

**APRIL 25, 2005 THE 6TH DAY
OF THE APRIL ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:03 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.

**ROAD VACATION/SEWER EASEMENT
JOE WOOD**

Joe Wood, Recorded Landowner of Evans Subdivision plot 26 the east portion, addressed the Commission regarding a petition to vacate all of south street from west street perimeters in Evans Subdivision. Wood went on to explain that the only other property owner is Empire Electric.

Presiding Commissioner Pennel clarified that the Bee Creek Sewer Project wanting an easement on the other side of his property. Joe Wood explained that he is not opposed to the easement but wanted some assurance that the Commission will look at his petition. Pennel stated that the Commission couldn't make a decision until the proper procedures are followed but sees no issues with vacating the road.

**MASTER PLAN
PLANNING & ZONING**

Presiding Commissioner Pennel explained that he went to the Planning and Zoning meeting and they voted to go forward with the Master Plan. Pennel voiced a concern about the process of traditional zoning that would involve the Planning and Zoning Commission taking a vote on a recommendation and then bringing it to the County Commission before the decision is final. Pennel feels 8 members of the Committee would be better apt to make a final decision than the 3 Commissioners.

Bob Paulson, County Counselor, stated that it all depends on whether it is a traditional Planning and Zoning commission or not. Paulson went on to state that he would like to see the most legal Planning and Zoning as possible.

Commissioner Herschend made a motion to approve the Planning and Zoning's recommendation to move forward with the Master Plan.

Commissioner Strahan expressed a concern about the master plan not really changing any of the procedures that are currently in place. A general discussion ensued.

Harry Styron explained that Missouri law says that once the voters choose to approve Planning and Zoning then the Planning Commission should be appointed to

represent districts for zoning and that is what is done before exercising any zoning powers. Styron feels Taney County has skipped a step in the legal procedures and not following Missouri law. Styron went on to explain that according to Missouri Statutes only elected officials can make zoning decisions; the Planning and Zoning Commission make recommendations to the County Commission and they make the final decision. A general discussion ensued.

Commissioner Herschend repeated his motion to approve the recommendation of the Planning and Zoning Commission to proceed with the update of the Master Plan and to ask them which one out of the two are they recommending to the County Commission from the RFQ's. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain)

ANIMAL CONTROL ORDINANCE

Bob Paulson, County Counselor, presented the Commission with an amended Animal Control Ordinance. Paulson stated that the amended ordinance addresses that the owner of a vicious dog will now be required to pen up the animal once the Circuit Court deems the dog vicious. Paulson went on to explain that in the past the vicious dog would be put down but with this amendment the dog can be relieved and the owner has the option of penning the dog up.

Commissioner Herschend asked for clarity on the confinements of a screened in porch and whether or not the term contained has to mean chained.

Commissioner Pennel asked Mr. Paulson to change the wording of the section to say "no such dog may be kept in a house, building, or structure when the windows or screen doors are not sufficient to prevent the dog from exiting the structure."

Commissioner Herschend made a motion to approve the Animal Control Ordinance as modified. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

DESIGNATED MARKETING ORGANIZATION

Presiding Commissioner Pennel stated that he received a phone call from Donna Kennedy from the Theater League asking for assistance in establishing the Theater League as an organization. Pennel will work more on the issue and address it at a later date.

VENICE ON THE LAKE ROADS

Commissioner Pennel went out with Randy Haes, Road and Bridge, to look at Blueberry a Class 6 on the Venice on the Lake road. Pennel explained it is a through road that connects with Crede, a County Road, but the County does not maintain the section of Crede that connects to Blueberry.

Herschend made a motion to take in Blueberry and the section of Crede from Blueberry up to where Crede is being maintained. Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Herschend expressed a concern about the amount of class 6 roads that are currently being maintained by the county and suggested that staff and equipment be added to the Road and Bridge Department to help with the roads.

SALE OF OLD NORTEL SYSTEM

Presiding Commissioner Pennel stated that Rick Findley, Auditor, has been looking into selling the old Nortel Phone System by either putting it on E-Bay or selling it through the government.

Pat Thurman, Phone Business Owner, recommended putting it up for a sealed bid and stated there were several companies that would be interested in buying the old Nortel system.

Commissioner Herschend requested that Pat Thurman give Rick Findley the names of companies that might be interested in bidding on the old phones.

It was decided that the Commission would discuss the option of selling it through a government agency with Tressa Luttrell, Administrator and come to a decision later today.

MAILBOX POLICY

Commissioner Pennel read the following mailbox policy into the minutes. "Mailboxes and supports: Only mailboxes meeting the US Postal Service approval, placed on breakaway support shall be installed on the rights-of way of Taney County maintained roads or for more than one box shall meet the breakaway design as proposed in "A Guide for Erecting Mailboxes on Highways" published by the American Association of State Highway and Transportation Officials, Washington D.C. "

Commissioner Herschend made a motion to adopt the Mailbox Policy. Commissioner Pennel seconded the motion for discussion.

Commissioner Herschend asked how the County will enforce the policy and if something should be added to the policy stating what will happen if these guidelines are not met.

Dan Ratermann, Road and Bridge Engineer, clarified that it is the mailbox itself that is federal property not the bricks surrounding it, so he feels the County would have the power to take down the support as long as the mailbox itself is still in the proper location.

Art Beck stated that the post office has cards giving the regulations of the mailboxes and if they don't meet the standards they will not deliver mail. Beck suggested the Commission give Road and Bridge the authority to give the residents a warning if they don't meet the regulations.

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

FORSYTH SENIOR CENTER UPDATE ART BECK

Art Beck addressed the Commission with an update on the Forsyth Senior Center stating they are now taking overflow from Branson due to a lack of cooks and are in desperate need of help.

SCHOOLHOUSE ROAD

Commissioner Herschend addressed the Commission regarding a question asked by Wayne Harding regarding the handling of the petition he had submitted to the Commission to vacate the road now called School House Road. Harding stated that the process did not follow State Statute and that he wanted to Commission to follow the law. Herschend went on to explain the petition had been misplaced at the time the petition was to be read so no action could be taken on the petition at that time. That same day the Commission made a motion to take the road in as a County Road. Herschend clarified the Commission posted the request to vacate the road and put it in the newspaper however, they have not officially addressed the road vacation and the last time it was discussed it was decided that nothing could be done for a year from the time the road had been taken in.

Commissioner Herschend made a motion to deny the petition to vacate Schoolhouse Road and leave it open to the public. The motion to deny the petition to vacate died for lack of a second.

Wayne Harding addressed the Commission with a proposal to vacate the road and stated he would give the County Community a 50 ft easement on the east side of his property. Harding expressed that he wants to build a fence but doesn't want to build one on either side of the road and also stated that the Commission made a decision not to make Schoolhouse a county road then less than one year later decided to make it a county road.

Commissioner Pennel asked Wayne Harding, what the Commission needs to do to satisfy the process. Harding stated he wants to do what the law says.

Bob Paulson, Counselor, outlined possibilities to resolve this issue. Paulson stated since the Commission did not read the petition in the next term there may not be jurisdiction and the Commission can vote on the petition today, then the Harding's have

the option of appealing the decision, or the process can start all over again in the July Adjourn Term.

Gloria Harding asked Bob to read the statute about remonstrance again and asked the Commission if they had remonstrance on this issue. Herschend stated that he has 2 letters on file in opposition to closing the road. The Harding's requested a copy of the letter.

Commissioner Herschend directed Tressa Luttrell and Bob Paulson to go through the legal proceedings needed to fix the issue and get the process started again.

Art Beck clarified that the County owns the road and suggested that the Commission get with the Harding's and work out a deal.

Commissioner Herschend stated that in the past people have offered to relocate the portion of the road they are petitioning to close down, but at the Counties expense.

Wayne Harding explained that he handed the Commission an estimate as to what it would cost to relocate the road and offered to pay for part of the road. A general discussion ensued

Commissioner Strahan stated that he understands the Harding's position and expressed a willingness to start the process over to resolve the issue as quickly as possible. A general discussion ensued.

It was decided that the process would be started over again.

RECESS

11:05

RECONVENED

11:14

PRIOR MINUTES

Commissioner Strahan made a motion to approve minutes from 4/11, 4/19, and 4/22. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

BRANSON SOUTH

Commissioner Herschend updated the Commission about a request by the developer of Branson South to realign the south end of Maple Street and stated that he has spoken with the City of Hollister and they are fine with realignment. Herschend stated the Commission would turn the project back over to Road and Bridge.

PARTNERS IN PROGRESS

Commissioner Herschend reported at the Partners in Progress meeting the City of Hollister along with the State has received an additional 1 million dollars in new Federal money that will fulfill the obligation to bridge financing for the Hwy 65 Project and it is ahead of schedule.

BEE CREEK OPTIONS

Commissioner Herschend stated that the Commission has sent a letter regarding Bee Creek, to the Branson City Council, the Mayor, and Mr. Doty, outlining two options and they have until tomorrow to respond to Commission. Herschend asked if he should try to set up a meeting. Commissioner Pennel suggested waiting until they respond to the letter before setting a meeting date.

ACCOUNTS PAYABLE

Commissioner Strahan made a motion to accept accounts payable warrants # 88890-88973. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PUBLIC COMMENT

Dick Clark asked the Commission to use the microphones and announced Powersite's Community Pig Roast and added is has taken almost as long to resolve the Harding issue than relocating the Court House.

COUNTY CLEAN-UP

Commissioner Strahan made a comment to the media about the people who worked in the county clean up being acknowledged publicly with their picture in the paper and expressed his appreciation for their hard work.

EXECUTIVE SESSION

Commissioner Pennel made a motion to go into Executive Session pursuant to RSMo 610.021 (1 & 12). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by: Hillary Bargman