

THE COUNTY COMMISSION  
OF  
STONE COUNTY, MISSOURI

June 15, 2021

STATE OF MISSOURI |  
COUNTY OF STONE |

Be it remembered that a session of the County Commission of Stone was held in the courthouse at Galena, on June 15, 2021. Those in attendance today were Presiding Commissioner Mark Maples, Southern Commissioner Hank Smythe and Northern Commissioner Wayne Blades.

**Morning Session:**

**9:00 AM**

Presiding Commissioner Mark Maples & Brad Hudson State Representative opened the meeting with the pledge of allegiance to the flag. Following the pledge of allegiance, Brad Hudson State Representative delivered the prayer. Those present for this meeting today are as follows: Jenni Nevatt, Mo. Extension Office; John Cunyngham, Coroner; Randy Burke, Central Foreman; Earl Johnson, IT Director; Matt Daugherty, Assessor; Anna Burk, Collector; Kristi Stephens, Treasurer; Mechelee Lebow, Circuit Clerk; Sheriff Doug Rader; Marianne Bunger, Stone County Public Administrator Chief Deputy; County Counsel William McCullah; Denise Dickens, Commission Administrative Assistant; Cindy Elmore Stone County Clerk and Tena Foster, Stone County Clerk's office.

**Elected Officials/Department Heads Monthly Meeting 9:00 AM**

Cindy & Kristi stated Tyler Tech will be live by July 1<sup>st</sup>.

Earl Johnson discussion on email security & 2-factor authenticity.

Discussion on Sales Tax & Finances

State Representative Brad Hudson discussed brief updates on bills, budgets, Medicaid expansion. Answered several questions from our Elected Official's & staff. The Commission thanked Mr. Hudson for all the updates and for stopping by. Mr. Hudson thanked the Commission for having him.

Northern Commissioner Wayne Blades stated there is a safe with the combination for use if anyone could use it in their offices.

Mechellee Lebow Circuit Clerk asked if it would be ok to purchase computers for her office instead of purchasing lumber for a project, she was working on due to lumber prices being so high. Commission was okay with the change.

Presiding Commissioner Mark Maples stated the remainder of the CARES Act money will be sent back.

**Recess: 9:45AM**

**10:00 AM**

Presiding Commissioner Mark Maples opened the meeting with the pledge of allegiance to the flag. Those present for this meeting today are as follows: Deana Price Planning & Zoning; Skylar Walton, Kaysi Evans, Kat Bowers, Tom Cutbirth, Dane & Billy Taylor Residents; Rebecca Payne, Stone County Library Director; Angie Evans & Linda Cutbirth Library Board Applicants; County Counsel William McCullah; Denise Dickens, Commission Administrative Assistant: Angie Howard and Tena Foster, Stone County Clerk's office.

### **Approval of Commission Minutes**

The matter to approve the minutes for Stone County Commission meeting dated June 10, 2021 was brought to decision by a roll call vote: Smythe – yes; Maples – yes; Blades – yes. Minutes ordered approved.

### **Schedule of Bills - 1**

Presiding Commissioner Mark Maples presented a schedule of bills that have been submitted to him from the County Clerk's office in the amount of \$8,291.15. This matter to accept the bills for payment was brought to decision by a roll call vote: Smythe – yes; Maples – yes; Blades - yes. Order to pay carried.

### **Appoint Library Board Member**

Rebecca Payne Stone County Library Director came before Commission to appointment 1 board member. Rebecca had received two applicants Angie Evans & Linda Cutbirth both present for interview. Mrs. Evans & Mrs. Cutbirth both came forward for interviews with the Commission. The Commission will look over applications and bring their recommendation back on Thursday June 17 at 10:00 AM.

### **2021 Budget Expenditure and Revenue lines**

Expenditure and Revenue lines were reviewed and discussed.

# Emery Sapp & Sons Contract for Road Surfacing, Quarry Materials & Services signed

## CONTRACT ROAD SURFACING AND QUARRY MATERIALS AND SERVICES

by and between

**STONE COUNTY, MISSOURI**  
a Missouri county of the third classification  
("the County")

and

**EMERY SAPP & SONS, INC.**  
a Missouri Corporation  
("the Company")

Witnesseth:

It is agreed between the parties as follows:

### 1. Documents Incorporated in this Contract

- a. The following documents are incorporated in this Contract, as though fully set out herein:
    1. the County's Solicitation of Bids for quarry materials and road surfacing materials and services;
    2. the County's Specifications for Solicitation of Bids for quarry materials and road surfacing materials and services; and
  - b. prices and quantities contained in the Company's bid, quotation, or response to the solicitation to bid are incorporated in this Contract; however, terms, disclaimers, and similar language contained in a bid, quotation, or response to the solicitation to bid are rejected by the County and are specifically excluded from this Contract.
2. **Agreement to Sell.** The Company agrees to provide road surfacing materials and services and quarry materials and services to the County, either picked up at the Company's plants, or delivered to specified areas within the County, or installed in specified areas of the County, at the prices specified on the Company's bid to the County
  3. **Term.** This Contract shall be effective for a term of one year from date of execution.

7. **Non-Exclusive Contract.** This is a non-exclusive contract. The County reserves the right to procure goods and services from other suppliers at such times and upon such terms and prices as to the County seems just and proper.
  8. **Breach.** If either party materially breaches this Contract, the injured party shall be entitled to all of the rights and remedies that are available at law or in equity.
  9. **Indemnification.** Each party will keep the other party safe, harmless, and indemnified for all liability resulting from its performance under this Contract, including costs of defense and enforcement.
  10. **Entire Agreement.** This Contract, and the documents referenced by this Contract, contain the entire agreement between the parties and all prior negotiations and agreements are merged within this Contract.
  11. **Modifications.** This Contract may not be changed, modified, or discharged in whole or in part except by a written instrument authorized by the Stone County Highway Commission, executed by the Presiding Commissioner of the County and attested by the Clerk of the County Commission, and authorized by the Board of Directors of the Company, executed by its president, and attested by its secretary.
  12. **Governing Law and Jurisdiction.** This Contract shall be governed in all respects by the laws of the State of Missouri. The Circuit Court of Stone County, Missouri shall have jurisdiction over all litigation concerning this Contract.
- The County Commission of Stone County, Missouri approved this Contract in its regularly scheduled meeting on June 15 2021, authorizing the Presiding Commissioner to execute this Contract.

**STONE COUNTY, MISSOURI**  
a Missouri county of the third classification  
By   
Mark W. Maples  
Presiding Commissioner

4. **Public Works Bond.** The Company shall supply the County with a public works bond in accordance with Section 107.170 RSMo and the Specifications for Solicitation of Bids for Road Materials, in an amount to be determined by the County, before any chip-and-seal materials or services are provided by the Company.
6. **Insurance.** The Company shall purchase and maintain, from carriers licensed to do business in Missouri and countersigned by a resident agent, contractor's liability insurance, including worker's compensation insurance, contractual liability insurance, and builder's risk "all risk" insurance, to be written for no less than the following limits of liability coverage set out in the bid documents, to-wit:

**Worker's Compensation, etc.**

State, as is required by Missouri statutes

**Employer's Liability,** \$250,000 per person

**Comprehensive General Liability** (including Premises-Operations; Independent Contractor's Protection; Product Liability and Completed Operations; and Broad Form Property Damage)

**Bodily Injury** (including completed operations and product liability), \$1,000,000 each occurrence and annual aggregate

**Property Damage,** \$500,000 each occurrence and annual aggregate, or a combined single limit of \$1,000,000

**Property Damage Liability,** providing blasting, explosion, collapse, and underground coverage

**Personal Injury,** with employment exclusion deleted, \$1,000,000 annual aggregate

**Comprehensive Automobile Liability**

**Bodily Injury,** \$500,000 each person and \$500,000 each occurrence

**Property Damage,** \$500,000 each occurrence or a combined single limit of \$1,000,000

**Umbrella Liability Policy** to protect against all claims in excess of the limits provided under the Workers Compensation and employer's liability, comprehensive automobile liability, and general liability policies, in an amount not less than \$1,000,000.

This Contract was executed on behalf of Emery Sapp & Sons, Inc., a Missouri corporation, on \_\_\_\_\_, 2021 by its president or vice president, who warrants that the corporation is in good standing, that this contract is the free act and deed of said corporation, and that this contract is authorized by action of the Corporation's board of directors.

**EMERY SAPP & SONS, INC.**  
a Missouri Corporation

By \_\_\_\_\_  
President or Vice President

### CERTIFICATE

Pursuant to Section 50.660 RSMo, I certify that on this date there is a balance otherwise unencumbered to the credit of the appropriation to which this obligation is to be charged, and a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made, each sufficient to meet the obligation incurred.

Date: June 15 2021

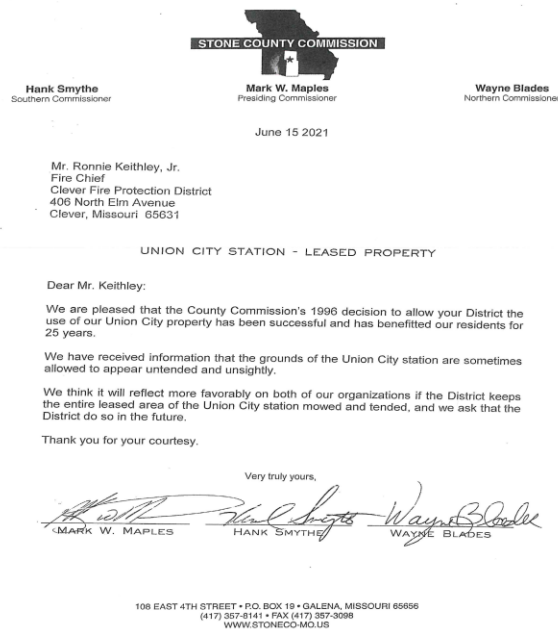
\_\_\_\_\_  
Cindy Elmore  
Clerk of the County Commission

Contract approved & signed.

## Turkey Mountain II Subdivision-agreement

Sign lease agreement with Department of the Army Little Rock District Corps of Engineers, License No. DACW03-3-16-6235 for the continued use of an existing road, parking area and boat launching ramp in the Turkey Mountain II Subdivision at Table Rock Lake. The matter to approve & sign lease agreement was brought to decision by a roll call vote: Smythe – yes; Maples – yes; Blades - yes. Matter carried,

## Union City Station Lease Agreement



Approved and signed lease agreement with Union City Station

## **Planning & Zoning Board Recommendations**

**RR-21-009-Chance & Skyler Walton** are requesting to rezone their property located on Lot #70 of the James River Ranch Subdivision at 134 Creekside Drive, Galena, MO (parcel #01—4.0-19-000-000-005.048) from R-1 to A-R to allow Farm Animals. (3.03 acres) The Board voted unanimously (10 to 2) to recommend APPROVAL of the re-zoning. Presiding Commissioner Mark Maples allowed time for anyone to speak for or against the recommendation. Skyler Walton came forward representing his brother Chance Walton in favor of the rezone. The matter to approve the recommendation of the Planning and Zoning Board on Approving the request to re-zone (parcel #01—4.0-19-000-000-005.048) from R-1 to A-R to allow Farm Animals. (3.03 acres) was brought to decision by a roll call vote: Smythe – yes; Maples – yes; Blades - yes. Matter carried, Re-Zone Approved.

**RR-21-018-Billy & Dana Taylor** are requesting to rezone their property located off of State Hwy 413, Galena, MO (parcel #09-1.0-01-000-000-010.000) from A-1 to C-3 for a Canoe Rental Business. (23.48 acres) The Board voted unanimously (12 to 0) to recommend APPROVAL of the re-zoning. Presiding Commissioner Mark Maples allowed time for anyone to speak for or against the recommendation. Billy Taylor came forward in favor of the rezone. The matter to approve the recommendation of the Planning and Zoning Board on Approving the request to re-zone (parcel #09-1.0-01-000-000-010.000) from A-1 to C-3 for a Canoe Rental Business. (23.48 acres) was brought to decision by a roll call vote: Smythe – yes; Maples – yes; Blades - yes. Matter carried, Re-Zone Approved.

**RR-21-019-Stephen & Diane Newman** is requesting to rezone their property located on Lot #32 of the James River Ranch Subdivision at 40 Manning Drive, Crane, Mo (parcel #01-4.0-19-000-000-005.059) from R-1 to C-2 for a Campground/RV Park. (3.0 acres) The Board voted unanimously (12 to 0) to recommend APPROVAL of the re-zoning. Presiding Commissioner Mark Maples allowed time for anyone to speak for or against the recommendation. No one came forward in favor or opposed of the rezone.

**RR-21-020-Stephen & Diane Newman** is requesting to rezone their property located on Lot #33 of the James River Ranch Subdivision at 130 Manning Drive, Crane, Mo (parcel #01-4.0-19-000-000-005.057) from R-1 to C-2 for a Campground/RV Park. (3.0 acres) The Board voted unanimously (12 to 0) to recommend APPROVAL of the re-zoning. Presiding Commissioner Mark Maples allowed time for anyone to speak for or against the recommendation. No one came forward in favor or opposed of the rezone.

**RR-21-021-Stephen & Diane Newman** is requesting to rezone their property located on Lot #65 of the James River Ranch Subdivision at end of Creekside Drive, Crane, Mo (parcel #01-4.0-19-000-000-005.053) from R-1 to C-2 for a Campground/RV Park. (3.0 acres) The Board voted unanimously (12 to 0) to recommend APPROVAL of the re-zoning. Presiding Commissioner Mark Maples allowed time for anyone to speak for or against the recommendation. No one came forward in favor or opposed of the rezone.

**RR-21-022-Stephen & Diane Newman** is requesting to rezone their property located on Lot #66 of the James River Ranch Subdivision off of Creekside Drive, Crane, Mo (parcel #01-4.0-19-000-000-005.052) from R-1 to C-2 for a Campground/RV Park. (3.0 acres) The Board voted unanimously (12 to 0) to recommend APPROVAL of the re-zoning. Presiding Commissioner Mark Maples allowed time for anyone to speak for or against the recommendation. No one came forward in favor or opposed of the rezone.

**RR-21-023-Stephen & Diane Newman** is requesting to rezone their property located on Lot #67 of the James River Ranch Subdivision off of Creekside Drive, Crane, Mo (parcel #01-4.0-19-000-000-005.051) from R-1 to C-2 for a Campground/RV Park. (3.1 acres) The Board voted unanimously (12 to 0) to recommend APPROVAL of the re-zoning. Presiding Commissioner Mark Maples allowed time for anyone to speak for or against the recommendation. No one came forward in favor or opposed of the rezone.

**RR-21-024-Stephen & Diane Newman** is requesting to rezone their property located on Lot #68 of the James River Ranch Subdivision off of Creekside Drive, Crane, Mo (parcel #01-4.0-19-000-000-005.050) from R-1 to C-2 for a Campground/RV Park. (3.1 acres) The Board voted unanimously (12 to 0) to recommend APPROVAL of the re-zoning. No one came forward in favor or opposed of the rezone.

**Presiding Commissioner Mark Maples allowed time for anyone to speak for or against the recommendations. No one came forward in favor or opposed of the rezones. The matter to approve the recommendations of the Planning and Zoning Board Approving all requests be re-zoned from R-1 to C-2 for a Campground/RV Park with septic tanks in place and pumped out every three months:**

(Parcel #01-4.0-19-000-000-005.059) from R-1 to C-2 for a Campground/RV Park. (3.0 acres)

(Parcel #01-4.0-19-000-000-005.057) from R-1 to C-2 for a Campground/RV Park. (3.0 acres)

(Parcel #01-4.0-19-000-000-005.053) from R-1 to C-2 for a Campground/RV Park. (3.0 acres)

(Parcel #01-4.0-19-000-000-005.052) from R-1 to C-2 for a Campground/RV Park. (3.0 acres)

(Parcel #01-4.0-19-000-000-005.051) from R-1 to C-2 for a Campground/RV Park. (3.1 acres)

(Parcel #01-4.0-19-000-000-005.050) from R-1 to C-2 for a Campground/RV Park. (3.1 acres)

**was brought to decision by a roll call vote: Smythe – yes; Maples – yes; Blades - yes. Matter carried, Re-Zone Approved. With septic tanks is in place and pumped out every three months.**

**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; Blades – yes. Meeting adjourned at 10:45 AM.