

**JUNE 27, 2005 THE 25<sup>TH</sup> DAY  
OF THE APRIL ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:01 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.

**DATA SHARING AGREEMENT  
TRESSA LUTTRELL**

Tressa Luttrell, Administrator, addressed the Commission regarding the IS Department's agreement with Chad Ray for a fee of \$25. Commissioner Herschend made a motion to approve the agreement. Commissioner Pennel seconded the motion. Pennel (yes), Herschend (yes), Strahan (yes).

**DAVE WOOLERY CONTRACT**

Tressa Luttrell, Administrator, stated that on May 10<sup>th</sup> the Commission approved Dave Woolery as the Airport Coordinator at a fee of \$20 an hour. Luttrell stated that a line was added to the contract for consulting services that read "As ratified by the action of the Taney County Commission". Luttrell explained that the Commission needs to ratify this action in a public meeting since the original action was done in a work session.

Commissioner Herschend made a motion to ratify the action taken to enter into this agreement with Dave Woolery prior to signing the agreement. Commissioner Pennel seconded the motion. The motion passed by vote. Pennel (yes), Herschend (yes), Strahan (yes).

**ACCOUNTS ALLOWED**

Commissioner Pennel made a motion to approve accounts payable warrants # 89781-87873 and manual warrant # 4373. Commissioner Strahan seconded the motion the motion passed by vote. Pennel (yes), Herschend (yes), Strahan (yes).

**WAYNE HARDING  
SCHOOLHOUSE ROAD**

Wayne Harding addressed the Commission regarding a letter he received stating the Commission made a decision not to hear his petition for Schoolhouse Road. Harding asked if minutes were taken regarding this decision.

Presiding Commissioner Pennel stated that to the best of his knowledge there are no minutes regarding the decision.

Commissioner Herschend clarified there was a posted administrative meeting where Tressa was instructed not to move forward due to the fact that the Commission's decision not to hear the petition was not likely to change.

Wayne Harding stated that he doesn't feel the Sunshine Law was followed because a decision was made not to hear the petition, action was taken by writing him a letter, and there was no record of this decision.

Bob Paulson, County Counselor, stated that there needs to be record of any decision or action taken by the Commission.

Tressa Luttrell, Administrator, explained this was a matter of directing staff in a work session.

Commissioner Herschend made a motion to ratify the action taken in the administrative session where the Commission instructed staff not to move forward with a reposting of the petition because the Commission did not feel that there would be a change in direction. Commissioner Pennel seconded the motion.

Wayne Harding explained that over two years ago there was a petition that was lost so he got another petition and neither of them have been heard.

Commissioner Pennel read the following letter written to Wayne Harding regarding Schoolhouse Road. "Dear Wayne and Gloria, during my administrative work session with the Commission I mentioned the re-petitioning of your road vacation. I briefly described my conversation with Bob Paulson and we were to work on it together. Noting that he stated until the Commission is ready to change their mind there is no need in proceeding. It's obvious that re-petitioning at this time will be a waste of everyone's time, as the Commission doesn't intend on vacating that portion of road. Should you have any questions please contact this office."

Commissioner Strahan stated he went and checked with the power company about changing the pole and about the easement on the other road. Strahan further stated that this road petition had been brought up before he was a commissioner and that Wayne Harding had volunteered to donate land for a parking lot however, after looking at the petition he saw there were some people against this road being taken in. Strahan asked Harding how long the road had been a county road prior to him buying the property?

Wayne Harding stated that it was never a county road and that it was owned by the landowner. Harding explained the road was deeded to the county through a real estate deal.

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

Commissioner Herschend made a motion not to consider any other action on Mountain Grove Road and continue to utilize Schoolhouse Road as a county road. Commissioner Pennel seconded the motion. Pennel asked for clarity on taking action. Herschend clarified that Wayne Harding is asking the Commission to consider taking property off a road that the county already has stating “if we say we are going to keep this as a county road and maintain it as a county road I don’t want him to think that we are planning to change our minds in a couple of months.” Pennel withdrew his second.

Commissioner Herschend made a motion to reject Wayne Harding’s current offer to re-locate and improve one road while abandoning Schoolhouse Road.

Tammy Hagler, 911 Administrator, stated that a letter was sent to 911 by Pastor Krueger trying to get the name of the road changed. However, after speaking to Gloria Harding and Jesse Box she discovered Gloria Harding did not want the name of the road to be changed nor did Jesse Box want his address changed which is in conflict with what the letter stated. Hagler further stated that a follow up was done and the name change is now a dead issue.

Commissioner Pennel seconded the motion to reject the offer. Pennel explained that the reason he wants to reject Wayne Harding’s offer is because the landowner gave the property to the county because he wanted it to be a road and until he hears otherwise he is not going to make a decision to go close the road. Harding stated the landowner deeded it to the county and now it is in the counties hands not the landowner. Pennel asked Harding if he thought the landowner did not intend for the county to keep the road open. Harding stated he didn’t think it was a big deal to the landowner.

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

Commissioner Pennel asked Harding for a yes or no answer as to the landowner’s original intent. Pennel stated that he will verify whether or not the landowner wants the road to remain open.

Donna Neeley, County Clerk, clarified that according to statute only motions are required to be recorded.

### **JAMES STRAHAN**

James Strahan, Assessor, clarified that Russ Schenewerk has 3 cases involving tax assessment instead of 20 and stated there are 104 different parcel numbers.

Donna Neeley, County Clerk, stated that by statute the third Monday in June is the deadline for Board of Equalization applications and that two were received after the deadline however, according to statute the Commission has authority to extend the deadline.

## **JOHN SOUTEE**

Presiding Commissioner Pennel stated that Eddie Wolfe wants the Commission to use their authority to override the procedure of Planning and Zoning and Sewer so they can pull a permit and get there project started and for them to look at the procedure they are going through to see if it needs to be changed.

John Soutee, Sewer District Administrator, clarified they would need a compliance letter that would demonstrate to Planning and Zoning that the developer is in compliance with the regional sewer district and that also included compliance letters from the electric company and water or the Department of Natural Resources. Soutee further stated that the Sewer District can't give a compliance letter until DNR approves the wastewater portion of the power plant.

Commissioner Herschend asked if they were to issue a building permit could the developer sell units or lots. Soutee explained if they don't record their plat they could contract for sale but they couldn't actually convey their property. Herschend then asked if the Commission gives the compliance letter could they record their plat at that time. Soutee replied, "That would be up to Planning and Zoning." A general discussion ensued.

Commissioner Herschend stated that the Commission can review the process as Eddie Wolf requested but expressed a concern about putting citizens or the environment at risk which is potentially what could happen if this developer was granted a permit before going through the proper procedure.

John Soutee explained that the process of recording plats is an excellent tool in working with Planning and Zoning and stated that he would hate to see holes chipped in that process.

## **TITLE III MONEY**

Commissioner Herschend asked Donna Neeley, County Clerk, about the follow up of Title III Monies. Neeley stated that the a letter was sent with the checks for the last Title III Project explaining the deadline for this Title III was June 1, 2005. Neeley explained that only one application was received before the deadline however, the other entities can apply for the remaining monies, which will be awarded later this year. Neeley further stated that a response is on its way as to using federal funds to match federal funds.

## **CERF**

Rick Findley, Auditor, explained that an issue has come up with an employee who was part time in 2002 and went to full time in 2003. Findley stated the employee's start date for benefits and CERF should have gone into effect when the employee went full time but CERF is using the start date when the employee was first hired. So CERF is wanting the county to pay for the window in between the two dates.

## **PUBLIC COMMENT**

Art Beck addressed the Commission in regards to Eddie Wolf stating that Wolf goes around and surveys land and doesn't have approval from the Department of Natural Resources or anyone. Beck also expressed a concern about the new walking trail, stating that it is a hunting area and is afraid someone will get shot.

## **PRIOR MINUTES**

Commissioner Strahan made a motion to approve minutes from May 11, 18, and June 6,10,13, and 15. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

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

Minutes taken and typed by: Hillary Bargman