

COUNTY COMMISSION RECORD, CAMDEN COUNTY, MISSOURI

TUESDAY 8/6/2019

The Camden County Commission met with Presiding Commissioner Greg Hasty, District #1 Commissioner Bev Thomas, and District #2 Commissioner Don Williams.

Meeting Agenda

Commissioner Thomas made a motion to approve today's agenda as posted. Commissioner Williams seconded the motion. The motion passed by vote: Commissioner Thomas (Yes), Commissioner Williams (Yes). Session opened at 10:00 A.M.

Prior Minutes

Commissioner Williams made a motion to approve August 1, 2019 minutes. Commissioner Thomas seconded the motion. The motion passed by vote: Commissioner Thomas (Yes), Commissioner Williams (Yes).

New Business

Tax Abatements – Commissioner Williams made a motion to approve the following tax abatement as presented. Commissioner Thomas seconded the motion. The motion passed by vote: Commissioner Williams (Yes) and Commissioner Thomas (Yes). Copy of abatement can be furnished upon request.

The following abatement have been approved:

Wayne C & Patricia D Baisch – 2018 P.P. 064636- No 28- \$31.33.

Road & Bridge Speed Limit Robyn Point – County Engineer Lee Schuman stated this roads horizontal alignment is adequate for the current speed limit but the

vertical alignment is not. County Engineer recommends that the speed limit for Robyn Point be reduced to fifteen miles per hour for the entire length of the roadway. Lee also stated that an additional sign would need to be posted for a hairpin curve. Commissioner Thomas made a motion to approve the recommendation of the county engineer. Commissioner Williams seconded the motion. The motion passed by vote: Commissioner Williams (Yes), Commissioner Thomas (Yes).

Submission Date: July 31, 2019

Submitted By: County Engineer / Highway Administrator

**Camden County Commission
Agenda Item Summary Sheet**

Description of Item:

Reduced Speed Limit – Robyn Point

Names of Persons, Businesses, Organizations affected by this action:

County Staff and Camden County Motorists

Why is Commission Action Required?

To establish a speed limit other than 35 mph

Are there any deadlines associated with this action?

Road & Bridge Department staff should be available in the next 2-3 weeks to install new speed limit signs. The hairpin curve signs are not currently in stock.

Budget Line / Source of Funds


002-07-5840	Road Signs	
	2019 Annual Budget	\$7,000.00
	Uncommitted Balance	\$976.04
	Amount of This Expenditure	\$118.44

Comments and Recommendation of Department:

A Camden County resident on Robyn Point recently requested that the speed limit be reduced. The current speed limit is posted at 25 miles per hour (mph) for the entire length of the roadway.

The majority of the horizontal alignment is adequate for 20 mph with the exception of one hairpin curve that will require a curve warning signs and 10 mph advisory speed plaques. The width of majority of the roadway is less than 18 feet wide and there are vertical curves that limit sight distance. With these factors, a safe speed for majority of the roadway is 15 mph.

The Camden County Road & Bridge Department recommends that the speed limit on Robyn Point be reduced to 15 miles per hour (mph) for the entire length of the roadway.

 8-6-2019
IN COMMISSION
MEETING

TIF Osage Beach Arrowhead –Commissioner Thomas stated this is for a TIF that was done in 2015. They are wanting to amend the original TIF for the placement of the soccer field and the city cannot find the original paperwork on the TIF to apply for an amendment to that TIF. Commissioner Thomas stated we have to sign a TIF before they can apply and amend the TIF that should have already been in place. Commissioner Thomas made a motion to approve an ordinance approving the cooperative agreement for distribution of surplus payments in lieu of taxes and authorizing the presiding commissioner to execute said agreement on behalf of Camden County Missouri for documentation that was overlooked at the time the TIF was approved and now currently needs signed. Commissioner Williams seconded the motion. The motion passed by vote: Commissioner Williams (Yes), Commissioner Thomas (Yes).

Date: AUGUST 6, 2019

ORDINANCE NO.

AN ORDINANCE APPROVING THE COOPERATIVE AGREEMENT FOR DISTRIBUTION OF SURPLUS PAYMENTS IN LIEU OF TAXES AND AUTHORIZING THE PRESIDING COMMISSIONER TO EXECUTE SAID AGREEMENT ON BEHALF OF CAMDEN COUNTY, MISSOURI

BE IT ORDAINED by the Camden County Commission as follows:

WHEREAS, the Osage Beach Board of Aldermen adopted Ordinance No. 15-56 on July 16, 2015, pursuant to Sections 99.800 to 99.865, RSMo. (the "TIF Act"), approving the Arrowhead Center Tax Increment Financing Plan (the "TIF Plan") and initiating tax increment financing within the redevelopment area defined in the TIF Plan; and

WHEREAS, pursuant to the TIF Plan, payments in lieu of taxes ("PILOTs") will be collected by the County and remitted to the City for deposit in a special allocation fund; and

WHEREAS, the TIF Plan and Redevelopment Agreement require that the City declare fifty (50%) percent of the PILOTs collected on commercial property and one hundred (100%) percent of the PILOTs collected on residential property pursuant to the TIF Plan as surplus in accordance with Section 99.820.1(12), RSMo. ("Surplus PILOTs") and distribute the Surplus PILOTs to the appropriate taxing districts (the "Taxing Districts") on the basis that is proportional to the current collection of revenue which each Taxing District receives from the real estate and the redevelopment plan; and

WHEREAS, as the County initially collects PILOTs, the City desires for the surplus PILOTs to be paid directly to the Taxing Districts by the County on behalf of the City, and the County desires to make such payments directly on behalf of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CAMDEN COUNTY COMMISSION AS FOLLOWS:

Section 1. The Camden County Commission finds and determines that it is expedient and necessary to enter into the Agreement attached hereto as Exhibit A with the City of Osage Beach, Missouri, to address the collection and disbursement of Surplus PILOTs collected by the County pursuant to the Arrowhead Center Tax Increment Financing Plan.

Section 2. The Presiding Commissioner for Camden County, Missouri, is hereby authorized to enter into said Agreement attached hereto as Exhibit A on behalf of Camden County, Missouri.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

All Ordinances or parts of Ordinances currently in effect that are in conflict with this Ordinance are hereby repealed upon the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED by the Camden County Commission of Camden County, Missouri, on the 6 day of August, 2019.

(Seal) 

Attest: Rowland A. Todd
Rowland Todd, County Clerk

CAMDEN COUNTY, MISSOURI
By: Greg Hasty
Greg Hasty, Presiding Commissioner

Beverly Thomas
Beverly Thomas, 1st District Commissioner

Don Williams
Don Williams, 2nd District Commissioner

Approved as to Form:
Charles E. McElyea
Charles E. McElyea

COOPERATIVE AGREEMENT FOR DISBURSEMENT OF SURPLUS PAYMENTS IN LIEU OF TAXES

THIS COOPERATIVE AGREEMENT FOR DISBURSEMENT OF SURPLUS PAYMENTS IN LIEU OF TAXES (the "Agreement") is made and entered into this ___ day of ___, 2019, by and between the CITY OF OSAGE BEACH, MISSOURI, a Missouri fourth class city (the "City"), and CAMDEN COUNTY, MISSOURI, a Missouri first class county (the "County").

RECITALS

- 1. The City Board of Aldermen (the "City Board") adopted Ordinance No. 17-43 on June 29, 2017, pursuant to Sections 99.800 to 99.865, RSMo (the "TIF Act"), approving the Osage Beach Commons Tax Increment Financing Plan (the "TIF Plan") and initiating tax increment financing within the Redevelopment Area defined in the TIF Plan. Capitalized terms not defined herein shall have the meanings ascribed to them in the TIF Plan.
2. Pursuant to the TIF Plan, Payments in Lieu of Taxes ("PILOTS") will be collected by the County and remitted to the City for deposit in the Special Allocation Fund.
3. On October 5, 2017, the City executed a tax increment financing redevelopment agreement (the "Redevelopment Agreement") to implement the Redevelopment Project described in the TIF Plan. The TIF Plan and the Redevelopment Agreement require that the City declare fifty percent (50%) of the PILOTS collected pursuant to the TIF Plan as surplus in accordance with Section 99.820.1(1)(2), RSMo ("Surplus PILOTS"), and distribute the Surplus PILOTS to the appropriate taxing districts located wholly or partially within the Redevelopment Project Area (the "Taxing Districts") on a basis that is proportional to the current collections of revenue which each Taxing District receives from real property in the Redevelopment Area, and in accordance with Section 99.850.1.
4. As the County initially collects PILOTS in accordance with Section 99.850.1, the City desires for the Surplus PILOTS to be paid directly to the Taxing Districts by the County on behalf of the City, and the County desires to make such payments directly on behalf of the City.
5. The City has taken those actions necessary to execute and enter into this Agreement including the City Board of Aldermen adoption of Ordinance No. 17-63 on September 21, 2017, approving this Agreement and authorizing the City to enter into this Agreement.
6. The County has taken those actions necessary to execute and enter into this Agreement including the County Commissioners adoption of Ordinance No. ___ on ___, 20___, approving this Agreement and authorizing the County to enter into this Agreement.
7. Pursuant to Section 99.820.1(2), RSMo, the City is authorized to make and enter into all contracts necessary or incidental to the implementation and furtherance of tax increment financing plans and projects.

AGREEMENT

NOW, THEREFORE, the City and the County agree as follows:

Section 1: Determination of Surplus PILOTS.

A. Prior to the payment of any Surplus PILOTS, on the 15th day of each month, beginning when PILOTS are first paid in connection with the Redevelopment Project, the County shall provide written notice ("Notice") to the City and Taxing Districts of the amount of all Surplus PILOTS collected and available to be paid to the Taxing Districts. To the extent the City objects to the amount of Surplus PILOTS, such objection, which may be communicated by letter, facsimile, e-mail communication or any other written method, shall provide reasonable details of the basis of the City's objection, and any disputes shall be resolved in accordance with paragraph B of this section. To the extent the City does not object, in writing, to the amount of the Surplus PILOTS to be paid to the Taxing Districts identified in the Notice within ten (10) days of the City's receipt of the Notice (the "Notice Period"), then notwithstanding anything to the contrary herein it shall be deemed that the City has approved the amount of Surplus PILOTS identified in the Notice to be paid to the Taxing Districts and the County shall proceed as provided in Section 2 and 3.

B. To the extent the City and County are unable to resolve their dispute as to the amount of the Surplus PILOTS to be paid to the Taxing Districts within thirty (30) days after the Notice Period, the City and County hereby agree to submit such dispute to binding arbitration by a single arbitrator. The arbitrator shall be a person located in Camden County agreed to by the parties. If the parties cannot agree to an arbitrator within thirty (30) days after the Notice Period, the selection shall be made by the Presiding Judge of the Circuit Court of Camden County, Missouri, on the application of either party. All expenses and fees of the arbitration and the arbitrator shall be assessed by the arbitrator as he or she finds equitable and just based on his or her findings with respect to the dispute arbitrated; provided, however, that each party shall bear the expenses and fees of any attorneys, accountants, expert witnesses or others appearing or submitting any materials on such party's behalf. Otherwise, the Commercial Arbitration Rules and Regulations of the American Arbitration Association, or any successor body, shall apply.

Section 2: Accounting for Surplus PILOTS.

The County shall create a separate segregated account for the Surplus PILOTS, which account will be deemed a subaccount of the Special Allocation Fund (the "Surplus PILOTS Account"). As PILOTS are collected by the County, the County will deposit the Surplus PILOTS into the Surplus PILOTS Account. For the sole purpose of maintaining the Surplus PILOTS Account, the County Collector shall be deemed the authorized representative of the City Treasurer.

Section 3: Distribution of Surplus PILOTS.

As to amounts approved or deemed to be approved by the City in accordance with Section 1, the County shall distribute such amounts on deposit in the Surplus PILOTS Account (excluding any amount paid under protest until the protest is withdrawn or resolved against the taxpayer and any sum received which is the subject of a suit or other claim communicated to the County which suit or claim challenges the collection of such sum) directly to the Taxing Districts on behalf of the City on a basis that is proportional to the current collections of revenue which each Taxing District receives from real property in the Redevelopment Area in accordance with Section 99.850.1. Such distribution will be deemed to have been made by the City from the Special Allocation Fund in accordance with Section 99.820.1(12)(a) of the TIF Act.

Section 4: City Accounting.

The City shall make appropriate notation in the accounting records for the Special Allocation Fund to account for the payment of Surplus PILOTS to the Taxing Districts by the County from the Surplus PILOTS Account.

Section 5: Cooperation.

The City and County will cause appropriate staff to communicate as needed to implement this Agreement, and agree to cooperate and take all actions necessary to carry out the obligations of this Agreement.

Section 6: Taxing Districts are Third Party Beneficiaries.

The City and County and their successors and assigns expressly agree that the Taxing Districts shall be third party beneficiaries with respect to the enforcement and performance of this Agreement.

IN WITNESS WHEREOF, the parties execute this Agreement on the date set forth above.

CITY OF OSAGE BEACH, MISSOURI
By: John Olivari, Mayor

ATTEST: Dana Berreth, City Clerk

CAMDEN COUNTY, MISSOURI
By: Greg Hassel, Presiding Commissioner

ATTEST: Rowland A. Todd, County Clerk



Gagne Special Warranty Deed – Commissioner Thomas stated this is for a property sold by the county to an individual on Kays Point #2 on Horseshoe Bend. The legal description is correct and this will a special warranty deed instead of the normal warranty deed. Bret and Kristen will need to file this special warranty deed with the Camden County Recorder. Commissioner Thomas then made a motion to approve the special warranty deed to Bret and Kristen Gagne for Lot 898 Kay’s Point # 2 on Horseshoe Bend. Commissioner Williams seconded the motion. The motion passed by vote: Commissioner Williams (Yes), Commissioner Thomas (Yes).

Adjourn: With no further official business on the agenda: Commissioner Williams made a motion to adjourn to any unofficial business that may develop during the day. Commissioner Thomas seconded the motion. The motion passed by vote: Commissioner Thomas (Yes), and Commissioner Williams (Yes). Session closed at 10:30 A.M.

Ordered that the Commission adjourn until day Tuesday, August 13, 2019.

Greg Hasty, Presiding Commissioner

Melissa Peters Benefits Coordinator