

## Phelps County Commission Record

May 2, 2024 Tenth Day of the April Term

Now at this 2<sup>nd</sup> day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary Hicks, District 2 Commissioner  
Laura Johnson, County Clerk

Also present were Michelle Bock and Mark Case with the Road and Bridge Department, Detective Shawn Hedge with the Sheriff's Department and Officer Travis Maxwell with Rolla Police Department.

In the matter of  
Fuel Bid Opening:

As scheduled Commission opened Fuel bids as follows:

MFA opened at 9am:

April 29, 2024

Phelps County Hwy Department

Fuel Bid

MFA Oil Company will provide Petro cards to the Hwy Department and sell fuel at our Petro card locations at a discount of .05 per gallon. MFA Oil will obtain any exemptions from the County needed for the fuel, including if the county decides to use red fuel for highway purposes. When using a Petro card the driver can enter the mileage for the vehicle for tracking purposes.

MFA Oil will provide bulk fuel tanks at no cost to the Hwy Department, MFA Oil will provide gasoline/diesel at escalating/de-escalating price of .20 over cost.

Today's price would be:

Diesel On road & Off road - 2.872plus applicable

taxes Gasoline-2.591plus applicable taxes

If you have any questions, feel free to contact our office.

Thanks,

Karalee Curtis

MFA Oil Company 573-364-3096

County Fuel LLC at 9:03 am:

Chester advised Commission there is a huge pothole on Twitty Drive that needs attention. Commission advised they will contact Road and Bridge to get the matter addressed.

Mr. Crain left at 10:33 am.

Collector Faith Barnes entered at 11:20 am.

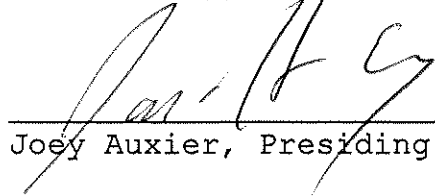
In the matter of  
County Government day:

Discussions were had on the need to set up a government day with the schools in our county to get the youth involved in county government.

Ms. Barnes left at 11:33 am.

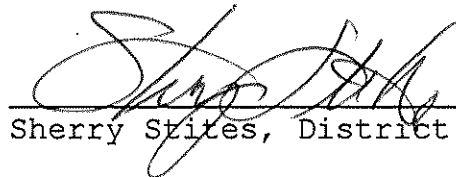
Hearing no other business commission adjourned at 12:00pm.

Read and Approved:



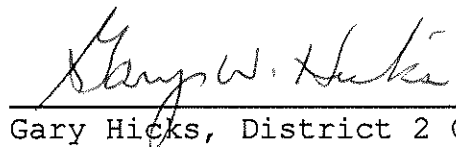
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Joey Auxier, Presiding Commissioner



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Sherry Stiles, District 1 Commissioner



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Gary Hicks, District 2 Commission

**Phelps County Commission Record**  
**May 7, 2024 Eleventh Day of the April Term**

Now at this 7<sup>th</sup> Day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary Hicks, District 2 Commissioner  
Laura Johnson, County Clerk

Also present were Mark Case from Road and Bridge.

In the matter of  
County Fuel bid awarding:

Mr. Case advised he would like to utilize MFA for the petrol cards and County Fuels for the bulk off road fuels and new tank. Hicks moved to approve awarding both companies' business starting June 1, 2024, Commissioner Stites seconded, motion carried.

Prosecutor Brendon Fox entered at 9:15 am.

Case left at 9:18 am.

In the matter of  
Coroner duties discussion:

Commission advised Prosecutor Fox that they are having several problems with the Coroners Office. Commission also advised they received a bill for several bodies being stored and 3 of these were held over 72 hours. Commissioner Stites wants to know if these bodies that have no families are being turned over to the Public Administrator as she has not seen any reports. Mr. Fox advised he is on the coroner training board and advised he will do some research and report back with his findings.

Local resident Chester Kojro entered at 9:27 am.

Mr. Fox left at 9:40 am.

Local resident Gene Deluca entered at 9:43 am.

Mr. Fox reentered at 10:01 am.

Mr. Fox advised the coroner only has 6 hours to find next of kin and then they have to order the embalming of the body. Further finds were discovered that if family is not found within 10 days the body must be cremated and buried. Discussions were had on the potential need for a Morgue for county use only, to cut down the costs associated with storing these bodies before family is found.

Mr. Fox left at 10:13 am.

In the matter of  
Brownfields Assessment report:

Commission reviewed the Brownfields Assessment Report.  
Commissioner Hicks moved to approve, Commissioner Stites  
seconded, motion carried.

Mr. Kojro left at 10:30 am.

In the matter of  
Assessors Quarterly report:

Commission reviewed and approved the Assessors Quarterly report  
to the State Tax Commission.

Assessor Tim Kean entered at 10:56 am followed by Recorder Robin  
Kordes and Support Services Sissy Korich at 10:59 am and  
Collector Faith Barnes at 11:00 am.

In the matter of  
Quarterly Department head meeting:

Ms. Barnes advised in her office the half hour lunches are  
working out great and her office has no issues with the changes.  
Ms. Barnes also advised she has her upcoming tax sale on August  
26<sup>th</sup> and she currently has 150 parcels for this sale.

Ms. Korich advised she has a contractor coming this month to  
reseal the concrete out front. She also advised on May 20<sup>th</sup>  
Elevator 2 will be out of services to prepare for the driller to  
come in on June 3<sup>rd</sup>. Further she advised Peirce Asphalt will  
start resurfacing the courthouse parking lot in June as well.

Ms. Kordes advised she is almost done fixing the marriage  
licenses and she will start microfilming those to clear out some  
more cabinets. Ms. Kordes advised the old statute books that are  
in commission can be destroyed as they are outdated.

Mr. Kean advised 2024 is the off year for assessments so they  
are working on errors and construction reports getting updated.  
He advised they are still looking to hire an employee to fulfill  
their open position in their office. Mr. Kean advised he is just  
trying to follow the laws that are in place and he can't make  
everyone happy in doing so.

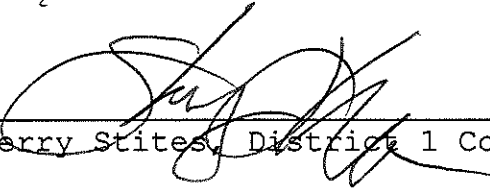
General discussion was had on contacting vendors to sponsor  
having a Christmas appreciation banquet for the employees.  
Further discussion was had on the events we have had in the past  
and how those went away because of disgruntled employees that  
weren't happy with the prizes/gifts that were handed out.  
Commission advised to reach out to space tacos food truck to see  
if they would be available for the food truck month for employee  
appreciation.

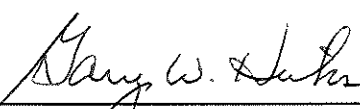
Mr. Deluca and Ms. Barnes left at 11:47 am followed by Ms.  
Kordes and Ms. Korich at 11:50 am.

Hearing no other business commission adjourned at 12:00 pm.

Read and Approved:

  
\_\_\_\_\_  
Joey Auxier, Presiding Commissioner

  
\_\_\_\_\_  
Sherry Stites, District 1 Commissioner

  
\_\_\_\_\_  
Gary Hicks, District 2 Commissioner



## Phelps County Commission Record

May 9, 2024 Twelfth Day of the April Term

Now at this 9<sup>th</sup> day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary Hicks, District 2 Commissioner  
Laura Johnson, County Clerk

Also present were The Focus Reporter, Treasurer Cathy Tipton and Local residents Jamie Meyers with prevention consultants and Ray Schweikhardt.

In the matter of  
Opioid Committee updates:

Meyers advised commission that the committee is working very well together and have developed a list of possible areas in our community that could use the Opioid funding. Mr. Meyers presented commission with the list of recommendations for use. Discussions were had on the former CIT officer that was employed by RPD who did a great job assisting citizens in a crisis but there has not been a replacement since her. Chief Roberts with S&T advised potentially making this a sergeant level position so there would be a main contact. Discussions were had on the need for obtaining a court liaison for these processes. The liaison would be there to assist the individual that is ready for change and to guide them through all the areas associated with changing your lifestyle without addition.

Jason Smiths Field Representative, Grant Wilson entered at 9:16 am followed by local resident (former Coroner) Andy Davis @ 9:23 am.

Discussions were had on the potential for having the court liaison be a county employee so they could receive county benefits. Further discussions were had on by implementing this board and a liaison is what started the Russel House, Community Partnership and other beneficial partnerships for the community. Commission asked if there is any plan to creating a housing unit for the individuals in this recovery program recommendations. Mr. Meyers advised they have looked into it but it is extremely expensive and they are trying to find other ways to help. The report expressed his concerns of these programs potentially drawing in more addicts to our area. Commission advised every county in Missouri is getting a settlement of opioid funds and should be doing the same things we are doing in Phelps County. Mr. Meyers advised these recommendations are really set up for the residents of Phelps County so he doesn't foresee an increase in addicts to the area by implementing these recommendations. Discussions were had on potentially making this liaison position be a part of the Prosecuting attorneys office and then they would apply for a grant for supplementing the salary.

Mr. Schweikhardt left at 9:44 am.

Further discussions were had on if this committee would be successful in implementing these recommendations, would that board/committee be responsible for finding the funding each year to continue this itinerary.

Mr. Meyers and Ms. Tipton left at 10:01 am.

In the matter of  
Coroner position:

Mr. Davis advised he is extremely familiar with the laws associated with the position of Coroner. Commission advised they have doubled the salary, provided an office, provided an additional deputy coroner (now there are 2) and provided more equipment for the coroner but are still getting push back from the present coroner. Mr. Davis advised he did utilize the crematory more when he was in office as they had cooler space. Commission asked how many times would you hold a body for 10 days and he advised never, there is no need for that. Mr. Davis advised when he is on scene of a routine death, he would ask the families what funeral home they want to utilize and then call that funeral home to pick up the body. He advised he would bill the funeral homes if they did not have a person available to pick up the body which would cause him to transport the body himself and that is billing is per statute. Mr. Davis advised he reached out to Ernie Coverdell about the billing when he had heard word of that but Mr. Coverdell denied he did anything. So, Mr. Davis reached out to Mike at the funeral home who advised he does not want to bill the county but that he was told to send a bill to the county by the current corner. Mr. Davis asked if he could see the bill and after reviewing, he asked commission if they have documentation of where these bodies listed where sent to as that funeral home or cremation is responsible for the bill associated with the body not the county. Mr. Davis further advised that if there is no next of kin then statute says the coroner is now responsible for the Indigent death and is required by statute to bury the body in a mass public grave in a timely manner. Commission asked Mr. Davis what the statute is that requires a time frame. Mr. Davis advised there are 2 conflicting statutes one advises the coroner has 6 hours to contact a family and then it has to be embalmed, the other statute advises 36 hours referencing organ donors that after contacting the hospital/funeral home they then have 10 days and they are responsible for all housing/funeral costs associated. Mr. Davis advised on the indigent burials the coroner is supposed to contact the non-profit organization in Springfield to get a \$400 reimbursement that supplements the counties budgets. Commission advised the coroners budget has doubled and Mr. Davis advised as a tax payer why has he been given a doubled budget. Further discussions were had on it being the coroner's responsibility to implement an appendix E of the Emergency Management Plan and in that if there is multiple fatalities at one scene you have to contact state to get a refer truck for these bodies. Mr. Davis advised IF commission decides to purchase a portable morgue, he would suggest purchasing a commercial refrigerator and build shelves on wheels to be able to house bodies. He also suggests purchasing a lift to assist with the top shelves.



Further discussions were had to pull the 2 invoices in the unapproved payment batch to do further investigating on where the bodies went, if to the family or a funeral home, those individuals and funeral homes are responsible for paying the bill. Commission advised the current Coroner advised he has to go to every Hospice call and count the medications. Mr. Davis advised that is incorrect as statute says they are just to be notified (called/faxed/emailed) and they are not to go on scene or count medicines as that is the staff's job. After doing an internet search the County Clerk located the nonprofit organization (Community Foundations of the Ozarks) that still provides the \$400 reimbursements to counties for indigent cremations. The application is listed below.

# Indigent Cremation Reimbursement Grant Form

The Indigent Burial and Funeral Fund was established in 2007 by the City of St. Louis Circuit Court. The case settlement was split between three community foundations in the state: Greater Kansas City Community Foundation, Greater St. Louis Community Foundation and the Community Foundation of the Ozarks. Each community foundation serves a geographical area of the state; the CFO's covers the 58 counties south of the Missouri river.

The CFO reimburses certain Missouri counties to help cover the cost of indigent cremations. **The current reimbursement rate is up to \$400.** The definition of indigent is that there is no one to cover the cost of the body and the remains will not be released to the family. We do not reimburse to assist funeral homes or families in making up an discrepancy or difference of cost.

**Please complete and submit this form along with the indigent's death certificate and an invoice from the funeral home to be considered. Please contact Zach Clapper at (417) 864-6199 with questions.**

## County Information

Coroner's county: \_\_\_\_\_ County EIN: \_\_\_\_\_

County contact name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Indigent Information

*To qualify for reimbursement, an indigent must meet all the criteria as outlined. The Community Foundation defines an "indigent" as the following:*

- *The deceased individual has no evidence of family to cover the cost of a burial.*
- *The deceased individual is being cremated at the County's cost.*
- *The deceased individual's cremated remains will not be released to the family.*

Indigent name: \_\_\_\_\_

Amount requested (up to \$400): \_\_\_\_\_

In the matter of  
Document destruction:

Commission reviewed and approved the destruction of County Clerk fee and Passport fee Turnovers for the County Clerk for the years 2013-2018.

Document Destruction

May 9, 2024

Commission approved on \_\_\_\_\_

Shredded on \_\_\_\_\_

Passport Fees Turnovers years 2013-2018

County Clerk Fees Turnovers years 2013-2018

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Joey Auxier, Presiding Commissioner.

Sherry Stites, Commissioner District 1.

Garry Hicks, Commissioner District 2.

The Focus reporter left at 11:17 am followed by Mr. Davis at 11:22 am.

In the matter of  
Accounts Payable:

Commission reviewed and approved invoices in the amounts of \$44,419.16 for A - L and \$76,079.38 for M - Z.


In the matter of  
Revisiting Curtiss Manes Schulte invoices:


Commission approved Payments # 13 in the amount of \$294,646.05 and #14 in the amount of \$26,522.61 for work completed on the New Road and Bridge facility.

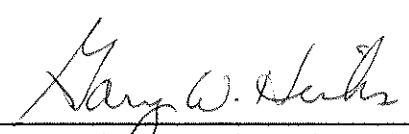
Wilson left at 11:56 am.

Hearing no other business commission adjourned at 12:02 pm.

Read and Approved;

  
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Joey Auxier, Presiding Commissioner

  
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Sherry Stites, District 1 Commissioner

  
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Gary Hicks, District 2 Commissioner

**Phelps County Commission Record**  
**May 14, 2024 Thirteenth Day of the April Term**

Now at this 14<sup>th</sup> day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary Hicks, District 2 Commissioner  
Laura Johnson, County Clerk

Also present were the Treasurer Cathy Tipton.

In the matter of  
Sales Tax Report:

Tipton presents commission with a report on comparative Local and Law Enforcement Sales Tax. She reports we are up roughly 20% from this time last year so overall, we are doing well.

Tipton left at 9:18 am.

In the matter of  
BRO-R081(14) invoice and reimbursement application:

Commission reviewed and approved invoice #8 in the amount of \$3,055.30 and the reimbursement application in the same amount for BRO-R081(14).

Coroner Ernie Coverdell entered at 9:26 am followed by local resident Chester Kojro at 9:27 am.

In the matter of  
Coroner Discussions:

Mr. Coverdell advised when he speaks, he has to have a script or he doesn't portray what he is trying to say and he asked commission to hold comments until he is finished reading his prepared statement. Coverdell expressed his thanks for all the improvements to an office, equipment and staffing. He advised he will not make a family member choose what funeral home to send their decedent on scene and therefore he will transport to body to the morgue. Mr. Coverdell advised commission times have changed and now he has to give a specific death reason and not just put a heart attack like in the past. He further advised he has to do an investigation on deaths now to determine what the cause of death is and the Sheriff is impeding him in completing his duties. He feels he has been completely disrespected in office. He also does not like that the former Coroner was brought in to ask questions when he does not and will not do the job in the manner that the former Coroner had done. He advised commission referencing this invoice would you store a body for free for years? He advised the Crematory administrator said he has to start billing for housing these bodies and he should have been doing this all along. Mr. Coverdell advised he has been told several times that he is too compassionate and he feels

that is against the bibles teachings to not have compassion. He advised he wants to use the gift God has given him to be a true and compassionate servant. He further advised adjoining counties have already started a process to significantly increase the salary of the Coroner.

Commission advised they have doubled his budget along with increasing his salary and adding a second deputy coroner, providing an office at the courthouse, and the use of the truck that is provided by the sheriff's department, so when Mr. Coverdell advised he needs more funding and equipment they do not understand what more he wants. Commission advised they are not going to pretend to know all the scopes involved with the position of the Coroner. Commission further advised one of their jobs is to spend tax payer's money in a reasonable manner. Commission advised they have spoken to several of the funeral homes and they are all on board with not charging the county for housing these bodies. Further discussions were had on the commission and the Coroner receiving different answers from the owners/employees at the funeral homes. Mr. Coverdell advised after he reviewed the statutes, he is no longer going to be responding to nursing homes/care facilities to count medications on hospice calls as he now knows he is not responsible for doing so. Commission advised they feel the coroner is not doing what he can to keep the cost down for the taxpayers of the county and utilizing all the resources available with each death to keep these costs down. Commission advised on the statutes when a family member comes in to collect a body that family is responsible for the bill associated with housing the decedent, not the county. Commissioner Hicks added the commission is responsible for the budget and not micromanaging his duties as a coroner. Mr. Coverdell advised he is not hauling bodies anymore and he is making the homes come pick them up. Commissioner Stites asked the coroner if he and his deputies are not available, will the sheriff have access to utilize the truck if needed? Mr. Coverdell advised it will be parked if he is not using it.

Road and Bridge supervisor Mark Case entered at 10:10 am followed by local resident Ray Schweikhardt at 10:17 am.

Coverdell left at 10:18 am.

In the matter of  
Review of Previous Commission Minutes:

Commission reviewed and approved minutes from the 5/2, 5/7 and 5/9 commission meetings.

In the matter of  
Finalized County Road Specs for review:

Mr. Case provided commission with the updated finalized County Road Specs with all the edits commission made in the 2 previous meetings held to update the county specs. Discussions where had on whether we need to have the home owners provide a bond when they do further construction and bring in heavy equipment that

tears up our county roads just as the developer/contractor. Commission advised to take the updates under advisement and reconvene on Thursday to adopt after having time to review properly.

Kojro left at 10:27 am.

In the matter of  
Duke Fire ARPA fund request #3:

Commission reviewed and approved payment Request #3 in the amount of \$58,381.25 for the allotted ARPA funds to Duke Fire for improvements.

In the matter of  
Accounts Payable:

Commission reviewed and approved invoices in the amounts of \$4,991.18 for CERF, \$340.41 for Nationwide, \$29,567.35 for Senior Companions, \$321,168.66 for Curtis Manes Schulte, \$92,103.31 for Goldberg Group and \$21,380.23 for UMB EATS/Westside TIF.

Public Administrator Dana Sooter entered at 10:41 am.

In the matter of  
Public Admin discussion:

Dana advised she can not take a body until she receives a court order advising her to take the case. Dana advised they do not want her to take these bodies as it would cost the county more money than just paying for the indigent burial. Sooter advised after the body sets for 10 days a petition can be submitted to court for her to take over the estate and body. Sooter also advised the nursing homes set up a fund for every resident for funeral expenses so the cost should not be on the county.

Dorsey Newcom with Sustainable Ozarks Partnership entered at 10:54 am.

Sooter left at 10:55 am.

In the matter of  
Sustainable Ozarks Partnership Invoice:

Mr. Newcom provided commission with documents listing all the updates to the Sustainable Ozarks Partnership. He advised currently the Army has gone through a reconstruction phase to reorganize the units. Discussions were had on the Fort currently seeking a partnership with the National Guard to host Basic Training for recruits and ongoing training thereafter. Further discussions were had on the project in the works to make Fort Woods airport a commercial airport to help with sustainability

and provide another accommodation for the military personnel and their dependents.

Recorder Robin Kordes entered at 11:10 am followed by Dana Sooter reentering at 11:12 am.

Sooter left at 11:19 am.

Prosecutor Brendon Fox entered at 11:25 am.  
Mr. Newcom and Mr. Schweikhardt left at 11:33 am.

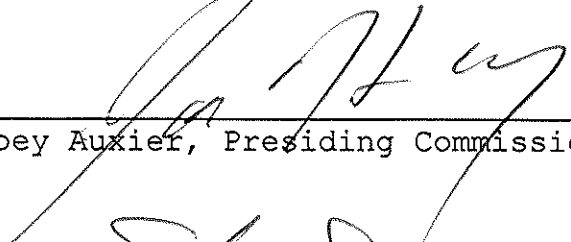
In the matter of  
Closed Session:


Commissioner Auxier moved to go into Closed session pursuant to RSMo 610.021 (1&2), Commissioner Stites seconded, Motion carried moved to closed session at 11:36 am.

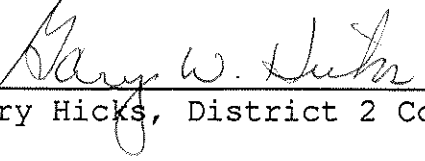
Commissioner Stites moved to come out of closed session, Commissioner Hicks seconded, motion carried moved to open session at 11:57 am.

Hearing no other business commission adjourned at 12:00pm.

Read and Approved:

  
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Joey Auxier, Presiding Commissioner

  
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Sherry Stites, District 1 Commissioner

  
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Gary Hicks, District 2 Commissioner

**Phelps County Commission Record**  
**May 16, 2024 Fourteenth Day of the April Term**

Now at this 16<sup>th</sup> day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary Hicks, District 2 Commissioner  
Laura Johnson, County Clerk

Also present were Todd Dablemont with Benton & Associates and Road & Bridge Supervisor Mark Case.

In the matter of  
County Road Specifications Final:

General discussions were had on the updates and the new acknowledgement page that was added to the specifications packet. Further discussions were had on the next step being to create a pamphlet to have Realtors hand out to purchasing clients so they are aware of the county specifications. After reviewing the finalized draft commission asked Mr. Dablemont to change the verbiage on a few sections before they will adopt the updates.

Roger Hayes and Larry Seest from Rolla Rural Fire Protection District entered at 9:30 am.

Mr. Case and Mr. Dablemont left at 9:42 am.

In the matter of  
Document Destruction form:

Commission reviewed and approved the Destruction of the April 2022 election documents. Commissioner Auxier moved to approve the destruction, Commissioner Stites seconded, motion carried.

**Document Destruction**

April 5<sup>TH</sup> 2022 General Municipal Election

Commission approved on 5/15/2024

Shredded on \_\_\_\_\_

BOX 1: Precinct Rosters/Affidavits for Precincts 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 19

BOX 2: Precinct roster/Affidavits for Precincts 14, 15, 16, 17, 18. Test deck, pre and post test materials

And all Precinct books

BOX 3: Absentee applications, E-19 report, Rejected Absentee's, and Election night tabulator tapes

BOX 4: Unvoted ballots for Precincts 1, 2, 3, 9, 11, and 14

BOX 5: Unvoted ballots from Precincts 5, 6, 7, and 10

BOX 6: Unvoted ballots for Precincts 4, 12, 13, and 19

BOX 7: Unvoted ballots for Precincts 15, 16, 17, and 18

BOX 8: Unvoted Absentee ballots (1 of 4)

BOX 9: Unvoted Absentee ballots (2 of 4)

BOX 10: Unvoted Absentee ballots (3 of 4)

BOX 11: Unvoted Absentee ballots (4 of 4) and Precinct 8, Sample ballots, Spoiled ballots from all Precincts, Write-in ballots from Precincts 11, 15, and 18

BOX 12: Voted ballots from Precincts 1, 2, 5, 6, 7, 8, and 11

BOX 13: Voted ballots for Precincts 9, 10, 13, 14, 15, 16, 17, 18, 19, Absentee. All Precincts seal Sheets, Check in sheets, Provisional ballots (2) and Envelopes

ENVELOPE 1: April 6, 2021 Military Affidavits

ENVELOPE 2: August 7, 2018 Sample ballots

ENVELOPE 3: August 7, 2018 Supplemental Precinct Roster for Precinct 12

ENVELOPE 4: May 21, 2013 Special Election (Edgar Springs) Voted ballots, Seals, Seal sheets, Poll Book.

ENVELOPE 5: April 5, 2022 Absentee Applications sent without return list

ENVELOPE 6: April 5, 2022 Absentee log sheets

ENVELOPE 7: Extension Election undated (probably more than 4 years)

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Joey Auxier, Presiding Commissioner.

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Sherry Stites, Commissioner District 1.

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Garry Hicks, Commissioner District 2.

Treasurer Cathy Tipton entered at 9:45 am.

In the matter of  
National Forest Report:

Tipton advised there was a SB that passed that changed the amount of Forest funds we are receiving. She advised we are now receiving much less than we have in the past and wanted to let commission know for budgeting purposes.

Commission moved the meeting over to the Multipurpose room for the SB 190 public hearing at 10:00 am.

In the matter of  
Accounts Payable:



Commission reviewed and approved invoices in the amounts of \$140,905.29 for A - L, \$30,024.32 for M - Z, \$58,381.25 for Oak Valley Building Solutions and \$1,000,217.17 for River City Construction.

In the matter of  
SB 190 discussion:

Present for the public hear were:

Tracy Kingsley - Newburg R-II Superintendent  
Bob Cottengim - Phelps R-III Superintendent  
Jeanne Cavender - SB 40 Board member  
Connie Chrisco - Sb 40 Board member  
Donna Adam - SB 40 Board member  
Michael Calkins - SB 40 Board member  
Gary Young - SB 40 Board Member  
Ann Murphey - SB 40 Board member  
Stacey Reed - SB 40 Board member  
Dr. Kyle Dare - Rolla-31 Superintendent  
Kindra Atkinson - Rolla-31 Chief Financial Officer  
Faith Barnes - County Collector  
Laura Johnson - County Clerk  
Joey Auxier - Presiding Commissioner  
Gary Hicks - District 2 Commissioner  
Sherry Stites - District 1 Commissioner  
Tim Kean - County Assessor  
Jason Shenefield - Phelps Health CEO  
John Butz - City of Rolla Administrator  
Jeff Davis - St James Fire Board member  
Chad Engelke - Rolla Rural Fire Board member  
Brian Dean - Rolla Rural Fire Board member  
Roger Hays - Rolla Rural Fire Chief  
Larry Seest - Rolla Rural Fire Deputy Chief  
Tim Webster - St James R-I Superintendent

Commissioner Auxier called the public meeting to order at 10:06 am. Discussions were had on why we are planning to adopt an ordinance and not just allowing the public to sign a petition placing it in affect. Commission advised if they did nothing and a petition was turned in, the ordinance would be written however that individual chose to compile the verbiage on the petition. They further advised by meeting with everyone this allows the commission and the community to give their input on the ordinance as a group. A question was asked by Mr Davis if once an ordinance is in place would any petitions filed at a later date supersede any ordinance commission would put in place? Discussions were had on how the current bill is wrote it would only impact roughly 6% of your county tax bill. Further discussions were had on the hopes of our legislature making the necessary changes to this bill that would benefit the senior citizens in each county. Commissioner Hicks advised he is trying to get something in the works to provide a 25% tax relief off the total tax bill instead of just the counties portion. Commissioner Hicks further advised he would like to wait and see what happens with legislature but in the same sense he wants to do what all of the commission wants to do as a united front. MAC attorney Travis Elliott advised commission the bill reads all

taxing entities in the counties but some counties are only reading it as just the counties portion which is what makes this bill confusing. Dr. Dare advised there is another senate bill in circulation, SB 756, that does stipulate all taxing districts and adding several other changes to the original bill so it could change yet again if this new bill passes to change the verbiage and stipulations. Mr. Calkins asked if this would be a credit or would it just freeze a portion of the taxes and do the citizens have to apply every year? Discussions were had about several of the members in attendance advising they will never apply for this credit as they believe in supporting their county. Assessor Kean advised to clarify as long as no changes or additions are made to your property, it will freeze at the current rate at time of application. If you make changes/additions to your property then your property will still have a raised property value which would change the frozen amount. Dr. Dare advised we will not be losing income but for the schools it could affect the bonded debits they have in place. Collector Barnes advised Phelps County is under 25 % rating of Senior Citizens so it would be a small portion of the county that would be able to utilize the benefits of SB 190. A question was asked if a bond issue or tax levy would pass after placing this ordinance in affect would the frozen amount change or would that not increase? Another question was asked if a petition is submitted after we have an ordinance in place can it amend what is already in place? Discussions were had on whether anyone feels that there is something that they do not like that is in the example ordinance. Collector Barnes advised she would like to see more added to it and had a list of additional items that she feels needs to be in place before creating the ordinance. Dr Dare asked Barnes if there will be a form in place or a notification of some kind to the entities advising how much they will lose from these applicants each year. Barnes advised no as there is no way of attempting to calculate that with the current system. Another question was asked on would you have to hire more people to assist with the logistics of implementing this? Barnes advised yes, she absolutely would have to hire more staff that will cost the county/tax payers more money. Another question was asked in when would you put this in place? Another question was asked that if there are funds available from the state, if we adopt an ordinance wouldn't that prevent us from being able to utilize the state funding? Barnes advised we need to have something in place so that when the time comes we can enact it. A suggestion was made to place a letter to the public in the newspaper, on social media and flyers advising the public of what we have discussed today. Would a lawsuit affect the enactment of an ordinance that is put in place already? Hicks asked Dr. Dare what would you do if after this is placed in effect you see that you are losing money, is there something you can do to supplement that loss? Mr. Webster advised he met with a bonding company earlier this week and learned that there are legitimate concerns that schools will lose funding to be able to collect and pay off bonds. Further discussions were had on the tax freeze not being retroactive, it will only freeze the amount at the date of the first application. Discussions were had on setting the next meeting to discuss any further changes that may be approved by legislature and to reconvene discussions on the answers that will be obtained to the above questions. All in

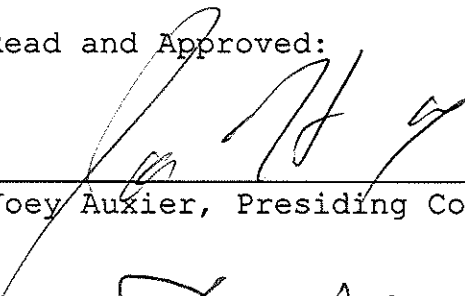
attendance voted yes to hold the Next SB 190 public meeting in the multipurpose room at the courthouse on 9/5/24 @ 10 am.

Public Meeting adjourned at 11:05 am.

Commission returned to commission chambers at 11:15 am.


Hearing no other business commission cleaned out the cabinet in the chambers and then adjourned at 12:00 pm.

Read and Approved:



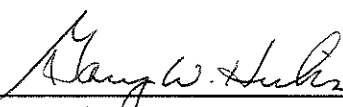
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Joey Auxier, Presiding Commissioner



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Sherry Stices, District 1 Commissioner



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Gary Hicks, District 2 Commissioner



**Phelps County Commission Record**  
**May 21, 2024 Fifteenth Day of the April Term**

Now at this 21<sup>st</sup> day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary Hicks, District 2 Commissioner  
Laura Johnson, County Clerk

In the matter of  
Review of Commission Minutes:

Commission reviewed and approved minutes from 5/14 and 5/16 meetings.

Local resident Ray Schweikhardt entered at 9:08 am.

In the matter of  
Accounts Payable:

Commission reviewed and approved invoices in the amount of \$5,349.71 for Nationwide & Great-West and \$7,953.17 for Payroll deductions.

Assessor Tim Kean entered at 9:24am followed by local resident Chester Kojro at 9:26 am.  
Collector Faith Barnes and Sgt. Akin from MS&T police entered at 9:35 am.

In the matter of  
County Road 5070 discussion:

Sgt. Akin advised he bought a property off CR 5070 last July and when he bought the property it was disclosed that the sewer system/leach field were fixed but he is still having ongoing issues. Sgt. Akin asked commission if there is a program to be able to connect to the sewer that the rest of the subdivision is on. Commission advised that is little oaks subdivision that was taken over by Rolla public works. Sgt. Akin advised he had the system inspected and was told it was fine prior to purchasing the property. Discussions were had on Mr. Akin needing to contact his original inspector, realtor and Rolla public works to be able to try and rectify this problem.

Sgt. Akin left at 9:51 am followed by Assessor Kean at 9:53 am.

In the matter of  
Employee Handbook Review:

County Clerk presented the commission with the edits discussed in a former meeting to review the handbook with the Elected Officials and Department heads. It was decided to add in the confidentiality section under the welcome page and add in the pet policy to the Work General policy section.

In the matter of  
SB 756 and SB 750:

Barnes advised the senate passed a few more bills that she does not agree with. Discussions on SB756 correcting SB190 is still not clear enough and Barnes advised she wants us to make it clear of what is necessary when we implement an ordinance to enact this tax break. Barnes advised the land bank bill allows the county collector to create a board and purchase delinquent property to sell. She further advised this bill advises you must advertise monthly which is costly, you must advertise after 2 years instead of the 3 years we do now, she further advised the bill advises you May opt in and she wants to go on record that she is against this and asked commission to not opt in as it would cost her office and the county a lot of money.

Commissioner Hicks left at 10:52 am for a prior scheduled engagement followed by Faith Barnes and Laura Johnson at 11:00 am.

Deputy Clerk Peter Cook entered at 11:00 am and took notes for the remainder of the meeting.

In the Matter of  
Pipeline off Co Rd 4380:

Commissioner Stites discussed pipeline construction with Commissioner Auxier and they decided to monitor the situation in regards to county roads.

In the Matter of  
County Roads:

Commissioners discussed culverts on county roads and water jumping the County Roads.

Local resident Bill Hudson entered at 11:26 am and discussion on snakes followed.

Administrative Assistant for the Sheriff's Dept Theresa Lasher entered at 11:32 am

In the matter of  
Tax exempt for NAPA:

Commissioner Auxier signed tax exempt letter for NAPA.

Bailiff Chris Reeder entered and Ms. Lasher left at 11:38 am.

In the matter of  
Pedestrian bridge by the courthouse:

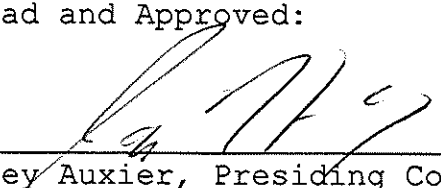
Reeder commented that it is not the counties business but the bridge has settled more.

In the matter of  
Accounts Payable:

Commission reviewed and approved invoices in the amount of  
\$896.32 for PA & Sheriff Retirement.

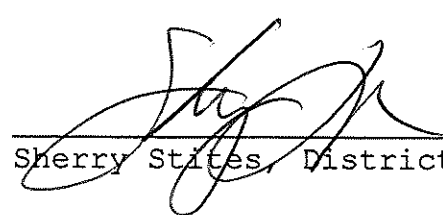
Hearing no other business Commission adjourned at 12:00 pm.

Read and Approved:



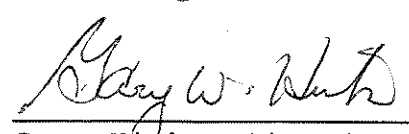
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Joey Auxier, Presiding Commissioner



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Sherry Stites, District 1 Commissioner



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Gary Hicks, District 2 Commissioner





**Phelps County Commission Record**  
**May 23, 2024 Sixteenth Day of the April Term**

Now at this 23<sup>rd</sup> day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary Hicks, District 2 Commissioner  
Laura Johnson, County Clerk

In the matter of  
Forward 44 meeting discussion:

Commissioner Auxier attended the forward 44 zoom meeting earlier this week and gave an update of what was discussed.

In the matter of  
Accounts Payable:

Commission reviewed and approved invoices in the amounts of \$27,255.26 for A - L, \$28,158.69 for M - Z, \$5,549.28 for Payroll deductions and \$129,688.84 for UMR & KC Life.

In the matter of  
Rosati Railroad Crossing issue:

Commissioner Stites advised of a recent concern with the Rosati railroad crossing. Commissioner Stites advised there were several cars that were abandoned at the crossing and by blocking the crossing they have impeded the flow of traffic in that area. Further discussions were had that Representative Tara Peters attended the recent meeting and advised the residents to create a board and come up with a bill that would require train cars to not be parked within 500 feet away from the crossing.

In the matter of  
Road and bridge facility updates:

Discussions were had on the progress of the new Road and Bridge Facility. Commissioner Hicks advised the contractor and engineering company utilized poor quality base materials and when commissioner hicks advised he wanted chemical testing done on that base he was denied. Now there is a moisture problem in the new building.

Carol Greene from the treasurer's office entered at 9:58 am

In the matter of  
Updates at the Senior Center:

Greene provided updates on the new Senior Center. She advised they have had some roofing issues due to the recent storms and they also decided to take out the tile in the hallway as they

had a citizen fall from the tile being rough and uneven. Further discussions were had on the need for more volunteers to assist with the center.

Krista Swartz, James Sutton and Bryan Boyce with Great Rivers entered at 10:20 am followed by Doug Thomas and Bailey Veasman with MoDOT, Mac Daily with Emerald Springs Development, Larry Proemsey and Paul Merei with SCE, INC/Cowboys Cranes at 10:22 am.

In the matter of  
Great Rivers BRO project construction update:

James Sutton presented commission with the County Road 3620 pre-construction meeting documents and asked everyone in attendance to introduce themselves. Mr. Sutton advised he must obtain from SCE Inc the DBE's on all the listed Subcontractors. Doug Thomas from MoDOT touched base on the Buy America Policy with all in attendance. Review of the project documents were read and approved as is by all in attendance.

Tom Atkins, Dilek Acar and Jason Lorts entered at 10:40 am.

Stites moved to approve signing the project contract, Hicks seconded, motion carried, BRO-R081(14) contract accepted.

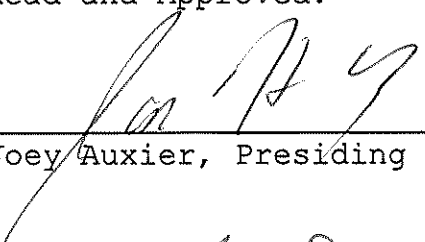
Swartz, Sutton, Boyce, Thomas, Veasman, Proemsey and Merei left at 11:35 am.


In the matter of  
New Subdivision Platte "Emerald Springs" off CR 3000:

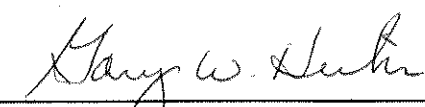
Acar, Atkins, Daily and Lorts present commission with phase 1 of their subdivision Platte. After brief discussions were had Commission reiterated that they will not accept the maintenance of the roads unless the County Road Specs (specifically storm water conveyance) are met.

Hearing no other business commission adjourned at 12:03 pm.

Read and Approved:

  
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Joey Auxier, Presiding Commissioner

  
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Sherry Stives, District 1 Commissioner

  
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Gary Hicks, District 2 Commissioner

**PHELPS COUNTY COMMISSION RECORD**  
**May 28, 2024 Seventeenth Day of the April Term**

Now at this the 28th day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary W. Hicks, District 2 Commissioner

Deputy Clerk Peter Cook took minutes.

Also present were Emily Guffey with Williams, Robinson, Rigler & Buschjost PC and Public Administrator Dana Sooter.

IN THE MATTER OF  
LEAGAL SERVICES CONTRACT FOR PUBLIC ADMINISTRATOR:

The contract for Public Administrator legal services was presented to the commission. Stites made a motion to accept, Hicks seconded, motion carried.

Guffey and Sooter left at 9:17 am.

Recorder Robin Kordes entered at 9:24 am and left at 9:29 am.

Local Resident Chester Kojro entered at 9:26 am.

IN THE MATTER OF  
COUNTY ORDINANACES:

Hicks brought up an email from County Clerk about the security measures and if an ordinance is needed. Hicks advised it would appear to him that an ordinance would be needed, but is not sure if they need an ordinance or an order. Hicks also advised he does not know if it is necessary. Hicks advised that County Prosecutor Brendon Fox said it would not be bad to have something in place since the sales tax is earmarked.

Carol Green from the Treasurer's office entered at 9:50 AM.

IN THE MATTER OF  
CART FUNDS REPORT:

Green presented commission with the CART funds report of fuel, motor vehicles sales and motor vehicles fees.

Green left at 10:03 am.

IN THE MATTER OF  
COUNTY ROAD SPECIFICATIONS:

Moved to Thursday at 10:15 due to road department being unavailable for discussions.

IN THE MATTER OF  
CONSTITUENT PHONE CALL:

Local resident Sandra Ray in Edgar Springs Called the commission chambers to ask if there was an ordinance about burning a

vehicle. Commission said there was not and recommended they contact DNR as they would be the ones over her question.

Bailiff Chris Reeder Entered at 10:15 am.

IN THE MATTER OF  
COURTHOUSE SECURETY:

Hicks advised he had a constituent bring up that they did not like the metal detectors.


IN THE MATTER OF  
COUNTY ORDINANACES (CONT'D):

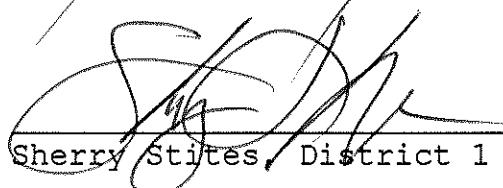
Hicks asked Reeder if he thinks they need an ordinance about metal detectors. Reeder said that if they do write an ordinance, they are bound by it and have to enforce it and cannot use their own discretion and it restricts what the commission can do. Hicks advised he thinks they should leave it alone unless they are forced to make one.

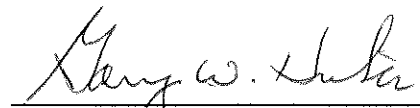
Kojro left at 10:28 am followed by Reeder at 10:51 am.  
Michele Bock with Road & Bridge entered at 11:29 am.

Hearing no other business commission adjourned at 11:58 am

Read and Approved:

  
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Joey Auxier, Presiding Commissioner

  
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Sherry Stites, District 1 Commissioner

  
\_\_\_\_\_  
Gary Hicks, District 2 Commissioner

**PHELPS COUNTY COMMISSION RECORD**  
**May 30, 2024 Eighteenth Day of the April Term**

Now at this the 30th day of May, Commission met pursuant to adjournment and a quorum was present of the following members:

Joey Auxier, Presiding Commissioner  
Sherry Stites, District 1 Commissioner  
Gary W. Hicks, District 2 Commissioner

Deputy Clerk Peter Cook took minutes.

Also present was Collector Faith Barnes and left at 9:06 am.

IN THE MATTER OF  
CORONOR BUDGET:

Commission discussed the coroner's budget.

IN THE MATTER OF  
ATV ORDINANCE:

Commissioner Stites brought up that the county ATV ordinance was out of date.

IN THE MATTER OF  
ACCOUNTS PAYABLE:

Commission reviewed and approved invoices in the amounts of \$78,341.43 for A - L, \$45,520.10 for M - Z.

IN THE MATTER OF  
PAYROLL:

Commission reviewed and approved payroll for 5/31/24

Mike Scott and Tonya Greven from BPJ entered at 9:45am

IN THE MATTER OF  
BPJ QUARTELY REPORT:

Scott informed the Commission that we are in good standing compared to last year.

Greven brought up Wellness credits and that they are picky on what the credit is allowed to be use on.

Scott and Greven left at 10:37am.

Michelle Bock and Mark Case from the Road & Bridge department entered at 10:45am.

IN THE MATTER OF  
COUNTY ROAD SPECIFICATIONS:

Case presented an updated road specification for right of way. Hicks made a motion and Stites seconded to approve all three specifications. Motion carried.

## **UTILITY ACCESS TO PUBLIC RIGHTS-OF-WAY**

### **Section 1.0 Utility Use within County Rights-of-Way**

From and after the date of these regulations, all new and existing utility usage of county-maintained road right of way shall be approved for the right of use under the authority of the County Commission and subject to the terms and conditions of these regulations. Nothing in this rule shall permit noncompliance with the requirements of a regulatory agency regarding construction of utility facilities. All utility service providers having utilities located in county-maintained road rights-of-way shall comply with the requirements of these regulations, subject to the provisions for reimbursement for construction and relocation expense identified.

The County may require public and private utilities located within county-maintained road rights-of-way to relocate and/or perform planned repairs or improvements to utilities located within the road right-of-way when necessary for completion of County road maintenance, improvement, reconstruction, or construction project. The County shall provide the public and/or private utility providers affected by the planned project with a schedule of work to be performed within the road right-of-way. This schedule will allow sufficient time for the utility providers to plan for relocation, repair, or improvement to the affected utilities. Utility repairs and improvements shall be performed by the utility providers in a timely manner in coordination with the County Road Department in order that the road project is performed in a timely and efficient manner.

A deposit or bond is required prior to any construction for a new utility or maintenance of an existing utility within a County maintained right-of-way, unless Missouri Statutes provide for other financial security. The amount of the bond or deposit will be based upon the impact of the utility work upon the County road or inflation of prices. The amount will be identified when the utility service provider provides the County with a request for approval and construction plans of the proposed improvements for the work to be done within the right-of-way. No routine maintenance or planned utility work may start within County Right-of-Way without approval from the County Commission.

### **Section 2.0 Utility Relocation Expense**

The expense of relocating public or private utilities in connection with a County maintained road project depends upon the scope of the County project, impact of the project on the utilities within the right-of-way, and the existence of a utility easement. Any project where there is a public or private utility easement that predates the County maintained road right of way, the County may pay some, or all, of the expense of relocating the utilities to avoid the proposed road improvements in accordance with these regulations. Each project will be negotiated with the impacted utility. On County road projects that impact utilities where the utility does not have an easement or where the easement does not predate the County maintained road right-of-way, the expenses incurred for all related utility work will be paid for by the utility.

County projects may require that the public or private utility provider relocate utilities within the County right-of-way or in some cases onto private easement(s) outside of the right-of-way. As identified in these regulations, the utility service provider will pay for all costs associated with the relocation if provider does not have a deeded right-of-way that predates the county road right-of-way. The relocation of utilities will be required when it is necessary to preserve or promote public safety or for reasons required by the engineering of the road project. Upon order of the County Commission, the County shall pay such public or private utility the fair and reasonable expenses associated with the acquisition cost of the easement and relocation expenses. The reimbursable costs do not include repair and improvements that were accomplished at the same time of the relocation by the utility.

The determination by a utility service provider to relocate the utility outside of the County maintained right-of-way in association of a County road project without a requirement of the County will be accomplished at the expense of the utility provider. The work by the utility provider will be scheduled in a manner that will not delay the County road project.

### **Section 3.0 Utility Construction, Repair and Improvement**

All public and private utilities within County right-of-way shall be constructed, reconstructed, or improved meeting these regulations and the best management practices and industry standards of the respective utility. Failure of a utility to meet the requirements of these regulations will be grounds for the County to require relocation of the utility outside of the right-of-way at the expense of the utility provider. All utility construction and reconstruction within the County right-of-way will be approved by the County based upon construction drawings submitted to the County for approval for the impact and mitigation on the County right-of-way. Utility repairs will require the utility provider to contact the County about the intended repairs and identify the impact upon the County right-of-way. The County will approve all utility work that impacts the County right-of-way prior to the work being started.

Utilities impacted by County road projects will be repaired, improved or upgraded as part of the road project to the extent possible. The utility company shall notify the County of the utility improvements planned in the area of the County project as promptly as possible after receipt of the County project schedule. The utility service provider(s) shall perform preliminary work to eliminate future excavation and damage to newly paved roads surfaces, curb, gutter and drainage structures.

Utility Construction, Repair, or Improvement that causes damage to the County roadway or right of way will be repaired in a timely manner by the Utility at their expense. Any damage to a County roadway or right-of-way caused by a utility provider that is not repaired in a timely manner will be repaired by the County or a Contractor representing the County and the Utility that damaged the roadway or right-of-way will be billed for the work incurred by the County. Failure by a Utility to repair damage to County right-

of-way caused by the utility will be grounds for the County to refuse future use of County right-of-way, and/or pursue litigation.

**Section 4.0 Underground Utilities**

Underground utilities shall meet the following minimum depth of burial requirements for utility construction and reconstruction. Encasement is required for all buried utility right-of-way crossings and within three (3) feet of all pavements.

Utility	Depth of Burial		Minimum Required Encasement Material
	Parallel	Crossing	
Cable TV/Telephone (non-fiber)	24 in.	30 in.	Duct (enclosed tubular casing or raceway)
Fiber Optic Cable	30 in.	42 in.	Duct (enclosed tubular casing or raceway)
Electric	30 in.	30 in.	Duct (enclosed tubular casing or raceway)
Copper Cable	24 in.	30 in.	Duct (enclosed tubular casing or raceway)
Natural Gas (PE plastic)	30 in.	30 in.	Smooth wall, welded steel pipe
Sewer, non-pressure	30 in.	30 in.	None if PVC SDR 35, reinforced concrete, or cast iron otherwise smooth wall, welded steel
Sewer, pressurized	30 in.	30 in.	Smooth wall, welded steel pipe, PVC SDR 35
Water, 2 inches or less	42 in.	42 in.	None if copper, Type K with no joints
Water, greater than 2 in.	42 in.	42 in.	Smooth wall, welded steel pipe, PVC SDR 35
Welded Steel Pipelines	30 in.	30 in.	See note on pipelines carrying gaseous or liquid petroleum products

Encasement required in this regulation means the placing of a conduit around and outside of an underground facility consisting of a larger conduit, which will permit the removal and replacement of the facility. Conduits used for encasement shall be new material or equivalent and shall conform to the requirements of the latest revision of ASTM or AWWA for the material used.

Underground utilities shall be continuously encased under the roadway, median, ramps, and shoulder areas with the casing extending to the toe of the fill slopes to the ditch line. On roads with a curb, the encasement shall extend outside the outer curb of the roadway a distance equal to the depth of the encasement at the curb line.



Pipelines carrying gaseous or liquid petroleum products that are cathodically protected against corrosion and triple coated in accordance with accepted pipelines construction standards will not require encasement.

Minimum wall thickness for casing shall meet the latest requirements for the diameter as stated in the latest revision of the Missouri Highway and Transportation Commission Specifications for smooth wall, welded steel pipe.

Buried utilities located parallel to the roadway shall be located within 5 feet of the normal right-of-way line on roadways where the County has a deeded 50-foot wide right-of-way. On roads where the County has a 30-foot wide right-of-way identified by statute, the buried utility shall be located outside of the County right-of-way. Except that existing underground facilities (other than sanitary sewers) which are located underneath the existing roadway may be left in place where it is impractical to relocate the facility, provided that maintenance and service can be performed without cutting or damaging existing pavement, or interfering with the construction, maintenance or operation of the roadway.

Sanitary sewers shall be considered individually and removed or left in place contingent upon age, condition, and the impact of relocation. The primary consideration will be whether service and maintenance can be performed on the sewer system without damaging the roadway surface.

All new facilities shall be installed and maintained without cutting or damaging any paved roadway surface except when rock or other obstructions prevent boring or pushing operations. In these cases, exceptions may be granted by the County to allow a pavement cut if the utility can identify sufficient need. Cutting pavements shall not be allowed without written permission from the County. Permission to cut any asphalt pavement will require that the cut be made with a pavement saw with minimum impact on the asphalt surface. Where the County grants cutting or trenching approval, all trench bedding and backfill shall conform to the typical trench detail provided by the County.

A minimum deposit of \$2500 is required prior to any construction for a new utility or maintenance of an existing utility within a County maintained right-of-way, unless Missouri Statutes provide for other financial security. The amount of the deposit may be greater than \$2500 based upon the impact of the utility work upon the County road or inflation of prices. The amount will be identified when the utility service provider provides the County with a request for approval and construction plans of the proposed improvements for the work to be done within the right-of-way. No routine maintenance or planned utility work may start within County Right-of-Way without approval from the County Commission.

Utility providers may elect to use materials other than those identified as long as the materials and encasement meet latest industry standards. The utility provider accepts responsibility for all repairs and replacement of County facilities should failure occur do the construction of the utility.

Buried utilities shall be marked with a detector tape located one (1) foot above the buried utility. Locator wire shall also be provided and directly buried with the utility so as to be able to locate the utility using magnetic/multi frequency equipment.

#### **Section 5.0 Overhead Utilities**

Parallel overhead utilities are allowed on the right of way provided that the poles are within 2 feet of the normal right-of-way line where the County owns a 50-foot wide right-of-way. On roads where the County has a right-of-way identified by statute of 30 feet, utility poles shall be located outside of the County right-of-way. It is recommended that poles be placed at least 25 feet from the road centerline. Existing overhead facilities that parallel an existing roadway and are within the County right-of-way may remain in place if their existing location does not interfere with construction, maintenance, or operation of the road. Careful consideration shall be given to the location of guys, anchors, braces and other supports. Design procedures will be used to minimize encroachment on County right-of-ways.

Vertical clearance for overhead crossings of new and existing electric overhead installations shall not be less than the current minimum requirements of the National Electric Safety Code, but in no case less than 18 feet. Other overhead utilities shall meet the minimum height requirement of 18 feet.

#### **Section 6.0 Utilities within Subdivisions**

The process for approval of County road right-of-way within subdivisions means that road right of way acceptance occurs after all subdivision work has been completed. For the purposes of these regulations, the approval of the road right-of-way will occur at the same time of acceptance of the utilities within the road right-of-way. All utilities parallel to the roadway will be placed outside of the County right-of-way. It is recommended that a utility corridor of at least twenty feet in width be established outside of the county right-of-way for the placement of all utilities. The acceptance of the utilities within the right-of-way must be accompanied by a certificate of compliance signed by a registered professional engineer stating that the utilities installed meet these regulations and installed in accordance with the construction plans previously approved by the County Commission.

All underground utilities within the right-of-way to be accepted by the County must comply with these regulations and all anticipated roadway crossings within the subdivision must be in place prior to County acceptance of the roadway.

#### **Section 7.0 Utilities Attached to Bridges and Culverts**

The type of utility must be carefully considered before approving its attachment to a structure. Gas or petroleum product pipelines have the potential to be very dangerous and are NOT permitted to be attached to structures. Electric lines will be located to cause minimum exposure to County maintenance employees and the public.

For utilities attached to an existing structure that is to be removed, relocated, reconstructed, repaired or improved, the utility is responsible for the cost of removing, relocating and/or reattaching the utility to the structure.

Maintaining the structural integrity of any structure is a priority when developing plans for attaching utilities to a structure. Attachment details shall be prepared by Missouri Licensed Professional Engineer and approved by the County.

Utilities attached to a structure should be made on the underneath side of the bridge deck. Utilities attached to structures over streams should be on the downstream side of the structure and above the lowest superstructure element so as to not block the usable open area of the structure. At no time will utilities be attached to any structure railings or guardrails.

Adopted this 30<sup>th</sup> day of May, 2024

APPROVED AS TO FORM:

\_\_\_\_\_  
Joey Auxier  
Presiding Commission

\_\_\_\_\_  
Brendon Fox  
Prosecuting Attorney

\_\_\_\_\_  
Sherry Stites  
Commission District 1

\_\_\_\_\_  
Gary Hicks  
Commissioner District 2

ATTEST:

\_\_\_\_\_  
Laura Johnson  
County Clerk

## DESIGN REGULATIONS

Engineering design plans for public improvements will be presented to the County Commission and Road Department for acceptance in accordance with these regulations. None of the public improvements within the County will be accepted by the County to be included in the County Maintenance program until final acceptance by the County Commission and Road Department after the project is complete.

The developer/property owner shall follow these regulations when developing subdivision plans and plats within Phelps County. Any variances from these regulations must be approved by the County Commission prior to construction of the improvements.

The developer/property owner is responsible to pay for all improvements that will be included in the County Maintenance program.

Prior to acceptance by the County, the developer's/property owner's engineer shall certify that all improvements that will be included in the County Maintenance program were constructed and installed in accordance with the approved plans and specifications. All test reports shall be reviewed by the developer's/property owner's engineer and submitted to the County Road Department.

### Section 1.0 – Sewers

#### Section 1.1 – Sanitary Sewers

Except as hereinafter provided, it shall be unlawful to construct or maintain a privy, privy vault, septic tank, cesspool, leakage field, or other facility intended or used for the disposal of domestic sewage.

1. It shall be unlawful to place, deposit, or permit to be deposited or discharge any sewage, excrement, garbage or other objectional waste onto the ground surface or any natural outlet or waterway except where suitable treatment has been provided.
2. Where a public sanitary sewer collection system is not available, the building sewer shall be connected to a private sewage disposal system in accordance with County ordinances and Missouri State Laws and minimum construction standards.
3. Before commencement of construction of a private sewage disposal system, the owner shall first submit an application and obtain a construction permit from the County Health Department, if required by the County Health Department.
4. The property owner, at their expense, shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times.
5. When a public sewer collection system becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer collection system within 180 days of said public sewer collection system becomes operational. Once connected to the public sewer collection system any septic tanks, cesspools, and similar disposal facilities shall be cleaned of all sludge, abandoned, and filled with suitable material.

6. The property owner shall follow the regulations, rules, and instructions of the owner of the sanitary sewer collection system.
7. The issuance of a permit by the County shall not in any way relieve the permittee of duties, obligations, or restrictions imposed by the State of Missouri or any federal agency.

Disposal of sewage that is not created from domestic use shall be in accordance with the State of Missouri regulations and any federal agency having jurisdiction over the waste material.

#### Section 1.2 – Storm Water Collection

Storm water collection systems shall include roadside ditches, driveway culverts, crossroad culverts, storm sewers, curb and gutter, and other facilities for the collection and conveyance of storm water flows.

1. Storm Water Collection
  - A. Storm water collections systems shall only be used for the collection and conveyance of storm water. Any other material entering the storm water collection system shall be deemed unlawful.
  - B. Prior to acceptance of any subdivision roads for County Maintenance, the collection and conveyance of storm water shall be designed by a Missouri licensed engineer in accordance with the current edition of the Missouri Department of Transportation Engineering Policy Guide and approved by the County Commission and Road Department.
  - C. The Storm water collection and conveyance shall be designed to accommodate flows from a 10-year storm event.
  - D. If the storm water drainage plan indicates that flows from the subdivision will adversely impact the county drainage system, either a storm water detention system within the subdivision or replacement of County drainage system that is identified as inadequate will be required at subdivision developer/property owners' cost.
  - E. Storm water drainage facilities and drainage easements located within the subdivision's individual lots or common areas shall be the responsibility of the property owner or subdivision trustees to maintain for the conveyance of stormwater.
  - F. Rip Rap or other erosion control measures shall be placed in roadside ditches, culvert outlets to prevent erosion as designed by a Missouri licensed engineer and as directed by the County Commission and Road Department.
  - G. Storm water systems shall be designed and constructed in accordance with Missouri State Statutes including 229.150 and other applicable statutes.
  - H. Roof drains shall daylight in the yard a minimum of ten (10) feet from County right of way.
2. Roadside Ditches
  - A. Roadside ditches shall conform to the standards cross-section drawings Exhibit A.
  - B. The slope of the ditch line shall match the profile slope of the adjacent roadway, with a minimum slope of 1.0%.

- C. Side slopes shall have a minimum ratio of 3:1 (3 horizontal to 1 vertical).
- 3. Driveway Culverts
    - A. Driveway culverts shall follow the slope of the road ditch the driveway crosses.
    - B. Driveway culverts shall be sized by a Missouri licensed engineer based on the drainage area entering the culvert for a 10-year storm event. The minimum size of driveway culverts shall have a diameter of fifteen (15) inches.
    - C. Driveway culvert material shall be corrugated metal (galvanized, polyethylene coated) or reinforced concrete culvert pipe in accordance with the Missouri Department of Transportation Engineering Policy Guide.
    - D. Driveway culverts shall be installed in accordance with the manufacturer's recommendations and maintained by the property owner.
  - 4. Crossroad Culverts
    - A. Crossroad culverts shall be constructed with a minimum slope of 0.5 %.
    - B. Crossroad culverts shall be sized by a Missouri licensed engineer based on the drainage area entering the culvert for a 25-year storm event, with a minimum diameter of eighteen (18) inches. The minimum size of driveway culverts shall have a diameter of fifteen (15) inches.
    - C. Crossroad culvert material shall be corrugated metal (galvanized, polyethylene coated) or reinforced concrete culvert pipe in accordance with the Missouri Department of Transportation Engineering Policy Guide.
    - D. Crossroad culverts shall be installed in accordance with the manufacturer's recommendations by the subdivision developer/property owner.
    - E. No flared end culverts shall be installed.
    - F. For subdivisions with curb and gutter, culverts shall be concrete if within the right of way.

#### **Section 2.0 – Water for Domestic Use**

Except as hereinafter provided, it shall be unlawful to drill, operate, construct or maintain a private well or water supply within the County.

- 1. Where access is not available to a public water supply, a private well may be used.
- 2. Where a public water supply is not available, the private well shall be in accordance with County ordinances and Missouri State Laws and minimum construction standards.
- 3. Before commencement of drilling, installing, or construction of a private well, the owner shall first submit an application and obtain a construction permit from the County Health Department, if required by the County Health Department.
- 4. The property owner, at their expense, shall operate and maintain the private well in a sanitary manner.
- 5. The type, capacity, location, and layout of any private well shall comply with all applicable requirements, if any, of the State of Missouri or any federal agency.
- 6. The issuance of a permit by the County shall not in any way shall not relieve the permittee of duties, obligations, or restrictions imposed by the State of Missouri or any federal agency.

### Section 3.0 – Excavations in Right-of-Way

Excavations within any County maintained right-of-way shall abide by the following regulations.

1. No roadway shall be closed without the permission of the County Road Department.
2. Pavement shall be saw cut, full depth, one (1) foot wider on each side, than the proposed excavated trench width.
3. Select granular backfill shall be used in all trenches under roadway pavements and compacted to a minimum of 95% standard proctor in accordance with ASTM D698.
4. Pavement restoration shall at a minimum include the following (refer to Exhibit B for typical repair):
  - A. One (1) inch clean backfill.
  - B. Eight (8) inch aggregate material meeting Missouri Department of Transportation specifications for Type 5 aggregate.
  - C. Four (4) inches asphaltic pavement meeting Missouri Department of Transportation specifications for bituminous pavement.
5. A deposit of \$2500 is required prior to any construction within a right-of-way in accordance with the County Utility Specifications.

### Section 4.0 – Roadways

Subdivisions requiring new roadways that will be dedicated to the County and be incorporated into the County maintenance program shall abide by the following regulations. Refer to Exhibit A for typical road section.

1. Right-of-Way
  - A. The minimum width of roadway-right-of-way shall be fifty (50) feet.
  - B. Right-of-way width shall be widened where slopes for fill and/or cut areas beyond the minimum are required to preserve the slopes for future maintenance. Right-of-ways will be extended two (2) feet beyond the toe of the slope or two (2) feet beyond the top of the slope cut. Refer to Exhibit A.
  - C. Roadways with no outlet (dead-ends) shall not be longer than 1,500 feet, unless otherwise approved, and terminate in a cul-de-sac having a minimum right-of-way diameter of 100 feet.
2. Roadways
  - A. All construction of new roads shall be in accordance with the Missouri Department of Transportation Engineering Policy Guide.
  - B. The minimum width of road surface (vehicle travel way) for any new road within a new subdivision shall be twenty-four (24) feet.
  - C. The maximum grade of any new county road shall be twelve (12) percent. The maximum grade of a road with no outlet shall be eight (8) percent.
  - D. Each new road shall have a three (3) foot shoulder on each side of the road. The one (1) foot adjacent to the road surface shall be MoDOT approved Type 5 Aggregate, a minimum of six (6) inches in depth.



- E. The road subgrade shall be graded to the lines and cross sections shown on the approved construction plans. All organic material shall be removed prior to placing any fill material and any aggregate subbase material. The subgrade shall be roller compacted to not less than 95% of the standard laboratory dry density in accordance with ASTM D698.
- F. Prior to placement of the aggregate subbase the subgrade shall be proofed rolled with a fully loaded tandem truck in the presence of the County Road Department. If any soft or rutted areas are discovered during the proof rolling the area shall be recompacted to the satisfaction of the County Road Department or other methods shall be employed to overcome the soft or rutted areas to the satisfaction of the County Road Department.
- G. The road subbase shall be composed of roller compacted MoDOT Type 5 Aggregate to a minimum depth of eight (8) inches. The aggregate subbase shall be compacted to not less than 95% of the standard laboratory dry density in accordance with ASTM D698.
- H. Prior to placement of the bituminous road surface the aggregate subbase shall be proof rolled with a fully loaded tandem truck in the presence of the County Road Department Supervisor. If any soft or rutted areas are discovered during the proof rolling the area shall be recompacted to the satisfaction of the County Road Department or other methods shall be employed to overcome the soft or rutted areas to the satisfaction of the County Road Department.
- I. The bituminous road surface shall consist of two (2) inches of Plant Mix Bituminous Base Pavement and two (2) inches of Plant Mix Bituminous Surface Pavement. Bituminous pavement plant mixes shall meet MoDOT's Engineering Policy Guide.

Adopted this 30<sup>th</sup> day of May, 2024

APPROVED AS TO FORM:

\_\_\_\_\_  
Joey Auxier  
Presiding Commission

\_\_\_\_\_  
Brendon Fox  
Prosecuting Attorney

\_\_\_\_\_  
Sherry Stites  
Commission District 1

\_\_\_\_\_  
Gary Hicks  
Commissioner District 2

ATTEST:

\_\_\_\_\_  
Laura Johnson  
County Clerk

## SUBDIVISION REGULATIONS

Subdivision Plats will be presented to the County Commission for acceptance in accordance with these regulations. None of the roadways within a planned subdivision will be accepted by the County to be included in the County maintenance program until construction of the public improvements are approved by the County.

### Section 1.0 - Preliminary Plat

The submittal of a Preliminary Plat early in the design process is to assist the developer and receive comments from County staff prior to spending money on design engineering.

1. The subdivider shall submit a Preliminary Plat and supporting documentation prior to delivery of the final plat. County staff will review this material and provide input to the subdivider concerning design standards and improvement requirements.
2. The Preliminary Plat is intended to be conceptual in nature. The Preliminary Plat should provide information sufficient to determine general compliance with County regulations and policies.
3. The Preliminary Plat should be submitted twenty (20) days prior to the County Commissioners meeting to allow for time to be reviewed by County staff.
4. At a minimum the Preliminary Plat should include the following information:
  - a. Scale, north arrow, and date prepared.
  - b. The Preliminary Plat shall list the proposed subdivision name and the name and address of the owner and subdivider.
  - c. A location map to generally locate the property to be subdivided.
  - d. The general dimensions for the property to be subdivided including property lines, existing easements, public rights-of-way, flood prone areas, streams, etc.
  - e. The approximate location, dimensions, and configurations of all proposed lots and proposed street rights-of-ways.
5. The Commission will approve, conditionally approve, or disapprove the Preliminary Plat by resolution and notify the developer/landowner within twenty (20) days of the County Commission meeting at which time such action is taken.
6. The approval of the Preliminary Plat by the Commission does not constitute or affect an acceptance by the County of the dedication to public use any roadway or other improvements shown on the Preliminary Plat.
7. Supporting engineering design plans shall also be submitted for roadways, culvert crossings, bridges, and any other public improvements that will be accepted and maintained by the County after acceptance of the Final Plat.
8. The approval of the Preliminary Plat shall be effective for one (1) year, unless a Final Plat is approved for any phase shown on the Preliminary Plat and/or construction of the public improvements have begun within the one (1) year time frame. Once a Final Plat for a partial phase is approved the remainder of the Preliminary Plat is effective for ten (10) years, provided that any subsequent Final Plat and public improvements must adhere to the current County ordinances at the time of filing of the Final Plat. The developer/landowner will have three (3) years from the date of approval of the

Preliminary Plat to complete construction of the public improvements and submit the Final Plat for any phase.

#### **Section 2.0 – Final Plat**

The Final Plat is the detailed drawing of the proposed subdivision containing all appropriate signatures for ownership, County approvals, surveyors, etc. that will be recorded at the County Recorder of Deeds Office.

1. The subdivider shall submit the Final Plat and supporting certificates to allow County staff to review this material and provide input to the subdivider of missing elements and/or revisions required prior to approval by the County Commission.
2. The Final Plat shall be in substantial conformance to the approved Preliminary Plat.
3. The Final Plat should be submitted twenty (20) days prior to the County Commissioners meeting to allow for time to be reviewed by County staff.
4. The Final Plat may contain a portion of the overall subdivision approved in the Preliminary Plat, if completed in phases/additions.
5. The Final Plat will meet the requirements of Missouri Minimum Standards for Property Boundary Surveys.
6. At a minimum the Final Plat should include the following information:
  - a. Name of subdivision and phase/addition if appropriate.
  - b. Title block indicating the plat to be "Final."
  - c. Name and address of the owner and subdivider.
  - d. Name and address of the surveyor and/or engineer.
  - e. Scale, north arrow and date prepared.
  - f. A location map to generally locate the property to be subdivided.
  - g. The legal description of the land to be subdivided with total acreage.
  - h. Lot boundary lines showing bearings, distances, radii, chord distance, etc so that every line, angle, and curve can be surveyed.
  - i. Location and widths of existing and proposed street right-of-ways.
  - j. Location and widths of existing and proposed easements.
  - k. Lot numbers and areas in square feet and acres of each proposed subdivision lot.
  - l. Location of water courses, wetlands, ponds, and other relevant features that might impact development.
  - m. Locations of any 100-year and 500-year flood plain and the approximate BFE (Base Flood Elevation).
  - n. Surveyors Certificate
  - o. Owners Certificate
  - p. Signature block for Presiding Commissioner and County Clerk and date approved by County Commission.
  - q. Signature block for Phelps County Collector of Revenue stating that all taxes have been paid.

- r. Signature block for Phelps County Recorder of Deeds identifying the cabinet and file number of the Plat.
  - s. Other certificates required by Missouri state statutes.
7. Submit as-built drawings for public improvements depicting as constructed elements.
  8. Submit certification from developer's engineer that all public improvements were completed in accordance with approved plans for public improvements.
  9. Submit engineers' estimate for uncompleted public improvements, if required.
  10. Submit financial assurance (form acceptable to County Commission) in the amount equal to 125% of the Engineer's estimate for the uncompleted work for the public improvements, if required.
  11. The Commission will approve, conditionally approve, or disapprove the Final Plat by resolution and notify the developer/landowner within twenty (20) days of the County Commission meeting at which time such action is taken.

**Section 3.0 – Submittal Requirements**

1. Preliminary Plat
  - a. Submit four (4) copies of the Preliminary Plat as required in Section 1.0.
  - b. Submit copies of the Preliminary Plat a minimum of twenty (20) days prior to the County Commission meeting.
2. Final Plat
  - a. Submit two (2) original signed (wet signatures) copies of the Final Plat and supporting certificates as required in Section 2.0.
  - b. Submit four (4) copies of the Final Plat as required in Section 2.0.
  - c. Submit original (signed) and copies of the Final Plat a minimum of twenty (20) days prior to the County Commission meeting.
  - d. Submit one (1) copy of as-built drawings for public improvements depicting as constructed elements.
  - e. Submit certification from developer's engineer that all public improvements were completed in accordance with approved plans for public improvements.
  - f. Submit engineer's estimate for uncompleted public improvements, if required.
  - g. Submit financial assurance for uncompleted public improvements, if required.
  - h. After approval by the County Commission submit electronic CADD drawing of the Final Plat for use within the County's GIS system.

**Section 4.0 – Recordation**

1. The developer/landowner is responsible for recording the approved, signed, Final Plat with the Phelps County Recorder of Deeds and all associated costs for recording.
2. No lots may be sold until the Final Plat is submitted to the Recorder of Deeds Office.
3. The Final Plat will be deemed invalid if not recorded within twelve (12) months of the acceptance of the Final Plat by the County Commission.

**Phelps County  
Specifications & Regulations Acknowledgement**

I hereby state that I have read, understand, and agree to abide by the Phelps County specifications and regulations for Subdivisions, Utilities, and Design. The specifications and regulations must be followed in order for development to be accepted into the Phelps County road program.

**DEVELOPER**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**COUNTY COMMISSION**

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

**COUNTY ROAD SUPERVISOR**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTARY**

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_. I am commissioned as a  
(day) (month, year)

notary public within the County of \_\_\_\_\_, State of \_\_\_\_\_, and my  
(county) (state)

commission expires on \_\_\_\_\_  
(date)

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Date

(SEAL)

**Phelps County Land Owner**

**Road Department Regulations & Stormwater  
Acknowledgement**

I hereby acknowledge that I am to follow all applicable County regulations. I acknowledge that it is the land owner's, or subdivision trustees' responsibility to maintain all stormwater drainage facilities and drainage easements located within an individual lot or subdivision common area for the conveyance of stormwater.

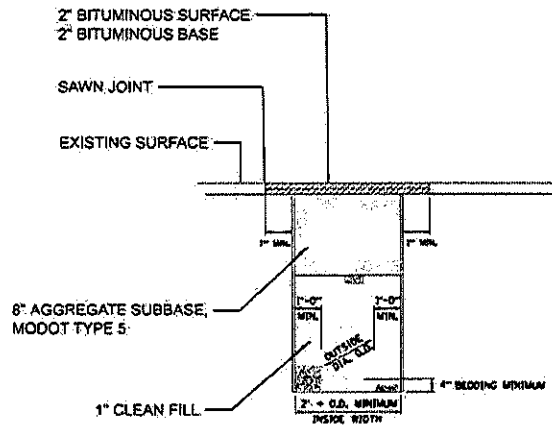
I also acknowledge that drainage ditches within the County right of way are not to be disturbed. For example, no obstructions are to be placed in the County ditches that will impede the flow of water, and sprinkler systems should not be in the right of way. If obstructions are found, the County may require that the obstruction be removed to maintain the drainage ditches in accordance with Missouri State Statute 229.

**LAND OWNER**

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_



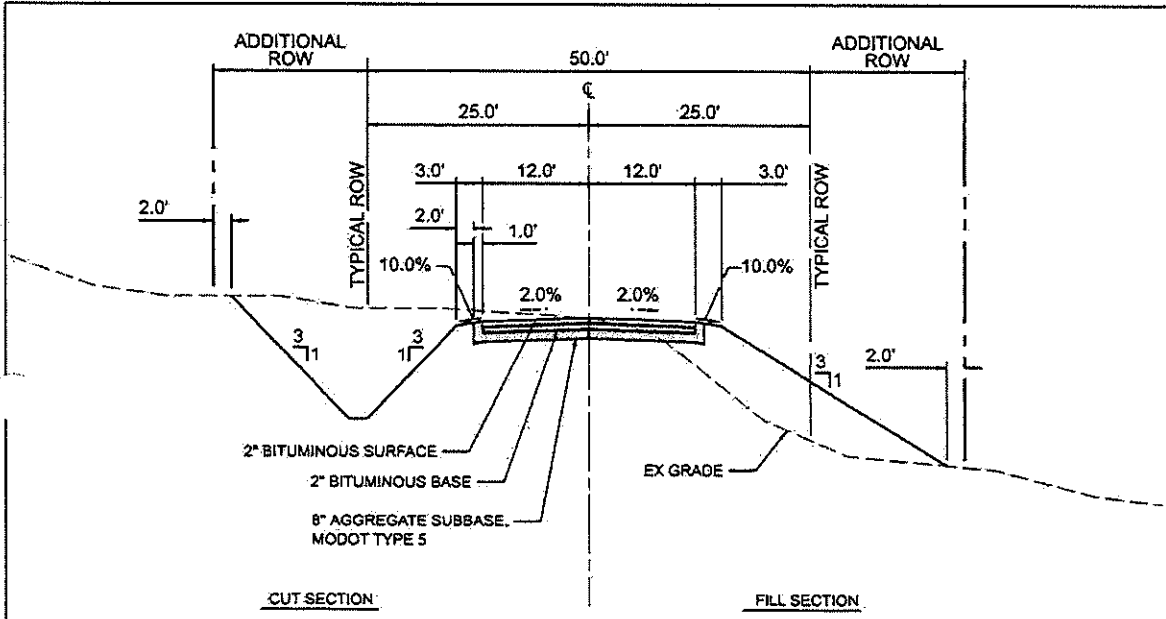
**TYPICAL TRENCH SECTION**  
NOT TO SCALE



BENTON & ASSOCIATES, INC.  
CONSULTING ENGINEERS & LAND SURVEYORS  
RAMP GREET STATE ROUTE 72  
ROCKA, MO 63081  
PHONE: 313-278-3608 FAX: 313-245-4349  
MO DESIGN FIRM REGISTRATION NO. 001521

**EXHIBIT "B"**





CUT SECTION

FILL SECTION

**TYPICAL ROAD SECTION**  
NOT TO SCALE



BENTON & ASSOCIATES, INC.  
CONSULTING ENGINEERS/LAND SURVEYORS  
8030 EAST STATE ROUTE 72  
TOLLEA, MO 63041  
PHONE: 636-576-9800 FAX: 636-576-4149  
MO DESIGN FIRM REGISTRATION NO. 061821

EXHIBIT "A"

Adopted this 30<sup>th</sup> day of May, 2024

APPROVED AS TO FORM:

\_\_\_\_\_  
Joey Auxier  
Presiding Commission

\_\_\_\_\_  
Brendon Fox  
Prosecuting Attorney

\_\_\_\_\_  
Sherry Stites  
Commission District 1

\_\_\_\_\_  
Gary Hicks  
Commissioner District 2

ATTEST:

\_\_\_\_\_  
Laura Johnson  
County Clerk

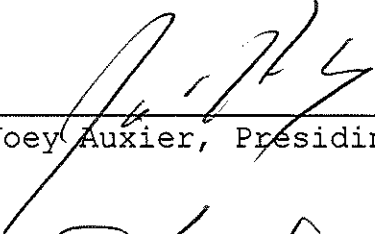
Bock and Case left at 11:08am.

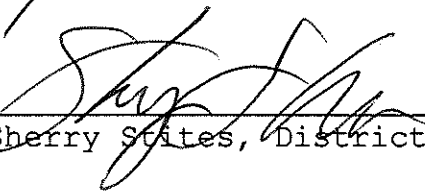
IN THE MATTER OF  
Senior companions:

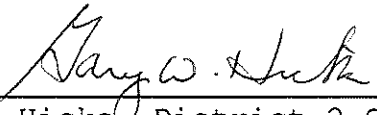
In the matter of in-kind donations from January through June. Hicks made a motion to approve the varication of in-kind to the senior companion's program, Stites seconded, motion carried.

Hearing no other business commission adjourned at 11:10 am due to another meeting at 11:15am

Read and Approved:

  
\_\_\_\_\_  
Joey Auxier, Presiding Commissioner

  
\_\_\_\_\_  
Sherry Stites, District 1 Commissioner

  
\_\_\_\_\_  
Gary Hicks, District 2 Commissioner

