

DESOTO COUNTY BOARD OF SUPERVISORS

BOARD MEETING MINUTES

BILL RUSSELL, PRESIDENT 2010 PRESIDING

July 23, 2010

A. CALL TO ORDER

The July 23, 2010, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Bill Russell, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1
Supervisor Eugene C. Thach-----District 2
Supervisor Bill Russell-----District 3
Supervisor Allen Latimer-----District 4
Supervisor Tommy Lewis-----District 5 - Absent
W. E. Sluggo Davis-----Chancery Clerk
Michael Garriga-----County Administrator - Absent
Tony Nowak-----Board Attorney
Sheriff Bill Rasco-----Sheriff

B. INVOCATION

Supervisor Allen Latimer presented the invocation.

C. PLEDGE OF ALLEGIANCE

D. CONSENT

The Board of Supervisors considered the items on the Consent Agenda.

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to approve the Consent Agenda items as follows:

1. Make Part of Minutes

a. Addendum to Agreement for Purchase of Vehicles-Missouri State Highway Patrol

b. Contract for Lawn Service-Affinity Landscapes

2. Appoint Receiving Clerk for Juvenile Drug Court-Amy Lay

The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit D

E. OLD BUSINESS

F. NEW BUSINESS

1. Inventory Disposition: Preliminary-Road Dept.

Inventory Clerk Amy Henley presented preliminary dispositions for the Road Department as follows:

Asset #	Serial #	Description	Reason for Disposal	Location of Preliminary
16165	101865	Clarke-Grizzley Mosquito Sprayer	Buying newer sprayers	CM
33752	101948	Clarke-Grizzley Mosquito Sprayer	Buying newer sprayers	CM

Supervisor Allen Latimer made the motion and Supervisor Bill Russell seconded the motion to approve the dispositions for the Road Department as presented by the inventory clerk. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----NO
 Supervisor Eugene C. Thach-----YES
 Supervisor Bill Russell-----YES
 Supervisor Allen Latimer-----YES
 Supervisor Tommy Lewis-----ABSENT

See Exhibit F.1

2. Office of Procurement

a. Bids Under Advisement: E-911

Vanessa Lynchard said that the E-911 Commissioner and Kenny Evans worked with Marvin Johnson on the bids for the construction of a new building for E-911 to be located on Star Landing Road. Vanessa said they agreed on recommending the lowest and best bidder of Murphy & sons of Southaven since they were the lowest and best bidder in the amount of \$564,900. She said that both Marvin Johnson and Kenny Evans have worked with them in the past and got good results. Vanessa said they are asking the Board to accept the bid of Murphy & Sons and presented the bids as follows:

BIDDERS NAME	BASE BID
Hasco, Inc	\$ 623,300.00
C & M Builders, Inc.	\$ 597,000.00
T.D.L. Contractors, Inc.	\$ 600,700.00
W.G. Yates Construction Co., Inc.	\$ 613,900.00
Landmark Construction	\$ 624,600.00
Jones Brothers	\$ 684,000.00
Omega General Contractors, Inc.	\$ 694,500.00
Seiler-Nabers Construction LLC	\$ 595,900.00
Belz Construction Co. Inc.	\$ 697,200.00
Mayer Construction Co. Inc.	\$ 587,000.00
Murphy and Sons, Inc.	\$ 564,900.00
Windham and McDonald, Inc.	\$ 584,000.00
Donald G. Austin, General Contractor	\$ 639,488.00
Wagner General Contractors, Inc.	\$ 666,500.00

Jaycon Development Corporation	\$ 584,500.00
J. B. Beer, Sr., General Contractor	\$ 584,500.00
Barnes & Brower, Inc.	\$ 624,919.00
Bid was awarded to: Murphy and Sons, Inc.	

Supervisor Jessie Medlin clarified there was an error on the letter from Facilities Management and Vanessa verified the amount of \$564,900. She also clarified that Murphy & Sons is the same company as C & M Builder which the county has used several times. Vanessa said that E-911 provides the money for this project.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the bid from Murphy & sons as the lowest and best bid for construction of the E-911 building on Starlanding Road in the amount of \$564,900 and as detailed in Exhibit F.2.a. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit F.2.a

- (1.) Appoint Superintendent**
- (2.) Appoint Committee to Inspect**

Vanessa said in the last Board Meeting that County Administrator Michael Garriga discussed appointing Kenny Evans as the superintendent for the E-911 project but no motions were made. She said that a committee should be appointed as well.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve Kenny Evans as the superintendent on the construction of the new E-911 building on Starlanding Road, and to appoint Supervisor Tommy Lewis and Supervisor Bill Russell to the committee to inspect the building. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

b. Sole Source-Sheriff’s Dept.

Vanessa Lynchard said the new e-Citation equipment for the Sheriff’s Department requires interface software which qualifies it as a sole source. Vanessa said that Interact Software Solution is the provider of the software so no other company could acquire the codes to bid on the items. She said there is money in the budget for the purchase and the Board Attorney has looked at the document.

Board Attorney Tony Nowak said he has reviewed the documents and everything looks fine.

Supervisor Jessie Medlin made the motion and super Allen Latimer seconded the motion to approve Interact Software Solution without necessity of bidding the item as a sole source to provide interface software for the e-Citation equipment for the Sheriff’s Department. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES

Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

See Exhibit F.2.b

3. Grants: Dean Road Project

Supervisor Allen Latimer reminded the Board of Supervisors about the home that has had excessive flooding for several years located on Dean Road and owned by Lonnie and Betty Daugherty. Supervisor Latimer said that EMA Deputy Director Tim Curtis and Grants Administrator Joyce Herring have worked long and hard with MEMA for the county to buy the property through a MEMA grant and it has finally been approved at \$179,550 by FEMA.

Grants Administrator Joyce Herring said that MEMA approved the cost of the house. The county will get a cash advance for only 75% of the cost and MEMA will retain 25% of the cost until the project is completed and the house is demolished. Upon completion of the project MEMA will forward the remaining 25% to the county. The homeowner is responsible for 5% of the original cost of the house.

Supervisor Bill Russell asked if Mr. and Mrs. Daugherty are currently living in the house. Supervisor Latimer said there is no carpet on the floors, the appliances keep going out due to water damage and the air conditioning went out. Ms. Herring said they are trying to live in the house, but the situation is really bad. They have been flooded two times since May.

Supervisor Jessie Medlin asked when the house was built. Ms. Herring said 2001, but it began flooding while it was under construction and continues to flood.

Supervisor Latimer said when the county receives ownership of the property it will be used for Greenways. At the time the house is completely torn down, the county will then receive the remaining 25% of the money. Ms. Herring said the county will have to advance \$47,025 of the money.

Supervisor Bill Russell asked if we have someone who can tear the house down. Ms. Herring said that Bobby Storey and Tim Curtis have been working on that part and have a plan in place.

Supervisor Medlin asked if we are guaranteed to get the 25% back. Ms. Herring said yes, when house is torn down.

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to authorize the clerk to write two checks, one in the amount of \$132,525 from the MEMA funds being held and the second check in the amount of \$47,025 from County funds to Smith, Phillips, Mitchell, Scott and Nowak Law Firm for the purpose of closing on the property located at 4114 Dean Road owned by Lonnie and Betty Daugherty and in relationship to Hazardous Mitigation Grant number 1604-355 with the understanding that the \$47,025 will be paid back to the County by MEMA once the home has been acquired and demolished by the County. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

4. Open Records Request

Board Attorney Tony Nowak notified the Board of Supervisors that the County Administrator has been asked to provide salary information on county employees. Mr. Nowak said, to the extent the public records request seeks documents that are legally permissible to disclose, the

county will comply. Mr. Nowak said it appears the information is being asked of other counties and cities as well.

G. EXECUTIVE SESSION

The executive session portion of these minutes is recorded under the portion of the minutes called "Executive Session".

H. OTHER ISSUES

1. State Aid Project-SAP 17 (12) M/Fogg Road, Church Road and Desoto Road

County Consulting Engineer Daniel Murphy said two years ago we programmed State Aid project number SAP 17 (12) M which consists of the following roads:

- 1.) Fogg Road-from Nesbit Road to Church Road
- 2.) Church Road-Church Road, from Hwy 301 to DeSoto Road
- 3.) DeSoto Road-from Hwy 301 to Horn Lake Road

Mr. Murphy said the engineer's estimate on the project is \$1,142,200. He said we have State Aid funds available now that would create a shortfall of \$314,000 between funding and the engineer's estimate. He said we have about \$330,000 of surface transportation funds. State Aid has authorized us to swap that money out with Sunflower County and that would be enough money to allow us to do the project. Since then, Sunflower County has cancelled their project which leaves us with a shortfall in the project.

Supervisor Eugene Thach asked where the money will come from for this project.

Road Manager Russell Dorris said we can look at any money left over from the overlay contract. He said this project will cover two budget years including FY 10 and FY 11. Mr. Dorris said the Road Department did not buy equipment like they usually do but we used some of that money on construction funds.

Supervisor Thach said that Mr. Murphy and Mr. Dorris need to find out if the money is available before the Board votes on this project. Mr. Dorris said he can come up with a close figure with how much money will be left, but that information is not available today because he is waiting for final bills to come in.

Supervisor Bill Russell said he would rather not spend the money unless the roads are not going to hold up.

The Board discussed decreasing the scope of the projects or other options to fund or get the project done.

No motions were made nor votes taken on this issue.

2. State Aid Road-Horn Lake-Box Culvert

Supervisor Allen Latimer said he received a call about a box culvert on Valley Brook Drive in Horn Lake. He said the school buses cannot go over the bridge. He asked when the roadway will be done.

County Consulting Engineer Daniel Murphy said things go slow at State Aid. He said we are waiting for it to go through the review stages. Mr. Murphy said he does not think it will be done before next summer. Mr. Murphy said we have several sets of plans at State Aid now.

3. Roads-DeSoto Road-Hwy 301 to Poplar Corner

Supervisor Bill Russell asked about the DeSoto Road project from Hwy 301 to DeSoto Road. County Consulting Engineer Daniel Murphy said that Wade Carter said there is an agreement

between the County and Walls Water for the County to pay the costs of relocating the existing lines.

Board Attorney Tony Nowak said all right of ways, with the exception of one, has been acquired. Mr. Murphy said they are ready to advertise as soon as that one right of way has been accepted.

Supervisor Bill Russell said he would like to get as much work done this year as possible. He said we have been working on this project for five years. Supervisor Russell said the road will continue to receive more damage if it is not addressed. Supervisor Russell said he is receiving calls from people who travel that road and they are receiving tire damage. Supervisor Russell said the last house on the left to the west is about one quarter of a mile from the end of the road.

Road Manager Russell Dorris said the reason the maintenance has not been done is because it is difficult to maintain that road.

Supervisor Russell said the county has been maintaining that road for 40 years,

Mr. Murphy said as soon as we have the right of way, we can go out for bids on the project.

Mr. Dorris said you could close part of that road rather than maintain it.

The Board of Supervisors discussed the options for maintaining the roadway.

No motions were made nor votes taken on this issue.

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to adjourn the meeting until August 2, 2010, at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
Supervisor Eugene C. Thach-----YES
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----ABSENT

THIS the 23rd day of July, 2010, these minutes have been read and approved by the DeSoto County Board of Supervisors.

Bill Russell, President
DeSoto County Board of Supervisors