

**MARCH 21, 2005 THE 26<sup>th</sup> DAY OF  
THE JANUARY ADJOURNED TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:02 a.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District, and Danny Strahan, Eastern District present. The following proceedings were had and made a matter of record.

The prayer was led by Chuck Pennel followed by the pledge.

**SOIL AND WATER CONSERVATION**

Presiding Commissioner Pennel addressed the request by the Soil and Water Conservation for \$7,500, which will be used towards a grant for education.

Commissioner Pennel made a motion to accept the request for \$7,500. Commissioner Strahan seconded the motion.

Commissioner Herschend asked for clarification about the precedence that differentiates how the Commission will spend and distribute money among the County's organizations.

Commissioner Pennel clarified that the distribution of funds should be on a case-by-case basis. Both Pennel and Commissioner Strahan stated they felt this would benefit the citizens of Taney County.

Art Beck stated that he felt any money given would be well worth it to the county.

The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes)

**DR. DOUG HAYTER  
BRANSON SCHOOLS BOND ISSUE**

Dr. Doug Hayter, Branson Public Schools, did a presentation for the Commission regarding the Branson School bond issue coming up in the April 5, 2005 election. Hayter explained that the bond is for \$22.8 million and there will be no tax increase to the citizens they would just extend the debt at the current tax rate. The money will be distributed and used as follows:

1. A new 5 & 6 grade building designed for over 700 students.	\$14.9 million
2. Transition Elementary Schools at Cedar Ridge	\$400,000
3. Classroom expansion at Branson High School	\$2.2 million
4. Assistance with Cedar Ridge traffic	\$1 million
5. Completion of activities complex at Branson High School	\$3.8 million
6. Contingency monies	\$500,000
Total:	<u>\$22.8 million</u>

Dr. Hayter estimated the Branson population grows an average of 3% every year and explained how this expansion is necessary to compensate for Branson's rapidly growing population. The bond needs a 57% vote to pass. Hayter also stated that three Board of Education members would be elected for a three-year term in the April Election.

Commissioner Herschend expressed a concern that the expansions would add to the traffic at the intersection of F Hwy and Hwy 65. Herschend stated the traffic from Branson High School is more of a safety concern than Cedar Ridge and asked if Dr. Hayter has a plan.

Dr. Hayter clarified that according to MoDot a traffic is warranted but they could not fund it. Hayter also suggested the state, county, and school, work together on the issue.

Commissioner Pennel suggested setting up a meeting with the school, state, and county to address the traffic concern at the Intersection of Hwy 65 and F Hwy,

### **ROAD PETITION WAREHOUSE DRIVE**

The County Commission took up the petition to take in Warehouse Drive connecting B Creek Road to Rinehart. Commissioner Pennel read the recommendation of the County Road and Bridge Engineer noting that the road is 1250ft. in length, is in good condition, and should be taken is in as a Class 3.

Teresa Olson, Styron Law Firm, clarified that the lots are sold to different entities from the developers and is not a build to lease situation. Commissioner Herschend made a motion to approve Warehouse Drive. Commissioner Pennel seconded the motion. Motion passed by vote: Pennel (yes), Herschend (yes), and Strahan (yes).

### **ROAD PETITION SCHWYHART ROAD**

The County Commission took up the petition to take in Schwyhart Road. Commission Pennel read the following description: Section 12, township 21, range 19 and section 13, township 21, and range 19. Pennel then read the recommendation of the County Engineer noting the road would not be a good candidate for the county to take in they decided to it should be no higher than a Class 6

Sally Rice, Resident, addressed the Commission on getting maintenance done on Schwyhart Road where she lives. Rice explained that 8 seasonal people use the road as access to the lake and asked for anything the County could to do improve the road.

Commissioner Herschend made a motion to deny the petition for Schwyhart Road based on the fact that the road is only 10 ft wide and ½ mile long, which is not considered a road. Commissioner Pennel seconded the motion. The motion to deny passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commission was ordered to recess.

### **EXECUTIVE SESSION**

Commissioner Herschend made motion to go into Executive Session pursuant to 610.021 for litigation and Real Estate. Commissioner Pennel seconded the motion. Roll Call vote Herschend (yes), Pennel (yes), Strahan (abstained).

Commissioner Herschend made a motion to go out of Executive Session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

It should be noted that no motions were made and no votes were taken.

### **RECONVENED**

The County Commission reconvened at 10:36 a.m. on March 21, 2005 in the Associate Circuit II Courtroom with Commissioner Chuck Pennel, Presiding, Commissioner Ron Herschend, and Commissioner Danny Strahan present.

### **ROAD PETITION MAYFLOWER ROAD**

The County Commission to up the petition to take in Mayflower Road. Commissioner Pennel read the following description: Part of the southwest quarter of the northeast quarter of section 20, township 24, range 20 situated in Taney County. Commissioner Pennel then read the recommendation of the County Road & Bridge Administrator noting that a 40 ft. right-of-way should be obtained with a place to turn around at the end and that it be classified as a Class 5 road.

Dan Ratermann, Engineer, explained that part of the 40 ft. right-of-way commitment would also include a drainage easement and a turn around at the end. Commissioner Strahan made a motion to accept Mayflower Road contingent upon a 40 ft right of way easement and turn around on the end of the road. Commissioner Herschend seconded the motion, but would like to see the motion amended to include a chip and seal within 18 months.

Commissioner Strahan amended the motion to take Mayflower Road in as a Class 5 with the possibility of chip and seal in 18 months. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **JOHN SOUTEE RECOMMENDATION OF ENGINEERING FIRM**

John Soutee, Sewer District Administrator, updated the Commission on the Bee Creek Sewer Project. Soutee expressed a need to go back and look at the priority matrix to see if current watersheds needed to be altered and said the Sewer Board had reviewed proposals by various engineering companies to update the master plan for the Sewer Sales Tax. Soutee went on to explain that Great River Engineering out of Springfield had the best proposal and that the Sewer Board was recommending Great River Engineering to conduct the review and revisions on the project at a cost of \$15,000.

Commissioner Herschend made a motion to enter into contract with Great River Engineering to make a master plan for the Sewer Sales Tax. Commissioner Pennel seconded the motion. Discussion ensued.

John Soutee suggested that a work session be set up with Great River, the Commission, and the Sewer Board to discuss concerns.

Commissioner Strahan would like Water District to be invited to the meeting to ensure accurate and complete information. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

#### **PRIOR MINUTES**

Commissioner Pennel made a motion to approve the minutes from March 14, 2005. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstained), Strahan (yes).

#### **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants # 88202 through 88333 and manual warrants # 4340-4341. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

#### **SHEILA WYATT YEAR END SETTLEMENT**

Sheila Wyatt, Collector, addressed the Commission about the annual year-end settlement.

Wyatt pointed out an amount of \$126,860.01, which represents the 2001 personal property tax plus the city amounts under outlaw, which is sum that needs to be abated according to RSMo 140.730.3. Wyatt went on to explain that the County Clerk is to charge the collector with the assessed value certified to her by the assessor and with the levy certified to her by the political subdivisions. Wyatt stated that we were charged with \$29,640,271.33 in current taxes and collected \$26,695,572.65 of this total \$489,759.34 were abated for assessment leaving \$2,454,939.36 as delinquent for the 2004 tax year. Combined total collections were \$32,129,750.88. Wyatt stated once this settlement is

approved and entered into record, the County Clerk is to immediately certify it to the director of revenue.

Commissioner Herschend made a motion to accept Shelia Wyatt's year-end settlement and enter it into record. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes)

**DONNA NEELEY  
BOE**

Donna Neeley, County Clerk, stated that she and Shelia had been working together on the issue of verifying information on BOE.

Shelia Wyatt, Collector, explained that taxes are charged at the beginning of the year are dropped down from assessor. And everything must balance.

Donna Neeley explained there are some splits in abatement numbers, so she and Wyatt will go through and verify to make sure the balance of the budget is correct.

**DANNY STRAHAN  
HOLSTEIN ROAD**

Bob Paulson, County Counselor, read RSMo 228.190, in regards to Holstein Road, which states if the public uses a road for 10 years then it is considered a public road. Commissioner Strahan asked for clarification as to monies that have been expended on this road.

Randy Haes, Assistant to the Engineer, stated that only maintenance the county has initiated on Holstein Road, to his knowledge, was in the mid 80's when he graded the road. Commissioner Strahan stated that it was recommended the road be taken in as a Class 6 with 6 inches of base. Strahan made a motion to take Holstein Road in, according to RSMo 228.190 and on required easements. Commissioner Pennel abstained from discussion. Motion died for a lack of second.

Commissioner Herschend asked if there is any tangible proof that county funds were spent on Holstein Road. Commissioner Strahan has no proof but there is a petition. Commissioner Strahan amended his motion to take the road in contingent on 40 ft. easement. Commissioner Herschend seconded the motion based on the petition. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

**CHUCK PENNEL  
GOOSEBERRY COURT**

Commissioner Pennel addressed the Commission on Gooseberry Court that was read and tabled on January 10, 2005 for further review of the potentially dangerous

intersection on Fall Creek Road. Pennel made a motion to take in Gooseberry Court. Commissioner Herschend seconded the motion for discussion. Discussion ensued

Commissioner Herschend asked Dan Ratermann, Engineer, to look at cost of taking the hill at the intersection down and suggested the petition be tabled for 2 weeks until further review. Commissioner Pennel withdrew his motion to take in Gooseberry Court. Commissioner Herschend withdrew his second.

Commissioner Strahan made a motion to table the petition. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**CHUCK PENNEL  
POVERTY GULCH**

Commissioner Pennel addressed the Commission about the Poverty Gulch petition, which was denied November 8, 2004. Pennel brought it back up because someone brought pictures of a fence that was put across the road and somebody needs to say something to get him to remove fence. Commissioner Herschend suggested that it be handed over to planning and zoning. Commissioner Pennel stated that he would handle the Poverty Gulch issue.

**CHUCK PENNEL  
SCHOOLHOUSE ROAD**

The Commission addressed the pending petition to vacate Schoolhouse Road. Bob Paulson, County Counselor, advised the Commission that they can't address this issue pursuant to RSMo 228.190 for a period of one year.

Commissioner Strahan made a motion not to entertain this issue until the year is up. Commissioner Pennel seconded the motion. It was decided that the Commission would write a letter explaining the situation of not addressing this issue at this time. Motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RON HERSCHEM  
MAINTENANCE**

Commissioner Herschend stated that he spoke to citizen who is entertaining guests and asked county to pick up some mattresses and trash off Low Road. Herschend asked Dan Ratermann, Engineer, to send maintenance to the area.

**TRESSA LUTTRELL  
BID RESULTS**

Tressa Luttrell, Administrator addressed the Commission with various bid results. Commissioner Pennel made motion to approve all vendors for jail supplies. Those being

Gall's, Missouri Vocational and Bob Barker. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to accept Glen's Supermarket and Springfield Grocer as jail food supplier. Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to accept all suppliers for law enforcement supplies. Those being Ed Roehr, Lynn Peavey, Gall's and Bob Barker. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to accept Corporate Express for office supplies. Commissioner Strahan seconded the motion: The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve Corporate Express for paper supplies. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

#### **BRANSON MEADOWS TIF**

Commissioner Pennel made a motion to direct Rick Findley, County Auditor to set an appointment with Branson Meadows TIF so the Commission can make a decision on the issue. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

#### **ASAI SETTLEMENT**

Commissioner Herschend made a motion to accept the compound interest of \$109,227.37. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

#### **WORKMANS COMPENSATION**

Commissioner Pennel made a motion to change the county's workman compensation doctor from Dr. Bridges to Dr. Haile based on the recommendation of the insurance company. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

#### **RECESS**

Commissioner Herschend made a motion to recess. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes were taken and typed by: Hillary Bargman

**RECONVENED**

**3:55 p.m.**

**CARTRIDGE SUPPLIER**

The County Commission reconvened at 3:55 p.m. on March 22, 2005. Minutes were taken by phone. Commissioner Herschend made a motion to accept Corporate Express for the vendor of toner cartridges. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).