

THE COUNTY COMMISSION  
OF  
STONE COUNTY, MISSOURI

February 27, 2018

STATE OF MISSOURI |  
COUNTY OF STONE |

Be it remembered that a session of the County Commission of Stone County was held in the courthouse at Galena, on February 27, 2018. Those in attendance today were Southern Commissioner Hank Smythe, Northern Commissioner Mark Maples and Presiding Commissioner Dennis Wood.

**Morning Session:**

**9:00 AM – 10:00 AM**

Commission Work Session – General Discussion with no decisions made.

**10:00 AM**

Presiding Commissioner Dennis Wood opened the meeting with the pledge of allegiance to the flag. Following the pledge of allegiance Pastor Wayne Blades delivered the prayer. Those present for this meeting today are as follows: Kevin Sprenkle with Anderson Engineering, Inc., Harry Styron, Attorney for Branson West; Ken Smith, Branson West; Amy Larson, Recorder; Janis Wilson, Collectors office; Missy Landers, Election Clerk; Kristi Stephens, Treasurer; Donna McConkey, Chief Deputy County Clerk; Prosecuting Attorney Matt Selby; Cindy Elmore, County Clerk; County Counsel William McCullah; Denise Dickens, Commission Administrative Assistant, Tena Foster, Stone County Clerk's office.

**Approval of Commission Minutes**

The matter to approve the minutes for Stone County Commission meeting dated March 22, 2018 was brought to decision by a roll call vote: Smythe – yes; Maples – yes; Wood – yes. Minutes ordered approved.

**Schedule of Bills - 1**

Presiding Commissioner Dennis Wood presented a schedule of bills that have been submitted to him from the County Clerk's office in the amount of \$15,342.74. This matter to accept the bills for payment was brought to decision by a roll call vote: Smythe – yes; Maples – yes; Wood - yes. Order to pay carried.

**Mo-Ark Water-Sign Easement Agreements**

Reschedule for a later date

**Recess: 10:15 AM**

**Reconvene: 10:20AM**

**Discuss Prosecuting Attorney Office Employee Contract**

Prosecuting Attorney Matt Selby came before the Commission to discuss employee contracts. After a brief discussion it was confirmed that more information is needed to resolve the issues. More information is to be brought back to the Commission at a later date.

**Ken Smith Discuss Monitoring Infrastructure at Indian Ridge.**

**Indian Ridge – Lexon bond.** The Commission met with representatives of the City of Branson West: Ken Smith, City Administrator; Harry Styron, City Attorney; and Kevin Sprinkle, City Engineer. The purpose of the meeting was to discuss options and procedure for authorizing the expenditure of \$1,000,000 received by settlement of the lawsuit concerning Lexon's bonds for the Indian Ridge project, *Stone County, Missouri, plaintiff versus Lexon Insurance Company, defendant*, Circuit Court of Stone County, Missouri, number 17SN-CC00016.

The lawsuit was filed to recover proceeds of two Lexon bonds totaling \$2,991,000 that guaranteed completion of improvements required by Planning & Zoning Subdivision Plat SUB-05-040. Bond No. 1022701 for \$883,000 guaranteed completion of sidewalks and roads on the Phase I property now owned by MD&D Investments, LLC. Bond No. 1019700 for \$2,108,000 guaranteed completion of all improvements on the Tract 34 property now owned by Branson Endeavors, LLC. Mediation of the case was held on January 10 2018, resulting in a settlement. The County received payment of the \$1,000,000 settlement proceeds on February 22 2018. As part of the settlement made on January 10 2018, it was agreed that settlement proceeds would be allocated to each project in proportion to the face amounts of the two bonds. \$305,000 is allocated to completion of sidewalks and roads in the Phase I property now owned by MD&D, and \$695,000 is allocated to completion of all sewer, water, roads, and electricity improvements in the Tract 34 property now owned by Branson Endeavors.

The parties discussed MD&D's proposal that completion of remaining road and sidewalks in Phase I could be allowed in phases without prejudice to the project, and that completion of the more limited project would immediately benefit both the Phase I and Tract 34 projects. The Tract 34 project cannot be completed without completion of the limited road improvements on Phase I property. The more limited plan will allow part of the Phase I property to be sold more quickly than if the entire Phase I road and sidewalk improvements are required to be completed immediately. Consensus was

reached to allow MD&D to proceed with a proposal to construct more limited road and sidewalk improvements than remain incomplete in the existing approved plan.

The parties discussed whether a more limited project is feasible for Tract 34. The parties discussed that water and sewer improvements already installed have deteriorated, and that both existing and future water and sewer improvements may continue to deteriorate until the improvements are complete and operating. Until all improvements are completed, the lots in Tract 34 cannot be sold or occupied. Consensus was reached that public interest will not be protected by considering improvements of a more limited scope on Tract 34.

An *Intergovernmental Agreement* (executed from March 8 2016 to April 12 2016 by the several parties in counterparts) provides that MD&D and Branson Endeavors are obligated to pay for plan review and inspection by engineers and plan reviewers concerning their respective projects. Mr. Sprinkle disclosed a possible conflict of interest, that he is the engineer who prepared the plans for MD&D for the more limited road and sidewalk improvements. Because of the long working relationship between Mr. Sprinkle and the City, and because he was the City's engineer in the earlier phases of the Indian Ridge project, consensus was reached to use Mr. Sprinkle as the engineer and plan reviewer on both projects for the City and the County.

Consensus was reached that (1) each developer will be required to post a bond for approved projected completion costs that exceed that developer's allocated share of the settlement proceeds being held by the County; (2) none of the settlement proceeds will be released by the County for the MD&D project until the limited road and sidewalk improvements are certified as complete by the engineer; and (3) none of the settlement proceeds will be released by the County for the Branson Endeavor project until all improvements are certified as complete by the engineer and the lots are ready for sale and occupancy.

The parties discussed, as an alternative to completing the improvements, that the bonds provide that the proceeds can be used for *reclamation of the entire area that has been altered significantly, to restore the area to conditions that are capable of supporting the uses that they were capable of supporting before any grading, excavation, or development, including replacing or importing topsoil sufficient to support the proposed use, and seeding, fertilizing, and watering the reclaimed area such that the area will be suitable for cropland, rangeland, hayland, or pasture.* Consensus was reached that, if either developer fails to proceed in a satisfactory, good, workmanlike, and timely manner toward completion of the improvements, a future decision will be made whether to use some or all settlement proceeds for reclamation.

Consensus was reached that Mr. Styron will prepare a letter for the County and the City's consideration and send it to Mr. McCullah.

**Announcements**

Wednesday February 28, 2018, the County Commission will meet for mediation at the Corbet Law Firm, 2015 E. Phelps St. Springfield Mo. In accordance with RSMo 610.021 (1) to conduct a closed meeting, Hagar vs Stone County Sheriff.

**Public Time:**

Time was extended to anyone who wanted to speak to the commission at this time.

**Adjournment:**

The adjournment of the Stone County Commission meeting was brought to decision by roll call vote: Smythe – yes; Maples – yes; Wood – yes. Meeting adjourned at 12:00 PM.