

Osage County Commission Meeting Minutes
May 6th, 2021
8:30am

Meeting called to order by Presiding Commissioner Darryl Griffin

Eastern District Commissioner John Trenshaw present

Western District Commissioner Larry Kliethermes present

Media – HB Dodds

Front Desk Clerk – Brooke Dudenhoeffer

Present for all or part of the meeting: Kevin Case, John Mann, Ron Kempker, Ron Hoffman, Greg Pitchford, Dave Weber via Zoom, Amanda Grellner via telephone, Sheriff Bonham via telephone

Approval of the Agenda and Minutes:

-Commissioner Griffin asked for a motion for approval of today's agenda and the meeting minutes for May 4, 2021. Commissioner Trenshaw made a motion to approve the agenda and the previous meeting minutes, seconded by Commissioner Kliethermes. Commissioner Griffin asked all in favor say aye. Commissioner Griffin, Commissioner Trenshaw and Commissioner Kliethermes all stated aye. All opposed, none.

Meetings:

-May 7, 2021 ALL county offices closed in observation of Truman Day

-May 11, 2021 5:00p AgriTourism meeting

-May 11, 2021 Meet on county road 605 with Stanley Strobe weather permitting

-May 18, 2021 5:00 pm Linn City Meeting

-May 19, 2021 7:00 pm 911 Advisory Board Meeting

-May 25, 2021 MU Extension Council meeting

-May 27, 2021 10:00-10:30a John Dwiggin from Howe Company to discuss engineering services

-May 31, 2021 ALL county offices closed in observation of Memorial Day

Bills, Notes and Communication:

-Commissioners received the Election Invoice in which they all commissioners signed.

-Commissioners received a copy of the April Balance sheet.

-Commissioners signed the April Personal and Real Estate Deletions, Additions and Supplementals report

-Commissioners received the bank bid advertisement from county clerk to proof and approve in the newspaper for sealed bank bids.

-Commissioner Griffin wanted to make sure to say "We want to make sure we thank all elected officials for such fast response when we call or need anything. Thank you so much. We have a great group working for the county. I'm proud to work with them all."

911:

-Ron Hoffman wanted to make sure to let the commissioners know today was Nurses' Day and he appreciates all nurses.

-Hoffman is attending the Chamois Career Day.

Road and Bridge:

-Kempker picked up the trailer from Fort Lenard Wood. The trailer stands too high to haul large equipment with.

-Kliethermes got a called thanking R&B for getting to county road 504 so quickly.

-New part time employee started yesterday with training on running the whipper. Training today.

-County Road 251 is still on the schedule to be completed.

-Commissioner Griffin reports the new "Now Hiring" sign is an eye catcher, hopefully we can get some applicants.

-Kliethermes said he had an individual contact him whom is possibly interested in working as part-time. Would R&B consider hiring a part time for now even though the open positions are for full-time? Kempker said it would depend on the qualifications. Kempker suggested to Kliethermes "Have that person apply, the door is always open."

New Business:

-Commissioner Griffin asked Kevin Case (Steadman Trucking Company attorney) introduced himself and his team to the room. Mr. Case introduced himself, John Mann (engineer), Greg Pitchford (environmental consultant) and Dave Weber via Zoom (consultant). Case said "I, along with these guys are here to answer any questions or concerns you may have to our best ability."

-Commissioner Griffin has concerns about the public using the public water way with the debris in the water and someone getting hurt. "That's one of our big concerns. We don't want anyone getting hurt. We had received from you guys, a bid to were work can't start until June." Mr. Mann approached the commission and said "We are unable to start any work until June 15 due to Darter fish spawning. There are permits to obtain in order to start any kind of work in the water. I had the same concerns as you do with the debris in the water and we wanted it out as soon as possible to reduce any liability and open the river for recreational use. Advertising is a must. Securing proposal then review the proposal then send those to environmental agencies to get approval. Once that's accepted then the work will begin. The two companies we have spoken with said it should only take them about a week total to get the job done but we have to allow 20 working days after proposal is accepted to complete the job. If the water levels increase by 2.5ft then the workers are unable to continue to work safely." Mr. Mann said "Greg, retired DNR, is the expert on the environmental things."

-Greg Pitchford introduced himself to the commission with a brief background of his career as working with DNR and now All State Consultants. Pitchford said "When I heard of the area the first thing that came to mind were the Niangua Darters and how to navigate around them to get this done as quickly and safely as possible. If we followed specific practices, we could avoid obtaining additional permits, which could hold this up for a year. So, with that said if we use excavators and just pull it out, it will only take one permit. The other species were the Indiana Bats. After further investigation the area of concern will not be an issue at this time. The extraction of the bridge should not affect the trees that held the bats. If we pull materials out, no pads in the water, and aren't cutting trees for the Indiana Bats we can avoid any additional individual permit and work with "normal" time frame.

-Griffin said "My question is if this requires only one permit how long does it take to be granted that one permit? Greg said "Basically the guidance I got was, as much as 2 phone calls. Once the proposals come in and is best for the county, we can make the 2 calls and if all answers are yes, we can pull the trigger and go." Griffin asked "As Mr. Case stated it is our bridge, do we have to advertise to have the bridge removed? How does that work? And the money side of it, who pays for what?" Mr. Case said "The finance part is where the attorneys would step in and possibly make that part of the proposal. The trucking company has no contract for the bridge removal but the funding is something we need to speak to Ms. Grellner about. With discussion there are some steps the county could take now with buoy or signage for notice of obstruction." Griffin asked "So in other words, you guys would write up the bid for the removal and then it will be brought before us and you? Then granted the money would be sent to the county?" Mr. Case said "If Ms. Grellner or you, have comments to be made about that it would be a in the contractual agreement and we are very receptive of those comments."

-Kliethermes said "I got a call about excess debris hooked on the bridge that is in the water. I have been made aware by James Reman from the CORE that we as the county may need to place markers to warn the public of the potential hazard to reduce liability. This bid or proposal, (looking at a document provided by Mr. Mann) is that the max that you feel is appropriate?" Mr. Mann said, "That is the estimate submitted by an engineer. I will not be doing the work I will not be turning in the proposal. Not always does the bridge fall in the river. This is just an example. We've actually been in contact with 2 companies. We want someone who is experienced. The two companies we have worked with previously are Aaron's out of St. Louis and Greg Bear Trackhoe Service from Kansas City. Both companies have preliminary proposals already made. All they need to do is write a means and methods as to "this is in detail how I am going to do it". That will then be turned into the environmental agencies so that they can approve or make suggested changes as needed. Now we would have an approved procedure without getting into any trouble. We require bid bonds, contract with the county but the issue we some times have is prequalifying bids. I have a one-page newspaper ad for open bids to run in the paper for 2-3 weeks. Then when all are submitted you take them up for advisement and that's when we evaluate them for compliance. Smaller companies want to use rip-rap which complicates permits and time frames. The estimate I provided could be off. Trucking could be more. If we could section the asphalt and minimize disturbing the river bed that could alter the trucking amounts. I figure I would be the engineer on site the

entire time along with Greg Pitchford as the environmentalist to make sure there is the least amount of damage during removal.

-Kliethermes asked "Does the engineering company have the right to deny a proposal due to the company being a smaller company?" Mr. Mann said "I put the clause "We reserve the right to refuse any bid", but since it's advertised anyone has the right to put in a bid. Just remember the permits and the time it takes to get them approved.

-Kliethermes has concerns about the amount of asphalt and how DNR and the CORE will look at that. If there could be oil leakage and the counties responsibility on that. Mr. Case said "That is another thing Ms. Grellner and I would like refine more squarely in a contractual agreement."

-Kliethermes reminded all parties that "If possible, we want to leave the eastern abutment there. It's a marker for our historic bridge. We were wanting to keep it. It shouldn't interfere with the new bridge since the new bridge will be skewed a little to avoid the 90* turn as it was prior to. If you tore it down you would have to build something else back there anyway. It's about a 30 foot drop off." Mr. Mann said "The slope of the bank up and down stream the wall needs to be the same for both. We don't think the structure of the earth behind it is stable enough. In respect to leave it we feel there are real liability issues there that are concerning." Kliethermes said "I believe that as long as there is some kind of barrier and it's approved by MODOT or DNR it should be fine." Mr. Case said "Again, that is something that we are open to discussing. Ms. Grellner and I can negotiate that as part of the counter proposal along with the expense that may come of that.

-Trenshaw asked "Are we going to get this done this done this year? Is it possible? June 15th is a short time away. With 3 weeks of advertising and a month to allow proposals to be submitted and then approvals..." Mr. Mann said, "The way I had it worked up the timeline was advertising in April, we missed that, bids and possibly proposals in May and we can start on June 15. This is why we reached out to the two companies so that they are willing to start when we need it. Hypothetically, we could have the construction company place signs up river and down river to cover the unseen hazard. It might be time for those signs now. If you got the signs there now that would do you better."

Trenshaw asked "If we put the signs up, would we be compensated? I understand you need to work it out between Ms. Grellner but typically how does this work?" Mr. Case said "That would be something we would need to discuss. We are ready to get to work as soon as your proposal is submitted." Kliethermes voiced concerns about signage for the unseen hazard issue needing to be placed now versus when work starts. He states "There is a lag in time and more liability on us. Our interest is to get it out as soon as possible and the safety of the public. It needs to be marked now. There were 3 temporary easements, who is supposed to execute those? Is that something the county is supposed to do or is this just an example?" Mr. Mann said "I am going to say most of the time a commissioner goes out with me. The people don't know me but they know you. They are more willing to sign with you there." Kliethermes said "I don't think I'll have any troubles getting signatures. Luebberts live right there, Balzinies are out of town and only here on the weekends, and the Bohems are close by. I could even call them with a heads up to get the papers signed and send them back. You mentioned the advertising for 3 weeks but I think we could get by with 2 weeks." Mr. Mann said "I am used to the BRO program but they have federal money. What ever your standard policy is."

-Trenshaw asked "How long are we looking for us to get the bridge up and going saying that this old one comes out within 2 months or so? It seems like this is taking a long time, so are we talking a year or two?" Mr. Mann said "I don't know. I've not addressed that. I don't know." Kliethermes said "We were able to provide a preliminary for the new bridge since we've done one similar with a BRO projects using Bartlet and West. We were able to get that, but would you use your own engineer or would you have us use who we have used in the past? How will that work? Mr. Case said "We have not even addressed the issue of replacing the bridge. Our main concern is to get this bridge out of the water first." Kliethermes said "So, John to answer your question we are looking at years." Mr. Mann said "Yeah. This was a focus on removing the hazards and clean it up. I did a little looking into your BRO program and the financial state of a 3rd class county and there comes lots of problems. Kliethermes said, "This bridge is a county road bridge but it's also connector between a couple of towns. Our community uses this often. Even the local school uses it for track and cross-country training to keep the kids off the main traffic.

-Trenshaw mentioned to Mr. Mann, "You said you've been looking at BRO projects and funding, why would you be doing that? Is the insurance not going to pay for it?" Mr. Case addressed the question as "We have not even begun to address the value of that bridge. It was built before 1900 and the value of the bridge has yet to even be determined and the liabilities associated with it and the liabilities with replacing it with a new bridge." Trenshaw said "We need a bridge urgently. Kliethermes said "It was a functional bridge, it was inspected and rated. And of course, MODOT won't allow a 5- or 8-ton bridge anymore. We can go to the site but I think all my questions have been answered for

now. We now know what we need to do which is meet with Amanda and get all of our ducks in a row.” Mr. Case added “We are more than happy to meet you at the site and further discuss things.”

-Kliethermes lastly voiced concerns, “I fear that the county will end up having to take a loan out to pay for all of this.” Mr. Case said “Ms. Grellner and myself have hopes to just have the insurance company be the payor, that way you won’t have to handle the financial side.” Commissioners all agreed stating, “That’s what we wanted to hear.”

-Trenshaw did say “I propose that if there are any late fees or interest due to delays, that the insurance cover that as well.” Mr. Case said “That is another thing that Amanda and I need to discuss and negotiate in the contract.”

All commissioners agreed that they do not need to go to the site at this time. The commissioners thanked the gentlemen for their time. At this time guests departed.

-Griffin informed Amanda Grellner (via telephone) “We just finished the meeting with the team. One hang-up is the east abutment, they talked about taking it out due to a possible liability. What’s your thoughts?” Grellner said, “well, what do they mean by liability?” Kliethermes said “By leaving that there and building a railing or some kind of barrier, what keeps someone from falling off anyway? Case wants to slope the sides.” Grellner said “What’s to keep someone from just jumping off any bridge?” Trenshaw asked “When will we get a new bridge but the answer was, I don’t know. They are talking about a BRO funds and financing, are we going to be a co-payor or what?” Grellner said “If what we are going to do with the new bridge will add to the cost, we could be liable for additions.” Trenshaw voiced concerns that the insurance company will fight us on the replacement. Grellner said “The bridge has to be replaced. It at least has to be back where it was. End of story. As much as I would hate to do it, we may just have to hire somebody to sue them. The only bad thing about that is when you get a number that’s what you get, but the attorney gets their cut.”

Kliethermes asked Grellner about the signage/warning of submerged hazardous material stating, “It needs to be marked ASAP before something happens and the county is liable for an accident. The engineer mentioned it was part of a package of the removal, but it needs to be done now.” Grellner asked “Do you have a way to mark it now? These guys are dragging their feet so bad, I don’t trust this is the only issue we will encounter.” Kliethermes said “They said they are open to discussion on compensation for the markings/signage. Grellner said “I get all that but, look at the cost to us to put some buoy up? It’s just not worth the liability so we need to just go get it marked.” Kliethermes said “The sheriff has some that we may be able to use.” Trenshaw said “I think we need to at least look at hiring an attorney to possibly sue them for non-payment if that is what it comes down to. It’s been over a year and they are not even looking at replacing the bridge. I think we have no choice. They seem to be dragging their feet.” Grellner agreed stating “I will contact another attorney who I think will be great at it. Also, I need to make sure it’s not a conflict of interest due to it being an insurance company. This way if we need to act with a suit then we are prepared to do so.” Kliethermes said “The engineer talked about it being an old bridge we are afraid they may not want to pay for a full replacement.” Grellner “When you look at this long term, they need to put you a bridge back where you were. With a functional bridge and if MODOT said you have to do it this way then we have to.” Trenshaw asked “Could we leave the abutment and if MODOT says it has to go then it goes but if we leave it and MODOT says it’s okay then we leave it?” Grellner said “you probably will be at more of a cost in case they say no. It’s more of a cost to bring the machines back.” Griffin asked “What is our next step?” Grellner said “First thing is to get the hazards marked. Then I will contact someone to possibly file suit. Compensation for time and opportunity costs. Seems like insurance just doesn’t give two shakes about.” Trenshaw asked “Would we want our own engineer on site as well?” Grellner said “That wouldn’t be a bad idea either.” Griffin thanked Grellner for taking our call. Call ended.

-Commissioner Trenshaw called Sheriff Bonham in regards to marking of the Unseen/Submerged Debris. Conversation with Bonham indicated that Water Patrol will be the ones who mark with area buoys. We are not allowed to do so.

Old Business:

-Mobile home owners had been contacted by Sheriff’s Dept. and are in agreement to move the mobile home within the amount of time purposed by the commissioners.

Public Comments:

Adjournment:

-The commission meeting adjourned at 10:45 am. Commissioner Trenshaw made a motion, seconded by Commissioner Kliethermes. Commissioner Griffin asked all in favor say aye. Commissioner Griffin, Commissioner Trenshaw and Commissioner Kliethermes all stated aye. All opposed, none.



Darryl Griffin
Presiding Commissioner

