

# PHELPS COUNTY COMMISSION RECORD

May 1, 2018 Ninth day of the April term

Now at this the 1st day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

IN THE MATTER OF  
COMMUNITY OUTREACH  
MEETING IN NEWBURG:

April having been County Government Month, "Serving the Underserved", the Commission held its regular meeting at 5:30 p.m. at the Houston House in Newburg. Also present were Phelps County Focus Staff Writer Andrew Sheeley, Newburg Ward 2 Alderman Rick Elder, Recorder of Deeds Robin Kordes, Lori Daharsh from the Collector's office, and local residents Linda Marshall, Linda Hance, Chester and Martha Kojro, Faith Barnes, Susan Courson, and Dayle Bramel. The clerk noted that Courson and Bramel also served as election judges. Commissioner Hicks led the meeting with the Pledge of Allegiance and then brought the attendees up to date on the 1972 Jail renovation project. He also briefed the group on the Tough on Trash program, funded by tipping fees paid by those who took trash to the landfill. Newburg Mayor James Poucher then arrived. Mayor Poucher reported on some activities in the Newburg area including Newburg Days on the second weekend in June, financing for the new water project and recent improvements in the city park. Commissioner Stratman provided updates on the Rolla Westside development. Commissioner Hicks spoke about possible BRO funding for a bridge on Martin Springs Drive; a county match will be required. Presiding Commissioner Verkamp updated the attendees on a problem property at 14710 Road 2310, discussed at the April 26, 2018 Commission meeting, which was cleaned up by a neighborhood effort. 2,800 pounds of trash was removed.

IN THE MATTER OF  
CART FUNDS:

In the absence of Treasurer Carol Green, the clerk reported \$46,570.10, \$18,812.42, and \$9,225.93 for the month of April for gas tax, motor vehicle sales tax, and motor vehicle fees, respectively. These are down 1.97%, up 2.61%, and up 2.94% in the 2017 and 2018 comparisons. For the first four months of 2018, however, 31.33% of the budgeted gas tax money has been received.

IN THE MATTER OF  
PROPOSED REZONING:

The city of Rolla notified the County, as its Road Department property is within the 185' perimeter, of a proposed rezoning along Kingshighway. No action taken.

# PHELPS COUNTY COMMISSION RECORD

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IN THE MATTER OF  
COURT ORDER:

Court Order certificate number 20170000157, removing a nuisance fee, was approved on a motion by Commissioner Stratman, seconded by Commissioner Hicks.

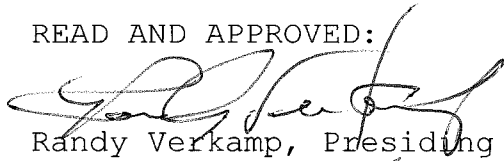
IN THE MATTER OF  
DIVISION OF EMPLOYMENT  
SECURITY:

Unemployment payments of \$1,497.35 for two terminated employees were approved.

IN THE MATTER OF  
ACCOUNTS PAYABLE:

The Commission reviewed and approved payment of 41 invoices for general invoices, contract pay, and employee reimbursement in the amount of \$5,024.22 and 12 invoices for employee deductions and garnishments in the amount of \$59,297.35.

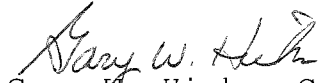
READ AND APPROVED:



Randy Verkamp, Presiding Commissioner



Larry Stratman, Commissioner District 1



Gary W. Hicks, Commissioner District 2

# PHELPS COUNTY COMMISSION RECORD

May 3, 2018 Tenth day of the April term

Now at this the 3rd day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

IN THE MATTER OF  
ROADS:

Presiding Commissioner Verkamp commended Superintendent of Roads Walter Snelson for the condition of Road 7550, two years after extensive work was done under the FLAP Grant. Rolla Daily News Reporter Lori Amos and Phelps County Focus Staff Writer Andrew Sheeley were also present.

IN THE MATTER OF  
COUNTY MEDICAL  
INSURANCE:

The Commission reviewed the Benefit Management Report from Group Benefit Services, Inc. of Springfield (GBS); the loss ratio at the end of April was 101%. Commissioner Stratman said that not raising rates was based on being able to maintain an 80% loss ratio.

IN THE MATTER OF  
COUNTY CLERK FEE  
TURNOVER:

The clerk, pursuant to RSMo 50.370 reported passport fees of \$3,325.00 and other fees of \$4,918.73 for the month of April, with names of individuals paying the fees, to the Commission.

IN THE MATTER OF  
MEDICAL TRANSPORT:

The Commission discussed medical transport, a specific company called Medical Transport Services (MTS), and usual and customary charges.

IN THE MATTER OF  
PERSONAL USE OF  
COUNTY VEHICLES:

The risk management contact having delivered materials from Mo PERM to the clerk, the recommendations regarding use of county vehicles for personal use were reviewed. Should a county employee use a work vehicle for personal reasons, with a non-employee passenger (e.g., spouse or child) in the vehicle with them, the passenger would not be covered for injury in the event of an accident. Presiding Commissioner Verkamp wanted the information distributed to office holders and department heads; the clerk will see to this.

IN THE MATTER OF  
COURTHOUSE WINDOW  
PROJECT:

# PHELPS COUNTY COMMISSION RECORD

May 3, 2018 Tenth day of the April term

COURTHOUSE WINDOW PROJECT, Continued:

The Commission will ask Director of Support Services Mark Brookshire to look into participating in a class action lawsuit against the Pella Window company because of faulty windows installed in the 1994 courthouse.

IN THE MATTER OF  
HIGHWAY 72 EXTENSION:

The bridge over the BNSF railroad was discussed. Seven, 54" tall, 100 foot long concrete beams were made ready and installed. Two cranes were used. This bridge is part of the Missouri Highway 72 Extension, an overall part of the city of Rolla's plans for development of the Rolla West area.

IN THE MATTER OF  
COURT ORDERS:

Personal Property Court Orders 1904, 1905, 1906, and 1907 for October 2017 Add-on's for years 2014, 2015, 2016, and 2017 (respectively) were reviewed and approved. These increased the total tax by \$131.41; \$5110.93; \$13,005.69; and \$104,140.09 respectively. Personal Property Court Orders 1908, 1909, 1910, and 1911 for November 2017 Add-on's for years 2014, 2015, 2016, and 2017 were reviewed and approved. These increased the total tax by (-\$383.70); (-\$283.68); \$7,158.55; and \$5,826.24, respectively. The first two of these actually abated some tax.

IN THE MATTER OF  
SALES PRESENTATION:

Jonathan Williams, with EPM Computerized Temperature Controls, came to speak to the Commission. He was aware of the not-yet-completed HVAC overhaul in the courthouse, and the Commission suggested he could see the Sheriff in the new jail.

IN THE MATTER OF  
SENIOR COMPANIONS:

Director of Senior Companions Jan Wiggins came to report on changes perhaps looming for some of her in-kind funding through United Way.


IN THE MATTER OF  
ACCOUNTS PAYABLE:

The Commission reviewed and approved payment of 42 invoices in the amount of \$190,951.92.

READ AND APPROVED:

  
Randy Verkamp, Presiding Commissioner

  
Larry Stratman, Commissioner District 1

  
Gary W. Hicks, Commissioner District 2

# PHELPS COUNTY COMMISSION RECORD

May 8, 2018 Eleventh day of the April term

Now at this the 8th day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

IN THE MATTER OF  
COMMUNITY OUTREACH  
MEETING IN EDGAR SPRINGS:

April having been County Government Month, "Serving the Underserved", the Commission held its regular meeting at 5:30 p.m. at the Edgar Springs City Hall in Edgar Springs. After opening remarks by Presiding Commissioner Verkamp and the Pledge of Allegiance led by Commissioner Hicks, Edgar Springs officials were introduced including Mayor Kevin Melton, North Ward Aldermen Amanda Melton, South Ward Aldermen Carol Dunham and Sam Newman, and former City Clerk Paula James. Also present were Recorder of Deeds Robin Kordes, Phelps/Maries Health Department Director Ashley Wann and Sanitarian John Campbell, Rolla Daily News Reporter Lori Amos, PWS #1 Clerk Rondelle Karnes, and local residents Phil Scruggs, Terry and Mary Austin, Gene and Todd Humphrey, Fred and Janet Hamilton, Faith Barnes, and Steve Mansfield. Commissioner Hicks provided an update on the 1972 Jail renovation with projected additional inmate capacity of 60 beds, with additional comments by Presiding Commissioner Verkamp about the need for additional beds due, in large part, to problems with illicit drug crime. Commissioner Hicks then provided information about the Tough on Trash program. There were questions from Phil Scruggs about a satellite transfer station being set up in the Edgar Springs area secondary to the significant distance to the transfer station north of Interstate 44. Kordes reported that the City of Rolla will accept paint, solvents, and stain chemicals. Karnes gave a report about Public Water Supply District #1 which supplies 320 customers in Edgar Springs and the surrounding area. Todd Humphrey asked the Commission about the overall schedule or sequence of routine road maintenance; his road has deteriorated in places with disintegrating shoulders and accumulated litter in the ditch. This is a chip and seal road; even when done well, groundwater beneath can cause the chip and seal to fail according to Presiding Commissioner Verkamp who then spoke to plans for chip and seal. He referred the completion of approximately 150 miles of chip and seal before a cost-prohibitive increase in oil. Subsequently there was a lengthy discussion about who should be running the city of Edgar Springs. Recently the city has been beset with nearly daily requests for information under the Sunshine Law, commandeering all the time of the former city clerk and her replacement, who herself resigned after less than a month's employment. Commissioner Hicks said that it was the responsibility of the citizens of Edgar Springs to look to the affairs of their city. The clerk suggested investigating annual training for the board of aldermen and the mayor, perhaps through the Missouri Municipal League. Paula James said that the city had been a member of the MML until they felt that financially they could no longer continue. Presiding Commissioner Verkamp said that it was a straightforward process:

# PHELPS COUNTY COMMISSION RECORD

May 8, 2018 Eleventh day of the April term

COMMUNITY OUTREACH IN EDGAR SPRINGS, Continued:

establish a quorum, make a motion and second that motion, discuss the motion, and then vote.

IN THE MATTER OF  
PAYROLL:

The Commission reviewed and approved payroll in the amount of \$171,603.62 net salaries, \$54,617.25 federal withholding, and \$7,590.50 state withholding for the pay date of 5/15/18.

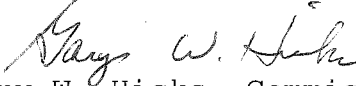
READ AND APPROVED:



Randy Verkamp, Presiding Commissioner

**ABSENT**

Larry Stratman, Commissioner District 1



Gary W. Hicks, Commissioner District 2

# PHELPS COUNTY COMMISSION RECORD

May 10, 2018 Twelfth day of the April term

Now at this the 10th day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

IN THE MATTER OF  
TRAIL OF TEARS  
ROAD DESIGNATION:

Delores Gray Wood came to present information about the marking of roads in Phelps County once they are designated as along the Trail of Tears by the National. Phelps County Focus Staff Writer Andrew Sheeley was also present. Wood gave some historical background about the removal of multiple Indian tribes from the southeastern United States to what is now Oklahoma, beginning in the late 1830's. There is consensus that they used multiple routes through eastern Missouri; one of these passed through the Maramec Springs area and thence northwesterly. The Commission favored the marking of county roads which were declared as definite segments of the Trail of Tears.

IN THE MATTER OF  
PRESCRIPTION DRUG  
MONITORING PROGRAM:

Phelps/Maries Health Department Director Ashley Wann came to express concern that without a PDMP, some federal funding would be withheld from Phelps County. The handling of the confidential data of patients, by the third party often tasked with this responsibility, was discussed. Wann said that a company, APPRISS Health, will likely be involved. This company was originally registered as a business entity with the Missouri Secretary of State in 2007, with the stated purpose of providing "...technology solutions that help local, state, and federal criminal justice agencies serve and protect their citizens."

IN THE MATTER OF  
HEALTHCARE COST  
MANAGEMENT:

Commissioner Stratman reported on a recent meeting with USI Insurance Services, Employee Benefits, over the monitoring and potential control of prescription costs to employers. Multiple local political subdivisions were represented, including Rolla 31 School District, City of Rolla, Rolla Municipal Utilities, the hospital and the county.

IN THE MATTER OF  
ROADS:

Commissioner Stratman reported on approximately 5 calls from local residents complaining of oil bleed-through on chip and seal roads; Presiding Commissioner Verkamp the same. The equipment previously used to distribute oil is to be replaced and stop-gap measures such as spreading sand were discussed.

# PHELPS COUNTY COMMISSION RECORD

May 10, 2018 Twelfth day of the April term

IN THE MATTER OF  
SALES TAXES:

Treasurer Carol Green came to relate some experiences in neighboring counties with marked variations in the sales tax revenue compared with prior years, in both directions. Sheeley left the meeting at this time.

IN THE MATTER OF  
GRANDVIEW ESTATES:

A call was received by local resident Bill Bicknell regarding a statement from the county that four conditions previously discussed at the March 22, 2018 meeting had been met: adequacy of the substructure, utilities, and water drainage/culverts as well as the approval of the acceptance into the county road inventory. Presiding Commissioner Verkamp said that the fourth could not be approved until the pavement had been installed, and since the homeowners in the area were holding a meeting later that evening, he replied by email to Bicknell which was approved on a motion by Commissioner Stratman, seconded by Commissioner Hicks.

IN THE MATTER OF  
1972 JAIL RENOVATION:

Jack Mentink, P.E., of Integrity Engineering and Lt. Matt Shults, Phelps County Jail Administrator, attended. Mentink presented 5 separate items which were consolidated as "Change Order Number 1" which, as such, require a change to the contract. These items are:

Item	Description	Amount Added
(1)	Remove and replace existing truss members in attic that are rotted with 2x4 SPF & 2x6 stranguard lumber.	\$ 1,502.94
(2)	Remove & replace main CI drain in center of jail w/ new 6" SCH 40 PVC drain, including replacing 4" laterals each direction in building from 3' wide trench. Contractor shall install a 3" floor drain in each cell adjacent to plumbing fixtures. (See 3&4 of 7 for details.) Contractor shall comply with current 2012 ICC Plumbing Code with all changes.	\$ 66,525.38
(3)	Supply & install new 2" meter, KEG, & setter adjacent to bulding. Contractor shall excavate & located [sic] existing 2" water line connect & extend through new 2" meter, then extend 2" PE line for water service per Contract. (See 6 of 7 for details.)	\$ 4,693.15
(4)	Furnish install seven additional LED wall pack fixture "H" around outside	



**PHELPS COUNTY COMMISSION RECORD**

May 10, 2018 Twelfth day of the April term

1972 JAIL RENOVATION, Continued:

of building as directed in drawing  
to Contractor. (See 6 of 7  
for details.) \$ 5,903.73

(5) Furnish & install new double  
angle lentil [sic] over pro-  
posed door #12. Work will in-  
clude grouting CMU over door  
and on both sides of door jambs. \$ 915.01

TOTALS: \$ 79,540.21

On a motion by Commissioner Hicks, seconded by Commissioner  
Stratman, these changes in Change Order Number 1 were approved.

IN THE MATTER OF  
FEDERAL PRISONER  
BOARD RATES:

Sheriff Rick Lisenbe arrived and reported on negotiations  
underway through an intermediary for an increase from \$17 to \$21  
per hour for federal prisoner transport and from \$54 to \$65 per  
day for federal prisoner board. The company serving in the  
negotiation will charge \$50,000, which would be recouped rather  
quickly should the new rates go into effect.


IN THE MATTER OF  
ACCOUNTS PAYABLE:


The Commission reviewed and approved payment of 51 invoices and  
97 invoices totaling \$39,449.42 and \$77,85884, respectively.


IN THE MATTER OF  
COURT ORDERS:

The Commission reviewed and approved numerous court orders,  
numbered 1912-1214 for 2015, 2016, 2017 add-on's to December  
2017; 1915-1917 for 2015, 2016, 2017 add-on's to January 2018;  
1918-1920 for 2015, 2016, 2017 add-on's to February 2018; and  
1922-1924 for 2015, 2016, 2017 add-on's to March 2018. Court  
order 1921 for outlawed personal property taxes in the amount of  
\$44,681.26 was also approved.

READ AND APPROVED:

  
Randy Verkamp, Presiding Commissioner

  
Larry Stratman, Commissioner District 1

  
Gary W. Hicks, Commissioner District 2

# **PHELPS COUNTY COMMISSION RECORD**

**May 15, 2018 Thirteenth day of the April term**

Now at this the 15th day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2

Deputy Clerk Lisa Dowdy (HR) took notes in the clerk's absence.

IN THE MATTER OF  
CEDAR GROVE SEWER DISTRICT:

Steve Hargis, P.E., of the City of Rolla Department of Public Works attended the meeting to discuss the city's adoption of the management of the Cedar Grove Sewer District. John Campbell, Sanitarian for the Phelps/Maries Health Department, was also present. On a motion by Commissioner Hicks, seconded by Commissioner Stratman, the following resolution was approved:

RESOLUTION 2018-5-15-(1)

## **SEWER USE AGREEMENT**

by and between

**CEDAR GROVE SEWER DISTRICT**

and

**THE CITY OF ROLLA**

and

**THE COMMISSIONERS OF PHELPS COUNTY**

This Agreement is made and entered into on the 15<sup>th</sup> day of May, 2018 by and between the Cedar Grove Sewer District, Rolla, Missouri, hereinafter referred to as "District", the City of Rolla, hereinafter referred to as "City" and The Commissioners of Phelps County, Missouri, hereinafter referred as County.

WITNESSETH, That

WHEREAS, The Phelps County Commissioners desire to promote the public health and welfare of the citizens of Phelps County, Missouri, and;

WHEREAS, The Phelps County Commission established by Resolution on June 25, 1985 pursuant to Chapter 249, RSMo, a sewer district known as Cedar Grove Sewer District, and;

WHEREAS, Pursuant to Chapter 70, RSMo, political subdivisions shall have the power to cooperate and contract with governmental units, and;

WHEREAS, The Cedar Grove Sewer District intends to reimburse the City all costs and fees associated with the collection, transportation and treatment of the district's sewerage;

NOW, THEREFORE, in consideration of each of the agreements contained herein, the parties agree as follows:

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

## Definitions:

A. Laterals: The individual sewer line from the dwelling to the sewer main.

**1. Services by City to District.** City shall provide the following services to the District for purposes of providing technical assistance in the administration of the District Board:

A. Sanitary Sewer Collection, Transportation and Treatment: City of Rolla Public Works Director/ City Engineer shall oversee the construction of all sewers and the treatment of district sewerage in accordance with all Federal, State and Local rules and regulations.

- 1) The City shall maintain all new sewer mains, manholes and existing sewer interceptor to the district.
- 2) The City shall provide treatment of the District's sewerage.
- 3) Upon installation, inspection and approval by the City of Rolla Public Works Director / City Engineer the sewer laterals to each sewer user in the District shall be subject to agreement and by laws of the district. The City shall have no further liability for laterals, and the District and individual owners shall hold City harmless.
- 4) The City shall have the right to require pretreatment of any users who discharge wastes that require special treatment prior to discharging into the City sewer system on the same manner and to the same extent that pretreatment requirements are imposed on users residing within the city.
- 5) The city shall maintain the west access road from Cedar Grove to the pump station in its current or better condition.

B. Accounting Services: A qualified accountant and his/her assistants shall be provided to accomplish the following tasks:

- 1) Prepare and maintain the necessary financial records of the District Board, including appropriate journals and ledgers, using generally accepted accounting principles.
- 2) Prepare financial statements (Balance Sheet and Statement of Revenues and Expenditures) and report to the District Board on the status of its financial position on a semi-annual basis, or as requested.
- 3) Prepare for submission the necessary reports required of governmental/not-for-profit boards and employers to the Internal Revenue Service, if necessary.
- 4) Maintenance and management of all necessary bank accounts.
- 5) Prepare payroll, W-2 and 1099s and related responsibilities, including the monthly completion of Federal and FICA tax deposits and quarterly reporting, for District personnel.

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

CEDAR GROVE SEWER DISTRICT, Continued:

6) Provide billing services to the District with annual bills to each individual sewer user of the District with quarterly statements for all applicable sewer user fees and charges as outlined in Section 8 of this Agreement.

7) Pay on behalf of District from District operating reserve account: reimbursements of trustees' expenses including any unpaid sewer fees, insurance, legal fees/expenses, filing fees/expenses, and additional administrative services.

C. Administrative Services: Qualified individuals shall be available at the request of the District Board and/or its agent/employee to accomplish the following tasks:

1) Provide administrative assistance to the District Board, its officers, committees and its employees as required and/or requested including staff support, phone and fax support, copying assistance and necessary and ordinary supplies.

2) Assist the District Board in the preparation and publication of agendas and any other materials necessary or required for those meetings, including telephone/e-mail verification of members attending. This is in reference to financial, risk management and human resource matters.

3) Keep on file all minutes of the District Board meetings and all other pertinent documents for audit purposes.

4) Preparation of any desired correspondence and mailings.

5) Assist in various human resource and risk management functions, as needed.

D. Technology Services: Qualified individuals shall be available at the request of the District Board and/or its employees to accomplish tasks that are related to Information Technology.

## 2. The County.

A. The County shall approve all necessary rules and regulations for the proper management and conduct of the business of the District. Upon request of the District, the County will levy and record as necessary special assessments against lots, tracts or parcels of ground in said District, and to issue special tax bills evidencing such assessment.

B. The County does hereby appoint the Director of Public Works/City Engineer of the City as the sewer engineer for the District.

## 3. The District.

A. District shall supply the City with all needed information in order for the City to completely and thoroughly comply with the requirements of this agreement. District shall pay to City an amount equal to the actual salary and benefits of the District personnel, both full and part time, whose employment will be consistent with the rights and privileges of all City

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

CEDAR GROVE SEWER DISTRICT, Continued:

- B. employees, except as otherwise provided by this agreement. The compensation provided in this paragraph shall be in addition to the consideration provided for in Section 8 of this agreement.
  - C. In the event of delinquent sewer user fees or assessments, the City shall notify the District, and the District shall authorize the city to file special tax bills on behalf of the district. Said tax bills shall be collected by the City and be applied to the District's operating reserve account.
  - D. It shall be the Districts responsibility to secure all necessary easements before City begins work.
  - E. Any additional restoration beyond ordinary and customary restoration is the responsibility of the District.
  - F. District shall maintain a general commercial liability insurance policy with a limit of at least one million dollars and name City as additional insured, the District to provide proof of insurance of said insurance to City before project begins.
  - G. The District shall maintain a minimum account balance of \$1,500.00 in an operating reserve account to cover operating expenses (City shall manage same account on behalf of District). When the balance of said account falls below \$1,500.00 a surcharge will be added to all customers' bills to restore said minimum balance (see Section 8 D below).
- 4. Independent Contractor.** Both District and City agree that City and its employees and representatives will act as independent contractors in the performance of its duties under this agreement. Neither City nor the District Board shall have the authority to obligate or bind the other without the express written consent of the other party. District personnel shall be under the supervision, direction and control of the District Board and the District Board shall determine compensation to be provided to all District personnel. District personnel shall be deemed to be employees of City only for purposes of payroll and compensation-related purposes as provided in this agreement.
- 5. Confidential Information.** City agrees that any information received by City and its employees and representatives during the term of this agreement, and at any time thereafter, will be treated by City in full confidence when so determined by District and in accordance with the MO Sunshine Law.
- 6. District to Hold Harmless City.** District will hold harmless the City and its agents, employees, and representatives from all liability and claims of liability arising out of or incident to City's performance of its obligations under this agreement, excepting intentional misconduct or negligence of City. District further warrants and agrees that all data and information provided to City in conjunction with City's performance of its obligations hereunder, is true and correct.
- 7. Time of Performance.** City will provide the services described in this agreement for the period commencing \_\_\_\_\_, 2018 through 2028. The time and services of this contract may be terminated, extended or amended by Addendum hereto, containing the signatories of the parties. This agreement maybe renewed for an additional five (5) year period subject to the mutual agreement of the parties in writing.

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

CEDAR GROVE SEWER DISTRICT, Continued:

**8. Consideration.** The District agrees City shall be paid on a monthly basis, and City shall on behalf of the District bill for services to the individual users as follows:

- A. Sanitary Sewer Service shall be paid by the individual users in the District at a rate equal to the rate set by Chapter 35 of the Rolla City Code for basic user rate for non-metered residential Meters. The City shall send bills on behalf of the district to the individual users.
- B. An additional 15% of the monthly sewer surcharge fee will be assessed monthly for the City Sewer Operating Fund, which will be added to the bill of the individual users.
- C. In addition District shall pay the following amounts for payment in lieu of franchise fee and administrative services (i.e. financial/accounting) to be billed annually 20% of the monthly sewer user fee which will be added to the bill of the individual users.
- D. In addition District shall collect the following amounts for the district operating reserve account 15% of the monthly sewer user fee which will be added to the annual bill of the individual users.
- E. City shall send annual bills to individual users with quarterly statements. Those bills shall be due within 90 days

**9. Termination of Agreement.** This agreement will terminate 2028, unless extended by Addendum hereto as provided in Section 7; however, City or District may terminate this contract without cause by giving the other party not less than ninety (90) days written notice thereof. In the event of termination prior to completion of the project, District shall pay the cost of services rendered by City and expenses incurred in the performance of this agreement to the effective date of termination.

**10. Equal Employment Opportunity.** The City and District agree that during the performance of this agreement, neither shall discriminate against any employee who is employed in the project covered by this agreement, or discriminate against any applicant for employment due to race, color, religion, sex, age, handicap, or national origin.

**11. Compliance with Applicable Law and Regulation.** In the City's and District's performance of this agreement each party shall comply with all applicable law and regulation, and each party hereto shall supply the other, where necessary or applicable, with information and data for compliance with such applicable law and regulation.

**12. Conflict of Interest.** No member of the governing District Board or City, and no other officer, employee, or agent of same who exercises any functions or responsibilities in connection with the planning and carrying out of this agreement, shall have any personal financial interest, direct or indirect, in the project or this agreement.

**13. Authority to Enter into Agreement - Binding Affect.** Both City and District have been duly authorized to enter into this agreement by their respective governing body or board, as the case may be, and this agreement is a binding obligation on the parties hereto and may be enforced in accordance with its terms.

**14. Governing Law.** This agreement shall be governed by and constructed in accordance with the law of the State of Missouri, and where applicable, in accordance with federal law and regulation.

**15. Notices.** All notices, requests, demands or other communications provided for herein shall be in writing and shall be

**PHELPS COUNTY COMMISSION RECORD**

**May 15, 2018 Thirteenth day of the April term**

CEDAR GROVE SEWER DISTRICT, Continued:

deemed to have been given when sent by registered or certified mail, with return receipt requested, addressed, as the case may be to City at City Hall, PO Box 979, Rolla, Missouri 65402; and to Cedar Grove Sewer District Board of Directors at PO Box 979, Rolla, Missouri 65402; or to such address as any party shall designate to the other from time to time, and for billing purposes as described in Section 8, to be sent directly to individual users at their residence address.

**16. Amendments.** No amendment, modification, termination, or waiver of any provision hereof shall be effective unless the same shall be in writing and signed by the parties hereto.

**17. Severability of Provisions.** Any provision hereof which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions of this agreement of affecting the validity or enforceability of such provision in any other jurisdiction.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first written above.

**CEDAR GROVE  
SEWER DISTRICT**

**CITY OF ROLLA, MO**

\_\_\_\_\_  
**Chairman**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Attest**

\_\_\_\_\_  
**Attest**

**PHELPS COUNTY COMMISSION**

Randy Verkamp, Presiding Commissioner

**ATTEST:**

Lisa Dowdy, Deputy County Clerk

IN THE MATTER OF  
SHADY OAKS SEWER DISTRICT:

On a motion by Commissioner Hicks, seconded by Commissioner Stratman, the following resolution was approved:

RESOLUTION 2018-5-15-(2)

**SEWER USE AGREEMENT**  
by and between  
**SHADY OAKS SEWER DISTRICT**  
and  
**THE CITY OF ROLLA**

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

SHADY OAKS SEWER DISTRICT, Continued:

and

## THE COMMISSIONERS OF PHELPS COUNTY

This Agreement is made and entered into on the 15<sup>th</sup> day of May, 2018 by and between the Shady Oaks Sewer District, Rolla, Missouri, hereinafter referred to as "District", the City of Rolla, hereinafter referred to as "City" and The Commissioners of Phelps County, Missouri, hereinafter referred as County.

WITNESSETH, That

WHEREAS, The Phelps County Commissioners desire to promote the public health and welfare of the citizens of Phelps County, Missouri, and;

WHEREAS, The Phelps County Commission established by Resolution on June 25, 1985 pursuant to Chapter 249, RSMo, a sewer district known as Shady Oaks Sewer District, and;

WHEREAS, Pursuant to Chapter 70, RSMo, political subdivisions shall have the power to cooperate and contract with governmental units, and;

WHEREAS, The Shady Oaks Sewer District intends to reimburse the City all costs and fees associated with the collection, transportation and treatment of the district's sewerage;

NOW, THEREFORE, in consideration of each of the agreements contained herein, the parties agree as follows:

Definitions:

B. Laterals: The individual sewer line from the dwelling to the sewer main.

**1. Services by City to District.** City shall provide the following services to the District for purposes of providing technical assistance in the administration of the District Board:

A. Sanitary Sewer Collection, Transportation and Treatment: City of Rolla Public Works Director/ City Engineer shall oversee the construction of all sewers and the treatment of district sewerage in accordance with all Federal, State and Local rules and regulations.

6) The City shall maintain all new sewer mains, manholes and existing sewer interceptor to the district.

7) The City shall provide treatment of the District's sewerage.

8) Upon installation, inspection and approval by the City of Rolla Public Works Director / City Engineer the sewer laterals to each sewer user in the District shall be subject to agreement and by laws of the district. The City shall have no further liability for laterals, and the District and individual owners shall hold City harmless.

9) The City shall have the right to require pretreatment of any users who discharge wastes that require special treatment prior to discharging into the City sewer system on the same manner and to the same extent that pretreatment requirements are imposed on users residing within the city.



# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

SHADY OAKS SEWER DISTRICT, Continued:

B. Accounting Services: A qualified accountant and his/her assistants shall be provided to accomplish the following tasks:

1) Prepare and maintain the necessary financial records of the District Board, including appropriate journals and ledgers, using generally accepted accounting principles.

2) Prepare financial statements (Balance Sheet and Statement of Revenues and Expenditures) and report to the District Board on the status of its financial position on a semi-annual basis, or as requested.

3) Prepare for submission the necessary reports required of governmental/not-for-profit boards and employers to the Internal Revenue Service, if necessary.

4) Maintenance and management of all necessary bank accounts.

5) Prepare payroll, W-2 and 1099s and related responsibilities, including the monthly completion of Federal and FICA tax deposits and quarterly reporting, for District personnel.

6) Provide billing services to the District with annual bills to each individual sewer user of the District with quarterly statements for all applicable sewer user fees and charges as outlined in Section 8 of this Agreement.

7) Pay on behalf of District from District operating reserve account: reimbursements of trustees' expenses including any unpaid sewer fees, insurance, legal fees/expenses, filing fees/expenses, and additional administrative services.

C. Administrative Services: Qualified individuals shall be available at the request of the District Board and/or its agent/employee to accomplish the following tasks:

1) Provide administrative assistance to the District Board, its officers, committees and its employees as required and/or requested including staff support, phone and fax support, copying assistance and necessary and ordinary supplies.

2) Assist the District Board in the preparation and publication of agendas and any other materials necessary or required for those meetings, including telephone/e-mail verification of members attending. This is in reference to financial, risk management and human resource matters.

3) Keep on file all minutes of the District Board meetings and all other pertinent documents for audit purposes.

4) Preparation of any desired correspondence and mailings.

5) Assist in various human resource and risk management functions, as needed.

D. Technology Services: Qualified individuals shall be available at the request of the District Board and/or its employees to accomplish tasks that are related to Information Technology.

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

SHADY OAKS SEWER DISTRICT, Continued:

## 2. The County.

A. The County shall approve all necessary rules and regulations for the proper management and conduct of the business of the District. Upon request of the District, the County will levy and

record as necessary special assessments against lots, tracts or parcels of ground in said District, and to issue special tax bills evidencing such assessment.

B. The County does hereby appoint the Director of Public Works/ City Engineer of the City as the sewer engineer for the District.

## 3. The District.

A. District shall supply the City with all needed information in order for the City to completely and thoroughly comply with the requirements of this agreement. District shall pay to City an amount equal to the actual salary and benefits of the District personnel, both full and part time, whose employment will be consistent with the rights and privileges of all City employees, except as otherwise provided by this agreement. The compensation provided in this paragraph shall be in addition to the consideration provided for in Section 8 of this agreement.

B. In the event of delinquent sewer user fees or assessments, the City shall notify the District, and the District shall authorize the city to file special tax bills on behalf of the district. Said tax bills shall be collected by the City and be applied to the District's operating reserve account.

C. It shall be the Districts responsibility to secure all necessary easements before City begins work.

D. Any additional restoration beyond ordinary and customary restoration is the responsibility of the District.

E. District shall maintain a general commercial liability insurance policy with a limit of at least one million dollars and name City as additional insured, the District to provide proof of insurance of said insurance to City before project begins.

F. The District shall maintain a minimum account balance of \$8,500.00 in an operating reserve account to cover operating expenses (City shall manage same account on behalf of District). When the balance of said account falls below \$8,500.00 a surcharge will be added to all customers' bills to restore said minimum balance (see Section 8 D below).

4. **Independent Contractor.** Both District and City agree that City and its employees and representatives will act as independent contractors in the performance of its duties under this agreement. Neither City nor the District Board shall have the authority to obligate or bind the other without the express written consent of the other party. District personnel shall be under the supervision, direction and control of the District Board and the District Board shall determine compensation to be provided to all District personnel. District personnel shall be deemed to be employees of City only for purposes of payroll and compensation-related purposes as provided in this agreement.

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

SHADY OAKS SEWER DISTRICT, Continued:

5. **Confidential Information.** City agrees that any information received by City and its employees and representatives during the term of this agreement, and at any time thereafter, will be treated by City in full confidence when so determined by District and in accordance with the MO Sunshine Law.

6. **District to Hold Harmless City.** District will hold harmless the City and its agents, employees, and representatives from all liability and claims of liability arising out of or incident to City's performance of its obligations under this agreement, excepting intentional misconduct or negligence of City. District further warrants and agrees that all data and information provided to City in conjunction with City's performance of its obligations hereunder, is true and correct.

7. **Time of Performance.** City will provide the services described in this agreement for the period commencing \_\_\_\_\_, 2018 through 2028. The time and services of this contract may be terminated, extended or amended by Addendum hereto, containing the signatories of the parties. This agreement maybe renewed for an additional five (5) year period subject to the mutual agreement of the parties in writing.

8. **Consideration.** The District agrees City shall be paid on a monthly basis, and City shall on behalf of the District bill for services to the individual users as follows:

F. Sanitary Sewer Service shall be paid by the individual users in the District at a rate equal to the rate set by Chapter 35 of the Rolla City Code for basic user rate for non-metered residential Meters. The City shall send bills on behalf of the district to the individual users.

G. Multi-Family units may install a City approved single water meter at the owner's expense. The owner shall be required to submit monthly meter readings to the City. The Sanitary Sewer Service rate shall be equal to the meter rate set by Chapter 35 of the Rolla City Code.

H. An additional 15% of the monthly sewer surcharge fee will be assessed monthly for the City Sewer Operating Fund, which will be added to the bill of the individual users.

I. In addition District shall pay the following amounts for payment in lieu of franchise fee and administrative services (i.e. financial/accounting) to be billed annually 20% of the monthly sewer user fee which will be added to the bill of the individual users.

J. In addition District shall collect the following amounts for the district operating reserve account 15% of the monthly sewer user fee which will be added to the annual bill of the individual users.

K. City shall send annual bills to individual users with quarterly statements. Those bills shall be due within 90 days of receipt, but may be paid quarterly within 30 days after receipt of the quarterly statements.

L. In addition to annual sewer user fees a one-time assessment of \$600.00 per single family user and \$300 per unit in Multi-Family Dwellings.

The one-time assessment is necessary to:

a. Provide \$27,000.00 to rehabilitate the sewer main by slip lining on County Road 5090.

b. Establish an \$8,500.00 operating fund for District.

M. Any new Dwelling within the District boundaries shall be accessed a connection fee of \$600.00 per single family user and \$300.00 per unit in Multi-Family Dwellings.

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

SHADY OAKS SEWER DISTRICT, Continued:

N. District users will have the option of paying the assessment in 10 annual payments at 8% interest as shown on the sample payment schedule on Exhibit "B".

**9. Termination of Agreement.** This agreement will terminate 2028, unless extended by Addendum hereto as provided in Section 7; however, City or District may terminate this contract without cause by giving the other party not less than ninety (90) days written notice thereof. In the event of termination prior to completion of the project, District shall pay the cost of services rendered by City and expenses incurred in the performance of this agreement to the effective date of termination.

**10. Equal Employment Opportunity.** The City and District agree that during the performance of this agreement, neither shall discriminate against any employee who is employed in the project covered by this agreement, or discriminate against any applicant for employment due to race, color, religion, sex, age, handicap, or national origin.

**11. Compliance with Applicable Law and Regulation.** In the City's and District's performance of this agreement each party shall comply with all applicable law and regulation, and each party hereto shall supply the other, where necessary or applicable, with information and data for compliance with such applicable law and regulation.

**12. Conflict of Interest.** No member of the governing District Board or City, and no other officer, employee, or agent of same who exercises any functions or responsibilities in connection with the planning and carrying out of this agreement, shall have any personal financial interest, direct or indirect, in the project or this agreement.

**13. Authority to Enter into Agreement - Binding Affect.** Both City and District have been duly authorized to enter into this agreement by their respective governing body or board, as the case may be, and this agreement is a binding obligation on the parties hereto and may be enforced in accordance with its terms.

**14. Governing Law.** This agreement shall be governed by and constructed in accordance with the law of the State of Missouri, and where applicable, in accordance with federal law and regulation.

**15. Notices.** All notices, requests, demands or other communications provided for herein shall be in writing and shall be deemed to have been given when sent by registered or certified mail, with return receipt requested, addressed, as the case may be to City at City Hall, PO Box 979, Rolla, Missouri 65402; and to Shady Oaks Sewer District Board of Directors at PO Box 979, Rolla, Missouri 65402; or to such address as any party shall designate to the other from time to time, and for billing purposes as described in Section 8, to be sent directly to individual users at their residence address.

**16. Amendments.** No amendment, modification, termination, or waiver of any provision hereof shall be effective unless the same shall be in writing and signed by the parties hereto.

**17. Severability of Provisions.** Any provision hereof which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions of this agreement of affecting the validity or enforceability of such provision in any other jurisdiction.

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

SHADY OAKS SEWER DISTRICT, Continued:

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first written above.

SHADY OAKS  
SEWER DISTRICT

CITY OF ROLLA, MO

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Attest

## PHELPS COUNTY COMMISSION

Randy Verkamp, Presiding Commissioner

### ATTEST:

Lisa Dowdy, Deputy County Clerk

IN THE MATTER OF  
SOLAR FARM:

Presiding Commissioner Verkamp reported on a telephone conversation he had with the Assessor regarding the tax status of the solar farm.

IN THE MATTER OF  
COURT ORDERS:

Commissioner Hicks moved and Commissioner Stratman seconded to approve Court Orders numbered 1925, 1926 and 1927 for Late Assessment Penalty corrections.

IN THE MATTER OF  
SALES CALL:

Bill Robison and Jeremy Manning with Smith and Company Engineering came to solicit future business opportunities.

IN THE MATTER OF  
CITIZEN INPUT:

Local resident Chester Kojro came to discuss the Bike Across Missouri ("BAM") event.

IN THE MATTER OF  
ROAD DEPARTMENT  
TOLL FREE NUMBER:

Michelle Bock of the Roads Department came to again discuss what appear to be some fraudulent calls billed to the department's 800 number. For example, recently a call to Tennessee for 100 or so minutes at 4:45 p.m., after the time the department closes, was billed. Presiding Commissioner Verkamp called Fidelity to rectify the problem.

IN THE MATTER OF  
ROAD 5130:

Commissioner Stratman had been in contact with local residents Richard and Chris Smith, who had erected a gate or fence across County Road

# PHELPS COUNTY COMMISSION RECORD

May 15, 2018 Thirteenth day of the April term

ROAD 5130, Continued:

5130. As neighbors are not willing to agree to road abandonment, they will receive a letter from Commissioner Stratman advising them to remove this obstruction from the road, which remains a county road.

IN THE MATTER OF  
ACCOUNTS PAYABLE:

The Commission reviewed and approved the payment of three batches of invoices totaling \$350.25, \$128,162.78, and \$5,660.69, respectively.

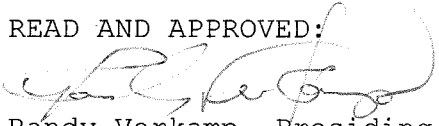
IN THE MATTER OF  
HEALTH DEPARTMENT  
CONTRACTS:


On a motion by Commissioner Hicks, seconded by Commissioner Stratman, the Core Public Health agreement and the Memorandum of Understanding between the Missouri Department of Health and Senior Services and the Phelps/Maries County Health Department, the Local Public Health Agency (LPHA) authorizing participation in the CHIP program was approved.

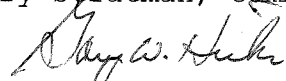
IN THE MATTER OF  
FLOOD BUY-OUT  
GRANT FOR COUNTY MATCH:

The clerk will advertise the public hearing for the CDBG to provide matching funds for the flood buy-out to be held May 31, 2018 at 9 a.m.

READ AND APPROVED:

  
Randy Verkamp, Presiding Commissioner

  
Larry Stratman, Commissioner District 1

  
Gary W. Hicks, Commissioner District 2

# PHELPS COUNTY COMMISSION RECORD

May 17, 2018 Fourteenth day of the April term

Now at this the 17th day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

IN THE MATTER OF  
ST. JAMES CARING CENTER:

Presiding Commissioner Verkamp reported that the St. James Caring Center had asked if the County would sponsor a Community Development Block Grant (CDBG) for the purpose of paving their parking lot in 2019. The County at present has the maximum number of CDBG's open and would be unable to sponsor. Phelps County Focus Staff Writer Andrew Sheeley was also present.

IN THE MATTER OF  
COURT ORDER:

The Commission reviewed and approved Court Order certificate 2017003232 on a motion by Commissioner Hicks, seconded by Commissioner Stratman.

IN THE MATTER OF  
ADULT ABUSE  
BOARD MEMBERS:

On a motion by Commissioner Hicks, seconded by Commissioner Stratman, three members of the Phelps County Adult Abuse Board were reappointed for three year terms: Caroline Bradford, Shawn Steen, and Emma Lou Brent.

IN THE MATTER OF  
CITIZEN INPUT:

Local resident Ron Calhoun came to discuss the logistics of supplying a tract near County Road 3040 with electricity. Michelle Bock from the Road Department arrived and contributed some information about the roads in the area; specifically, that Road 3040 was to be paved soon. Presiding Commissioner Verkamp stressed the importance of county roadways being restored to their previous condition.

IN THE MATTER OF  
COUNTY ROAD 2160:

Commissioner Stratman reported on a subdivision east of Highway 63, on County Road 2160 (a county line road), and the residents of the area wanting their road accepted into the county road inventory. A bridge may be needed there; no action was taken.

IN THE MATTER OF  
PERSONAL PROPERTY  
ASSESSMENT:

# PHELPS COUNTY COMMISSION RECORD

May 17, 2018 Thirteenth day of the April term

PERSONAL PROPERTY ASSESSMENT, Continued:

Local resident Lewis Artney came to discuss his personal property assessment.

IN THE MATTER OF  
PROPOSED FOOD CODE  
IN PHELPS COUNTY:

Phelps/Maries Health Department Director Ashley Wann, Sanitarian John Campbell, Prosecuting Attorney Brendon Fox and PA Intern Tyler Dodd came to hold a discussion about the proposed county ordinance modifying restaurant inspections and collection of fees, that is, the food code. Fox said that the major issue was not adopting the state code for the county at large; rather, the main issue was the charging of fees. Fox said that there was a very valid concern regarding compliance with the Missouri Constitutional provision known as the "Hancock Amendment." If the Hancock Amendment were to apply, the ordinance would have to appear on the ballot before the voters of the county, before a fee schedule could be implemented. Subsequently there was further discussion about how the City of Rolla manages its code and fee structure; reaching agreement between Rolla and the county areas outside Rolla; the possibility of passing an ordinance without a fee schedule.

IN THE MATTER OF  
ACCOUNTS PAYABLE:

The Commission reviewed and approved payment of 3 invoices in the amount of \$8,407.75.

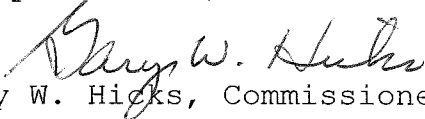
READ AND APPROVED:



Randy Verkamp, Presiding Commissioner



Larry Stratman, Commissioner District 1



Gary W. Hicks, Commissioner District 2



# PHELPS COUNTY COMMISSION RECORD

May 22, 2018 Fifteenth day of the April term

Now at this the 22nd day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

IN THE MATTER OF  
LOCALLY ASSESSED  
RAILROAD AND UTILITY  
PROPERTY:

The clerk presented State Tax Commission Form 40 to the Commission. This document allows the clerk to certify the miles of line reported on each centrally assessed utility company's Schedule 13. There are 16 utilities reporting data within Phelps County; the total personal and real property values which were locally assessed were \$201,880 and \$244,020 respectively. This total is significantly less than the prior year, which was \$480,970 (personal) and \$498,810 (real), which included a significant amount of construction work in progress which will now be state-assessed.

IN THE MATTER OF  
BRIDGE ON ROAD 1280:

The bridge on the road had to be repaired after the April, 2017 floods, and was part of FEMA DR 4317. The Corps of Engineers has taken issue with the manner of repair of the bridge, alleging stream bed disturbance and impingement on the movement of aquatic species. Michelle Bock of the Road and Bridge Department, local resident Ray Schweikhardt and Phelps County Focus Staff Reporter Andrew Sheeley were also present. The county has received a letter from FEMA and the Corps of Engineers stating that \$44,000 will have to be paid back if the county does not comply with their wishes. Appeal is possible only within 60 days of the date of the letter. In response to a question from Presiding Commissioner Verkamp, Commissioner Hicks offered the name of a law firm with experience dealing with the Corps.

IN THE MATTER OF  
CHIP AND SEAL  
EQUIPMENT:

The oil distributor used in chip and seal work, expected in June, has now been delayed a month. Efforts at amelioration of the oil bleed-through problems at locations where the old oil distributor was used were again discussed.

IN THE MATTER OF  
ROLLA REGIONAL  
ECONOMIC COMMISSION:

Presiding Commissioner Verkamp reported on the May 18, 2018 meeting. The low unemployment rate and resultant tight labor market was a major topic.

# PHELPS COUNTY COMMISSION RECORD

May 22, 2018 Fifteenth day of the April term

IN THE MATTER OF  
LABOR ISSUES:

Presiding Commissioner Verkamp presented information on the Workforce Investment Board.

IN THE MATTER OF  
ROADS:

The Commission discussed Highway BB and Highway 68 improvements underway and/or planned for the near future. Local resident Chester Kojro attended. Presiding Commissioner Verkamp mentioned a contribution of up to \$500,000 from Mo DOT for the Highway E pedestrian bridge.

IN THE MATTER OF  
FEDERAL PRISONER  
BOARD:

Phelps County Sheriff's Department Lt. Matt Shults, Jail Administrator, presented a new contract with an increased daily rate for board of federal prisoners. The 2005 contract paid \$50 daily per prisoner and \$17 per hour for transport; this will be increased to \$65 daily per prisoner and \$21 per hour for transport. Shults estimates an additional \$75,000 per month additional revenue. He discussed American Correctional Facility Standards, with which the new jail was designed to comply. Conditions such as space per prisoner, ventilation, number of prisoners per shower or bathroom and outside light requirements were mentioned. The increases were presented within the new contract and on a motion by Commissioner Hicks, seconded by Commissioner Stratman, the contract was approved.

IN THE MATTER OF  
COURTHOUSE WINDOW  
REPLACEMENTS:

Building and Grounds Superintendent Mark Brookshire came to discuss the possibility of participating in a class action lawsuit against the Pella Windows that were first installed in the Courthouse, and which have been beset with structural problems due to moisture and rotting wooden frames.

IN THE MATTER OF  
COURTHOUSE PARKING LOT:

Brookshire also explored options for sealing or updating the Courthouse paved surfaces with the Commission.

IN THE MATTER OF  
COURT ORDER:

The Commission reviewed and approved Court Order Certificate 2017003242 for Account #2017-1113.1.

# PHELPS COUNTY COMMISSION RECORD

May 22, 2018 Fifteenth day of the April term

IN THE MATTER OF  
ACCOUNTS PAYABLE:

The Commission reviewed and approved payment of 11, 4 and 22 invoices for \$8,761.66 (general invoices and contract pay), \$3,182.65 (Pro Se Litigant expenses, under a reimbursable grant), and \$15,248.38 (general invoices), respectively.

IN THE MATTER OF APPORTIONMENT  
OF NATIONAL FOREST RECEIPTS FOR  
THE PERIOD ENDING SEPTEMBER 30, 2017:

Now at this day the clerk takes up the matter of apportioning The National Forest Receipts for Phelps County - 25% being distributed to the County Road and Bridge Fund and 75% being distributed to the School Districts within the National Forest area. The Road and Bridge Fund received \$10,362.95 and the School Districts received \$31,088.85.


The School Districts are Rolla 31, Newburg R-2, Phelps County R-3 and a portion of Texas County R-8. Total acres in the National Forest area as of June 30, 2017: 64,598.16.


This makes each acres \$.481265


SCHOOL DISTRICT	ACRES	TOTAL
ROLLA 31	702.87	\$338.26
NEWBURG R-2	33,889.04	\$16,309.62
PHELPS COUNTY R-3	27,870.94	\$13,413.32
TEXAS COUNTY 81/R-8	2,135.31	1,027.65
TOTAL	64,598.16	\$31,088.85

On a motion by Commissioner Stratman, seconded by Commissioner Hicks, this was approved.

READ AND APPROVED:

  
Randy Verkamp, Presiding Commissioner

  
Larry Stratman, Commissioner District 1

  
Gary W. Hicks, Commissioner District 2

# PHELPS COUNTY COMMISSION RECORD

May 24, 2018 Sixteenth day of the April term

Now at this the 24th day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

## IN THE MATTER OF CLAY MINING:

Buzzi Unicem USA, 1000 River Cement Road, P.O. Box 1803, Festus, MO 63028-0903 notified the Commission that four acres off County Road 1170 were to be expanded into for a clay mining operation. The Road Department was advised of this development.

## IN THE MATTER OF CART FUNDS:

Treasurer Carol Green came to report that CART funds of \$55,082.52 for gas tax, \$16,198.03 for Motor Vehicle Sales Tax, and \$8,927.09 for Motor Vehicle Fees had been received; these amounts are down 3.18%, down 1.62%, and up 5.94 percent in the month to month comparison.

## IN THE MATTER OF GRANT-WRITING HOURS:

Presiding Commissioner Verkamp reported that the county has spent nearly its entire allotment of grant-writing hours with MRPC due to the flood buy-out process. The Commission favored using the remaining 2.67 grant-writing hours if needed; when the fiscal year for this turns over on July 1, 2018 the County will obtain another 18 hours.

## IN THE MATTER OF ROAD 6090:

Local resident Ken Steed, renting a farm on County Road 6090, called to report drainage problems after road grading.

## IN THE MATTER OF COURTHOUSE VENDING:

On a motion by Commissioner Stratman, seconded by Commissioner Hicks, the increase in price of breakroom soda in bottles to \$1.50 was approved.

## IN THE MATTER OF MULTI-DISTRICT LITIGATION FOR OPIOID PROBLEMS:

John Eccher, of the Eccher Law Firm in St. Louis, and Paige Sparks, a second year law student from St. Louis University, appeared before the Commission with Prosecuting Attorney Brendon Fox. Local resident Chester Kojro and Phelps County Focus Staff Writer Andrew Sheeley also attended. Eccher spoke of the size and impact of the opioid abuse problem in the state and reviewed

# PHELPS COUNTY COMMISSION RECORD

May 24, 2018 Sixteenth day of the April term

MULTI-DISTRICT LITIGATION FOR OPIOID PROBLEMS, Continued:

the history of opioid use and mis-use. His law firm is interested in representing local governments such as cities and counties in legal action against manufactures and distributors, with the goal of recovering some of the expenses incurred in handling opioid overdose cases. His firm will expect 25% as their share. He is in the process of meeting with other counties; any settlement would be directed to education, cost of services like law enforcement, and rehabilitation. Damage assessment prior to court action would be required; this, not a population measure, would determine the division of any proceeds. Eccher believes this, which is essentially a class-action lawsuit, to be a bigger matter than the tobacco litigation of several decades ago. His firm represents 37 Illinois counties and currently 3 Missouri counties.

IN THE MATTER OF  
ACCOUNTS PAYABLE:

The Commission approved the payment of 10 and 18 invoices in the amounts of \$58,703.72 and \$1,729.00, respectively. The latter was for the surplus premium due after the audit of the 2017 year for MAC Trust, the worker's compensation carrier. MAC Trust estimates payroll, multiplies every dollar by the indicated risk code for that type of employee, and bills the county for a premium. After year end, the payroll is re-examined for accuracy, and additional premium or refund is calculated.

READ AND APPROVED:



Randy Verkamp, Presiding Commissioner



Larry Stratman, Commissioner District 1



Gary W. Hicks, Commissioner District 2

# PHELPS COUNTY COMMISSION RECORD

May 29, 2018 Seventeenth day of the April term

Now at this the 29th day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

IN THE MATTER OF  
ROADS 3230, 3250,  
3290:

Local residents Paul and Lynda Rueff and Jerry Wagner came to call attention to the oil bleed-through on their roads. Phelps County Focus Staff Writer Andrew Sheeley and Rolla Daily News Reporter Lori Amos were also present. Rueff provided photos of roads, concrete driveway surfaces, and vehicles demonstrating the problem with oil in the area. Several residents have begun tracking the oil into their homes. There was a discussion by the Commission about the oil distributor equipment which is being replaced. The photographs will be entered into the record.

IN THE MATTER OF  
NORTHWYE OUTER  
ROAD CDBG 2014-PF-12:

Request for Funds #9, for \$3,000 for administration, was approved on a motion by Commissioner Hicks, seconded by Commissioner Stratman.

IN THE MATTER OF  
SALE OF HOSPITAL  
PROPERTY:

The Commission received notice that the PCRMC Hospital Board had approved the disposal of land at 105 North Lawrence, Cuba, Missouri with proceeds of the sale intended to support the hospital. There was deliberation about the process to be used when a county hospital disposes of property.

IN THE MATTER OF  
DUKE FIRE PROTECTION  
DISTRICT:

Duke Fire Protection District notified the Commission that a private-sector grant from the Walmart Foundation required a letter from the County's administrative body stating that they were a recognized political subdivision. The letter was approved and signed on a motion by Commissioner Hicks, seconded by Commissioner Stratman.

IN THE MATTER OF  
SENIOR COMPANIONS:

Senior Companions Director Jan Wiggins came to provide the Commission information about the 42<sup>nd</sup> annual volunteer recognition celebration.

# PHELPS COUNTY COMMISSION RECORD

May 29, 2018 Seventeenth day of the April term

IN THE MATTER OF  
ROADS:

Michelle Bock of the Road Department discussed several issues with the Commission.

IN THE MATTER OF  
PAYROLL:

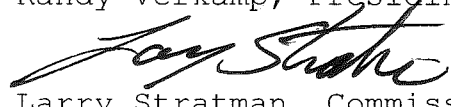
The Commission reviewed and approved payroll in the amount of \$170,066.76 net salaries, \$53,918.36 federal withholding, and \$7,467.50 state withholding.

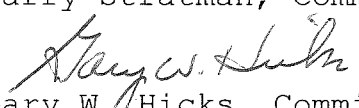
IN THE MATTER OF  
ACCOUNTS PAYABLE:

The Commission reviewed and approved payment of 3 invoices and 14 invoices in the amounts of \$106,721.20 and \$11,138.71, respectively. The former was primarily the June premium for Group Benefit Services, and the latter was general invoices and employee reimbursements.

READ AND APPROVED:

  
Randy Verkamp, Presiding Commissioner

  
Larry Stratman, Commissioner District 1

  
Gary W. Hicks, Commissioner District 2

# **PHELPS COUNTY COMMISSION RECORD**

**May 31, 2018 Eighteenth day of the April term**

Now at this the 31st day of May 2018 the Commission met pursuant to adjournment and a quorum was present of the following members:

Randy Verkamp, Presiding Commissioner  
Larry Stratman, Commissioner District 1  
Gary W. Hicks, Commissioner District 2  
Pamela K. Grow, Phelps County Clerk

IN THE MATTER OF  
FLOOD BUY-OUT CDBG  
HEARING:

Present were Tammy Snodgrass, Assistant Director and Environmental Programs Manager for MRPC, affected local residents Bill Shepherd and Adam Dobcinski, Rolla Director of Public Works Steve Hargis, P.E., and Phelps County Focus Staff Writer Andrew Sheeley. Presiding Commissioner Randy Verkamp convened the hearing at the scheduled time of 0900. Snodgrass explained that this was a second Community Development Block Grant (CDBG) application, for \$143,004.00 match of \$429,012.00 flood-plain buy-out for folks that did not have flood insurance and would match Hazard Mitigation Planning Grant (HMPG) funds. Commissioner Stratman asked what, then, would be the advantage to having insurance? Snodgrass said that the match for the county would be 10% for those with insurance, and 25% for those without. The State Historic Preservation Office (SHPO) study has already been done for the federal grant, and that study can be applied to this grant. There will be an environmental study on all properties and asbestos inspections; endangered species will be addressed. Snodgrass then read the notice of the public hearing from the May 19-20, 2018 issue of the Rolla Daily News. When asked for comments, attendees spoke of the degree of destruction to their properties. Dobcinski said that the flood completely wiped out his property despite it having been raised; his deductible on his insurance was \$111,000, but his loss was \$152,000. He secured the services of a flood attorney, but only recouped roughly \$20,000 from his insurance. Snodgrass said that SEMA had asked for additional information, which she provided. Compensation to homeowners will be reduced by any amount of insurance settlement available. On a motion by Commissioner Stratman, seconded by Commissioner Hicks, the application for the CDBG was approved. Presiding Commissioner Verkamp completed documents after 0915 when the hearing was closed on a motion by Commissioner Stratman, seconded by Commissioner Hicks.

IN THE MATTER OF  
COLLEGE HILLS  
SEWER DISTRICT:

Steve Hargis, P.E., of the City of Rolla came to discuss repair of the roads after the city's installation of upgrades to this system which they now operate. He inquired about the county chip and sealing the roads; the sewer district has bought rock and would like the County to supply labor and oil. There was discussion about whether the cuts in the pavement would need patching first, and who would be doing this. Hargis will be referred to Superintendent of Roads Walter Snelson.



# PHELPS COUNTY COMMISSION RECORD

May 31, 2018 Eighteenth day of the April term

IN THE MATTER OF  
SHADY OAKS  
SEWER DISTRICT:

Hargis reported that far fewer than the hoped-for number of letters to residents had been returned to him. The district has some multi-family housing and Hargis provided information about the city's calculations with respect to the pumping requirements for numbers of customers.

IN THE MATTER OF  
SALE OF HOSPITAL  
PROPERTY:

The Commission again discussed the property at 105 Lawrence, Cuba owned by PCRMC and legal requirements for its disposal.

IN THE MATTER OF  
CELL PHONE USE  
IN COUNTY VEHICLES:

The Commission expressed concerns about county employees using cell phones while operating a county vehicle. Local resident Chester Crider was also present. Sheriff Rick Lisenbe arrived and reported that he prohibits text messaging in PCSD vehicles but his officers absolutely must use cell phones, though while receiving dispatch calls and information they usually have the phone on a cradle. Naturally, the deputies use radios extensively.

IN THE MATTER OF  
ASSET FORFEITURE:

Asset Forfeiture funds and a recent article about the use of same in Missouri published by the Tenth Amendment Center was discussed. Michelle Bock of the Road Department arrived.

IN THE MATTER OF  
ACCOUNTS PAYABLE:

The Commission reviewed and approved payment of 5 invoices for \$5,599.12 for payroll deductions and garnishments and 5 invoices of a general nature for \$4,022.52.

READ AND APPROVED:



Randy Verkamp, Presiding Commissioner



Larry Stratman, Commissioner District 1



Gary W. Hicks, Commissioner District 2