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# Stoddard County Commission - Monday, February 3, 2025 - New Sunshine Law Policy, New Pay Increases, No Letter of Support for Puxico

FEBRUARY 10TH 2025 BY DEE LOFLIN

Stoddard County Commission - Monday, February 3, 2025 - New Sunshine Law Policy, New Pay

The Stoddard County Commissioners began their meeting with the Pledge of Allegiance and a prayer over the county by Presiding Commissioner Greg Mathis.

## **Katelyn Lambert, Bootheel Regional Planning Commission, ARPA Funds Update**

Lambert updated the Commission on funds for ARPA

Motion to pay city of Bernie \$68,582.76 from the ARPA Funds for the Bernie Water Basin, first draw of their ARPA approved funds, made by Commissioner Wes Howard, seconded by Commissioner C.D. Stewart. All three voted yes and motion passed.

Motion to pay Duck Creek Township \$10,301.88 from the ARPA Funds for storm gravel made by Commissioner C. D. Stewart, seconded by Commissioner Wes Howard. All voted yes and motion passed.

## **Puxico Annexation Right-of-Way**

Several residents were in attendance for the city of Puxico Annexation right-of way discussion. There was a letter from 2018 from the Commission in support of the city of Puxico's request for a right-of-way annexation. Nothing was completed back then so the city of Puxico wrote another letter to the Commission for their support of the annexation.

The city of Puxico had a Public Hearing and there were a few people who did show up for that meeting. Landowners wanted to know what they could do as they do not wish for the annexation.

Mathis stated, "We as a Commission have nothing to do with the annexation. That would be completely up to the city of Puxico. We were just going to discuss this letter today when all three of the Commissioners were present."

Peter Coutavas who is an alderman for the city of Puxico was in attendance as he comes every week commented, "The original request came from Dollar General to the city and they wanted to be annexed to get fire and police protection from the city of Puxico."

Different landowners in the audience stated they were not contacted by the city and some did not want to be annexed.

Mathis said that the citizens should read the State Statute 71.015 as to how annexation works. Below is a copy of the state statute.

**71.015. Objections to annexation, satisfaction of objections prior to annexation, procedure — certain cities, elections for annexation, procedure — cause of action for deannexation authorized.** — 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that:

(a) The land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation; or

(b) The land to be annexed would be contiguous and compact to the existing city, town, or village limits but for an intervening state highway or interstate highway as defined in section 304.001, or railroad right-of-way, and the shared border of the land to be annexed and existing city, town, or village composes at least fifteen percent of the total perimeter of the land to be annexed. For purposes of calculating the length of such border under this paragraph, the border between the land to be annexed and the existing city, town, or village shall be deemed to be:

a. If an intervening state highway or interstate highway, the centerline; or

b. If a railroad right-of-way, the midpoint between the outermost rails if there are rails or the best estimate of the middle of the right-of-way if there are no rails;

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a plan of intent to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto;

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing;

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the plan of intent and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, and refuse collection;

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective;

(5) Following the hearing, and either before or after the election held in subdivision (6) of this subsection, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, the governing body of the city, town or village shall file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of [chapter 527](#), praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section [507.070](#);

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section [71.012](#). The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory;

(7) Failure to comply in providing services to the said area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective;

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding;

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required.

If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section [71.012](#) or [71.014](#). The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the plan of intent within three years after the effective date of the annexation, unless

compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court not later than four years after the effective date of the annexation by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area.

4. Except for a cause of action for deannexation under subdivision (2) of subsection 3 of this section, any action of any kind seeking to deannex from any city, town, or village any area annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise challenge such annexation or oust such city, town, or village from jurisdiction over such annexed area shall be brought within five years of the date of the adoption of the annexation ordinance.

The Commission did not vote on the letter of support, the issue dies at the county meeting. Residents were given the date and time of the next city of Puxico meeting and the suggestion was for them to get on the Agenda.

### **Bill Robison and Coulter Gaebler with Smith & Company Engineers, Poplar Bluff**

Castor River Bridge has the damage and will need to be repaired.

MoDOT contacted Commissioner C.D. Stewart and they needed a dollar figure to repair. There is an emergency fund up to \$500,000 possibly available. Emerging Needs Funds and the BRO Fund which is in the fall could be used to repair the bridge per Gaebler. "So there are two funds that they can try to get monies to repair the Castor bridge," commented Gaebler. Bill Robison will get more information for the Commission. There will have to be a bid process for the grants as the estimated cost to repair was around 1.2 million dollars.

### **Andy Holden, Stoddard County Sheriff's Department**

1. He gave Mathis a check from Sandy Smith Auction from the last vehicle that was auctioned off. "This vehicle needs to be removed from inventory and cancel the insurance on it," stated Cecil Weeks, Stoddard County Clerk.

2. Joe Weber Contract was given to the Commission last week to review. The Agreement is for professional services with regards to the Records Request/Sunshine Request. The date was dated January 27th so the Commission had a new copy made to put today's date in as February 3, 2025. All the commissioners were in agreement to move towards having this contract with Weber and Associates.

Motion to approve the contract between the County and Weber & Associates for all Sunshine Law Requests made by Commissioner C.D. Stewart, seconded by Commissioner Wes Howard. All three votes yes and motion passed. This is for one year at the cost of \$1,000 per month for 12 months totaling \$12,000. This is not currently in the budget and there will have to be an adjustment at some point.

"To go along with that contract that the commission must officially appoint someone to be the records custodial for the Commission. Mathis stated, "Records for the Commission are

handled by the Clerk's office. Cecil Weeks is the custodian of our requests."

The Sheriff's Dept had implemented a fee schedule on December 1, 2023 for charging for records. "I think we all need to adopt this across the country, this way we are on the same page," stated Holden.

Motion to adopt the Records Request /Sunshine Request fee schedule effective February 3, 2025 made by Commissioner Wes Howard, seconded by Commissioner C.D. Stewart. All three votes yes and motion passed.

**The fee schedule is as follows:**

The minimum amount is \$10 per Sunshine Law Request from any news media outlet or concerned citizen who puts in a request with the Clerk's office or any government office for records.

Victims of Crime may not be charged for this own report.

The \$10 includes up to 1/2 hour of clerical work researching, compiling, and copying. Each additional hour of clerical work will be billed at \$20 per hour (1/2 hour increments).

People will be charged .10 cents per page for paper copies (no photographs). If photos, videos, or audio recordings are to be included you will be charged according depending on the size of file and format which it is delivered you. If your request can be emailed and no paper copies are printed you will only be charged for clerical work. Each request will be processed by clerical staff communication will only be done by the records custodian.

Each request will be processed in the following manner:

+Upon receipt of request, you will receive an email/official letter of notification of receipt of request within 3 business days. (That does not mean you will receive the information requested, just a letter or notification they have received the Sunshine Law Request)

+Your request will be reviewed and researched for availability.

+You will be contacted by email/official letter or telephone notifying you of the availability and or charge for you request. (This could take 10 days if via USPS mail)

+ Upon receipt of payment your request will be processed, and you will receive notification of when your request is available for pickup. (You will then have to pre-pay the dollar amount and wait for the documents to be processed)

Price Structure: \$20 per hour clerical work; .10 per paper copy (no photographs); \$1.00 for DVD (4.7 gb); and \$3.00 for flash drive (8 gb)

Question from reporter Dee Loflin, ShowMe Times, "So if I have to request minutes or an Agenda it will cost me \$10 each time." Mathis stated yes if you request with a Sunshine Law then yes. On a side note there was an issue during the budget discussion that the press was not notified by email of the change in the meetings. The meeting times and dates were set at a Commission meeting then changed later. The law states only a paper notification has to be placed in a public place like the front door of the government building; however the press or any tax paying citizen is not going to drive up to the building in Bloomfield daily to see if there are any changes in meeting times and dates and as a courtesy should be mailed to the Press to be posted if necessary. Loflin asked if as a courtesy could the Clerk's office email agendas and any work session meeting times and dates to the press. Mathis stated yes, you and Sherman Smith, Dexter Statesman will be added to the email list and get those meeting times and the agendas.

Loflin has submitted a Sunshine Law request for February Agendas and meeting times; per the office of the Attorney General of the State of Missouri; however since no meetings were set the Sunshine Law was returned to her with a statement to that fact. On occasion the ShowMe Times requests certain documentation like salary schedules; budget information; and specific line items information. This will all cost money now though the press has the right to request the fees be waived; however with this document in effect the chances of the fees being waived are mute.

3. MoDOT has Traffic Enforcement Grants that Mr. Holden wants to apply for and the Commission has to also sign the County Authorization forms for the five grants he is applying for during this grant cycle.

Motion to authorize participation in the MoDOT Missouri Highway Safety Grant Program made by C.D. Stewart, seconded by Commissioner Wes Howard. All three voted yes and motion passed.

4. Complaint from the citizen who lives in Ecology Acres south of Dexter, that there is an old motor home setting on the right away on County Road 604 near the Mustang Road/Maverick Road intersection. It is a traffic hazard due to vision. " I don't think I can forcibly address the issue by making him remove it; however we have tried to speak to the owner, and he/she does not answer the door." There are no ordinances in the county for rvs etc on people's properties or right-of-ways; however it could be brought to the attention of Liberty Township.

**Essex Special Road District**

The Essex Special Road District needs to replace a board member as the previous one passed away. They appointed Travis Worley and he has agreed to finish out Jason Blunt's Term. The Commission has received a copy of the minutes proving they voted on the matter.

Motion that the Commissioners have received the appointment of Travis Worley to the Essex Special Road District was made by Commissioner C.D. Stewart, seconded by Commissioner Wes Howard. All three voted yes and motion passed.

### **Mowing the County Government Buildings**

The Mowing company is going out of business that does the mowing in the summer for all the property owned by the County around the government buildings, etc. "It will have to go out for bid.," stated Mathis. There are four properties to be mowed. Someone will need to get the Notice to Bid out to the newspaper for at least 10 days and allow mowing companies to bid. They will have to be insured and bonded.

### **Other Business:**

Reporter Dee Loflin, ShowMe Times had a few questions about the Expense Budget Worksheet for the new 2025 Budget set forth by the Commissioners and the Employee Wage Report (requested via Sunshine Law Request to the Clerk's Office). When going thru and comparing the raises discussed the Budget Hearing meeting it was found that there were a few difference in the projected amounts of pay vs the actual pay.

Loflin noted that two employees were only receiving \$13.50 per hour. "Why did they not get the 3.5% increase," asked Loflin. Mathis stated, "Well they should have if they are being paid by the county." It was noted in the conversation that the minimum wage in Missouri went up to \$13.75 per hour on January 1, 2025; however small businesses and public entities did not have to increase to that amount. "I would think if you are seeking retention and giving 3.5% raises and some \$1.00 per hour or even \$2.00 per hour then why would we not give \$.25 per hour for those two employees?" Mathis stated they should have gotten raises and he would look into this week.

Also it was asked at the Budget Hearing if the assistant prosecuting attorney was going to receive anything more than the 3.5% and it was stated "no" that they would only be receiving the 3.5%. When this reporter compared the budget to the Employee Wage Report it is noted that the Assistant Attorney is now receiving the 3.5% and a \$5,000 per year rate increase. At this time it is not reflected on the Expense Budget Worksheet Report. Budgets can not be negative on any line item. It was noted that the raise was given after the public Budget Hearing on Thursday, January 23, 2025 and voted in by the Commission.

Commissioner C.D. Stewart said he sent to New Lisbon and Castor what signs needed to be added to bridge crossings for load limits.

Motion to accept regular session meeting minutes Thursday, January 23, 2025 made by Commissioner Wes Howard, seconded by C.d. Stewart. All voted yes and motion passed.

Motion to accept the minutes from Thursday, January 23, 2025 Budget Hearing meeting made by Commissioner C.D. Stewart, seconded by Commissioner Wes Howard. All

voted yes and motion approved.

Motion to accept the regular session minutes from January 27, 2025 made by Commissioner Wes Howard, seconded by Presiding Commissioner Greg Mathis. C.D. Stewart abstains as he was not in attendance. Mathis and Howard vote yes and motion passed.

Motion to accept the Bid Opening Meeting minutes from January 27, 2025 made by Commissioner Wes Howard, seconded by Presiding Commissioner Greg Mathis. C.D. Stewart abstains as he was not in attendance. Mathis and Howard vote yes and motion passed.

Motion to accept the regular session meeting minutes from January 21, 2025 made by Commissioner Wes Howard, seconded by Commissioner C.D. Stewart. All three voted yes and motion passed.

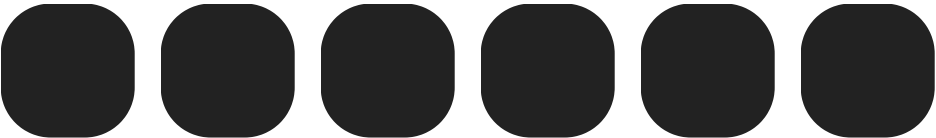
Motion to accept the closed session meeting minutes from January 21, 2025 made by Commissioner C.D. Stewart, seconded by Commissioner Wes Howard. All three voted yes and motion passed.

Motion to adjourn at 12:14 p.m. made by C.D. Stewart. All three voted yes and motion passed.

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