couldn't tell if the charge went through. She said she then called and talked to Cindy in the Collector's office and asked if it could be cancelled, and she said she was told that it was cancelled and that she could just mail in a check. Ms. Phipps said she mailed in two separate checks for her personal and property taxes and monitored her bank account to see if the checks cleared. She said nothing came out of her account, and then she received a receipt saying that her taxes were paid. Ms. Phipps said she talked to both Cindy and Kathy in the Collector's office and she was told that they hadn't received the checks she mailed, so she offered to cancel the checks and pay in person. She asked Kathy to not charge her a late fee, and Ms. Phipps was told she'd need to speak with Mr. Nichols. Ms. Phipps said Mr. Nichols said it was against the law to waive a late fee penalty for her since it was 60 days past due, and the late fee

charge is \$172.00. She presented documents to support the discussion. Presiding Commissioner Weter confirmed with Mr. Kyle that the Christian County Commission can make the decision when it comes to late fees. Mr. Kyle answered yes, and said that Ms. Phipps tried to do her part. Mr. Nichols said the fact is that she paid online in December and when you make a payment online it clearly displays the convenience service fee before you confirm the payment by checking a box at the bottom of the screen. He explained that Cindy was able to go in and reverse the online payment, but the reason it still showed up as paid is because it takes some time for the credit card processing company to update the transaction. Mr. Nichols said that Ms. Phipp's checks never arrived, and at that point he didn't feel he had the authority to do anything about the late penalty. Presiding Commissioner Weter asked what the process would look like if they decided to waive the penalty. Mr. Nichols answered that they'd have to reverse the payment out of the system as if it weren't paid and then put it back in the system without penalties on it. Western Commissioner Bilyeu asked if a check would be issued back to Ms. Phipps. Mr. Nichols answered yes. Western Commissioner Bilyeu said that his tendency will always be that people come before policies, especially when it seems that the citizen attempted to pay her bill. There was discussion about the current legislation regarding Collector's late fees. Western Commissioner Bilyeu asked Mr. Nichols the reasoning behind the convenience fee. Mr. Nichols answered that the convenience fee is 2 1/2% of the total amount charged because that is what the credit card processing company charges the County, so they are recovering costs for that service. Ms. Phipps said that if she had it to do all over again she would pay the bill in person, and that's what she plans to do in the future. Presiding Commissioner Weter said that Ms. Phipps did her due diligence and received conflicting signals. He said that Mr. Nichols is mandated by law and correct in making the decision that of the Commission. He said to Ms. Phipps that she's a customer of the County and she tried to do the right thing, and she shouldn't be penalized for it. Presiding Commissioner Weter entertained a motion to authorize the Collector to waive and refund the penalty assessment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Hosea Bilyeu, Western Commissioner
SECONDER:	Ralph Phillips, Eastern Commissioner
AYES:	Ray Weter, Ralph Phillips, Hosea Bilyeu

Motion/Vote - 2:30 PM Greg Williams and Aaron Ambrose-Midwest Public Risk

Discussion - Insurance Review

Attendees: Greg Williams with Connell Insurance, Aaron Ambrose and Todd Foster with Midwest Public Risk, Leo Snelling

The Commissioners met with presenters from Midwest Public Risk for an insurance review. Mr. Williams said that they wanted to introduce themselves to the new Commissioners and discuss the upcoming renewal, which is July 1, 2017. He said that their Experience Modifier looks at claims incurred versus claims expected, and the County is currently scored at 1.77, which is high. He said a 1.0 is average, but at the

renewal the score will drop to 1.7 which will reduce the premium. Mr. Williams said they've been looking at losses for the County, and he's pleased that they're willing to work with Midwest Public Risk to reduce risk. He said he'd like to set up more meetings with department heads and office holders to dial in on the claims and identify where things can be done differently. He said the Sheriff's department is really turning things around. Presiding Commissioner Weter said that he'd like to discuss the modifier, and the big hit last year was the gentleman that wrecked the front loader. Mr. Ambrose said that Christian County has about four claims that drive a little over half of what the workman's compensation goes into, which are from the past three years and vary in frequency and severity. He said a lot of them go into litigation and are still open, which is the reason for the increase. He said that an effective method of reducing risk is to talk to the department heads, supervisors, and office holders and explain how these losses effect costs for the County. He said that Sheriff Cole is definitely an open-minded individual, and is pleased that his department is utilizing the online policy risk management tool from Lexipol. He said they've got concerns for the County, but it's nothing that can't be fixed with cooperation from leadership. Eastern Commissioner Phillips asked which departments have the largest liability risk. Mr. Ambrose answered that the Sheriff's department is first, and the Road Department would be second. Mr. Williams said that it would be beneficial for the Commission to be present at the meetings with the department heads if their time would allow for it. Mr. Ambrose noted that they offer online training so employees can complete it at their desks, and they also offer post-certified courses. He said their training covers the road department employees, law enforcement, and administrative staff. Eastern Commissioner Phillips said the County is considering working with an outside Human Resources consultant to update their policies and procedures. Mr. Williams said that part of the services Connell Insurance provides are updating employee manuals, FMLA, job descriptions, on-boarding, and salary matrixes. Presiding Commissioner Weter said that we've worked with Connell Insurance for a long time, and Mr. Snelling asked Mr. Williams if our current contract includes a component about HR services. Mr. Williams said that he will look into that. Presiding Commissioner Weter entertained a motion to authorize Midwest Public Risk and Connell Insurance to engage in a county-wise loss control effort for the County.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Hosea Bilyeu, Western Commissioner
SECONDER:	Ralph Phillips, Eastern Commissioner
AYES:	Ray Weter, Ralph Phillips, Hosea Bilyeu

Motion/Vote - 3:04 PM Miranda Beadles-Highway Engineer

Discussion - Parched Corn Discussion

Attendees: Miranda Beadles - Highway Engineer, Leo Snelling, Amelia Wigton - Christian County Headliner, County Counselor John Housley, Robert R. Cross III, Teresa Pellegrino, Paula Kulbicki, Rusty Darnell, Cheryl Strothkamp, Laura Tennant, Kathy Noret

The Commissioners met with presenter Miranda Beadles to discuss Parched Corn Road. Ms. Beadles gave a brief history of the subject of the discussion, presented a chronological packet of documents to support the discussion, and said this issue goes back to before the flooding of 2015. She said this particular location is on Parched Corn Road very near Loveland Drive, and there was a complete washout of the road from the top of the pavement to the grade elevation of the creek bed. She said it washed out once, we came in, dumped rock on top of it to get the road open (enough for one lane), and then it washed out again and took all of our material downstream. Two brand new culverts were replaced in October of 2015, and the road was built 16 feet wide because the road department was hoping to build a single lane bridge, however, due to negotiations with the property owner (Mr. Don Carriker) it hasn't happened. Ms. Beadles said the County hired a third-party appraiser to appraise the 0.1754 acre plot of land owned by Mr. Carriker, and the land was appraised for \$922.00. She said the property owner was contacted, and his original request for compensation was \$10,000.00. His offer was presented to the Commission and was rejected. Some time passed, and Mr. Carriker contacted Ms. Beadles again and said to take his previous offer off the table because he has a different one. His most recent request is regarding stream bank erosion, and the total cost for what he wants fixed now exceeds \$10,000.00, so we are again at a standstill. She said we need to get this bridge built as the residents on Loveland Drive are trapped. Ms. Beadles said we can continue to replace culverts there and do emergency response, but they'd prefer a long-term solution. She said that acquiring the 0.1754 acres will allow the County to build the bridge. Presiding Commissioner Weter asked if the plot of land is in a flood plain. Ms. Beadles confirmed that it is. Presiding Commissioner Weter asked if you have agricultural property in a flood plain can it be insured. Mr. Housley answered that FEMA has designated the flood plain, but typically you can only get insurance on structures. He said these streams meander and get out of their banks all the time with or without bridges or culverts. Ms. Beadles said she does not deny that there is stream bank erosion, however, it was there before 2015. She presented a photograph on the second page of the packet and said the photograph was taken the morning after the first washout. She said the entire channel filled with water, and if there were a single-span bridge there the water would just be rushing under it. She said even with the installation of the bridge it would be difficult to stay responsible for anything that happens with the stream, which is a good example of why they don't want to just install culverts there. Presiding Commissioner Weter asked Ms. Beadles an estimated cost to build a proper bridge there. Ms. Beadles answered \$300,000.00, an amount which is currently earmarked in our bridge fund. Presiding Commissioner Weter asked for comments from the audience.

Mr. Cross said that he owns property on the other side of the bridge and has been a resident there for over 30 years. He said the first time the County came in to alter the area for the sake of the school bus there were two 6-ft culverts installed and he stopped them and said it's not going to work. He said we now have an emergency situation with this bridge out, and he believes if the old bridge was there they wouldn't have a

washed-out road and the hazard of getting in and out of their community. He said that all of the debris washes downstream and clogs the tubes.

Mr. Darnell said when the road is flooded the ten families that live on Loveland Drive have to drive through his property. He said their safety is of the utmost importance, and they can't get emergency vehicles out there. He said he thinks it's rather embarrassing that someone in our county would act this way, and we all know those creeks do change paths.

Ms. Pellegrino said they've lived on Loveland Drive for 12 1/2 years, and she and her husband own a business with 25 employees. She said they have to get out and work, and she has elderly parents on hospice who require hospice workers to come to their house twice a week. She said that they drive through Mr. Darnell's field, but if there's an emergency when it's dark outside it could be dangerous because his field has a pond in it.

Ms. Strothkamp said that she thinks the bridge is needed. She said her husband has cancer and needs to get out, and they have two teenage boys who require the services of urgent care at times.

Ms. Kulbicki said she's lived on Loveland Drive since 1992, and said that they need this bridge for their safety. She said they're embarrassed that their neighbor hasn't been more cooperative with the County, and said they'd like to see their neighbor be reasonable.

Presiding Commissioner Weter said that the county is between a rock and a hard place, and publicly paying for something overpriced with tax-payer money doesn't go over well. County Counselor Housley said in essence we've complied with Eminent Domain statutes by sending Mr. Carriker letters with an acquisition brochure, as well as offering the exact amount of the appraisal. He said we've met our statutory obligations, and said if we're not able to reach a settlement here we would have to give him another 30 days notice and then we could file a petition for Eminent Domain. He explained the details of the process.

Ms. Beadles said that there's parts of Mr. Carriker's request that they can do, and suggested that in addition to giving Mr. Carriker the appraised amount for the land, giving him any material that the County wouldn't use to build a new bridge. She said he could use the material to armor the area upstream and deflect water coming from that direction. Mr. Cross noted that the same creek bed meanders through the center of his property, and although he's lost 12 feet of land he feels like that's a part of living in the country. Western Commissioner Bilyeu said his concern is if we set a precedent on a private property there may be people that would hear about it and would come to the Commission asking for things. He said he'd like to get resolution for this, and would prefer to go the Eminent Domain route, but he appreciates Ms. Beadles solution. He said he would like to see the bridge built as it's a public safety issue. Ms. Beadles said if Mr. Carriker accepted the offer it would be in the County's best interest to place the materials given to him on his side of the property. Eastern Commissioner Phillips moved to offer Mr. Carriker the appraised value of \$922.00 with a temporary easement fee of

\$99.00, for a total of \$1,021.00 for the 0.1754 acre plot of land discussed, as well as excavated existing surplus material. Western Commissioner Bilyeu said the County remains committed to building a bridge.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ralph Phillips, Eastern Commissioner
SECONDER:	Hosea Bilyeu, Western Commissioner
AYES:	Ray Weter, Ralph Phillips, Hosea Bilyeu

IV. Adjournment

The meeting was closed at 3:56 PM

3:56 PM

Statement

Presiding Commissioner Weter said seeing no further business we are adjourned.


Ray Weter

Presiding Commissioner, Ray Weter



Hosea Bilyeu

Western Commissioner, Hosea Bilyeu



Ralph Phillips

Eastern Commissioner, Ralph Phillips