

**ADAIR COUNTY COMMISSION MINUTES
WEDNESDAY, DECEMBER 4, 2019
12TH DAY OCTOBER ADJOURNED**

The Adair County Commission convened at 8:30 a.m. on December 4, 2019 in the Courthouse at Kirksville. All Commissioners were present.

Presiding Commissioner Shahan reported that he had called Ivan Schraeder of the Schraeder Law Firm concerning a package overnighted to Isaiah Curtis on November 14, 2019. The package was returned to the County on November 25, 2019 as it was refused by the recipient on November 21, 2019. Mr. Schraeder recommended that the County hold on to the package along with all documentation pertaining to its delivery and return. Don't try to deliver it again. Hold on to it for now.

At 1:15 p.m., the Commission met with Adair County Prosecuting Attorney, Matt Wilson, to discuss Hungry Hollow Road. City of Kirksville Manager, Mari Macomber was unable to attend the meeting.

The Commission had received an e-mail from Mrs. Macomber stating that the City did not have any objections to closing a portion of Hungry Hollow Road. If the Commission felt that the road should be closed, they had no objection as it was within their authority. Commissioner King said they were not sure if the road should be closed and if so, where to close it. They know where to close the road on the west side, but unsure as to the east side as that may block access to the City portion of the road.

Commissioner Shahan and Mr. Wilson studied a map given to them by the City. They didn't want to go on the City's property and close the road. If an easement had been granted to the City from the County, it would have been their road to take care of. However, there was no evidence of that.

Discussion ensued regarding documentation from the 1980's. It indicated that the City put in the road, but there was never an acceptance letter by the Special Road District or County Court to accept the road. The County has recently replaced one of three tubes that were originally installed by the City to replace a 32 foot bridge. The City has not reimbursed the County for the cost of the tube. The other tube has since collapsed and also needs to be replaced. Mr. Wilson felt there needed to be a meeting of the minds to decide who gets what.


Mr. Wilson stated that it appeared that a County road needed to be closed due to the negligence of the City and payment received for the tubes. A declaratory judgment was needed as to who owns the road. The problem was by what legal means the County has to make the City maintain the road.

The long term plan should be to determine who is responsible for what. Perhaps expenses could be split in half with the City; or how important is it to keep the road open. Commissioner King wants to put barriers down. Mr. Wilson said it was the Commission's decision, but close the road on the County's property.

During the discussion, Commissioner Shahan received a phone call from Interim Road and Bridge Supervisor, Junior Fountain. On the west side of the lake at the intersection of Stokes Rd. and Hungry Hollow Road, "Road Closed Ahead" signs were placed on the road at 1:04 p.m. On the east side of the lake at the intersection of Cross Road and Hungry Hollow Road, "Road Closed Ahead" signs were placed on the road at 1:16 p.m. Need to get concrete barriers placed closer to the lake.

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ATTEST:


County Clerk


Presiding Commissioner

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To recap: the City believes that the causeway belongs to the County. There is no clarity in the older documents and the Special Road District at the time did not accept the road the City built. There has never been anything in writing since that time stating otherwise. They have presented the Commission with a resolution stating that the causeway is owned and maintained by the County; and they will repay the County for the new work (tube replacement) recently completed.

As the City and the County are on different pages regarding who owns the causeway, the Commission will not be signing the resolution presented to them by the City. There is documentation dated September 9, 1983 from Walter Davison, City Engineer at the time, to William Galletly, City Manager at the time, that the City should be responsible for rebuilding the road.

The County gave notice as to what was going to be addressed today, but the City chose not to come to the meeting. The Commission will schedule a meeting with Mr. Wilson in the near future to discuss legal options. In the meantime, Mr. Wilson will reach out to the City's attorney.

Concrete barriers will be placed on the east side and west side of the causeway later today or in the morning.

The Adair County Commission adjourned at 4:00 p.m. on December 4, 2019.

Unscheduled Public Walk-Ins and other Non-Agenda Items for Wednesday, December 4, 2019:

None

ATTEST: _____

County Clerk

Presiding Commissioner