

**AUGUST 29, 2005 THE 16<sup>TH</sup> DAY  
OF THE JULY ADJOURN TERM**

The County Commission met in the Associate II Circuit 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.

**CONCEPT/COON CREEK  
BRAD HOFFMAN & EDDIE WOLFE**

Brad Hoffman and Eddie Wolfe presented the Commission with a plan for a project in Kirbyville. Wolfe explained that this project will effect the county road circulation and they wanted to get the Commissions input before submitting their plan to Division III. Wolfe stated they met with the Commission and State Highway Department back in the early 90's and at the time they discussed making one general intersection off of Harp Road. Wolfe went on to explain that the proposal includes a round about right in the middle of the project that will reroute the traffic in that area.

Commissioner Strahan stated he needs time to think about the issue. Wolfe then asked if the Commission would have any problems with them submitting it to Division III and then making the necessary changes at a later date.

Commissioner Herschend expressed his appreciation to Wolfe and Hoffman for bringing this before the Commission and stated he would feel better if he had a chance to meet with the State Highway Department regarding this issue. A general discussion ensued.

It was decided that Hoffman and Wolfe would submit the plan to Division III and set a meeting for a later date to discuss making the necessary changes to the plan.

**BID RESULTS  
EMERGENCY MANAGEMENT**

Tressa Luttrell, Administrator, explained that the 2004 grant money must be used before August 31, 2005. Luttrell further stated that they only received one bid for a utility vehicle from Ozark Power Center in the amount of \$10,495.

Presiding Commissioner Pennel expressed a concern about spending this money just because they might loose the grant. Luttrell explained that they thought the county had another month but the time limit is August 31, 2005 and if they don't spend it they will loose the money.

Commissioner Herschend asked why the county didn't just buy two utility vehicles originally? Luttrell explained that it was different money that comes out of different grants. A general discussion ensued.

Commissioner Pennel made a motion to approve the bid from Ozark Power Center in the amount of \$10,495. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

### **MAX CREEK ROAD ROAD PETITION**

Presiding Commissioner Pennel read the following road petition for the extension of Max Creek Road: Swan Township in Taneyville petitioning for a county road from the cattle guard ¼ of a mile to the petitioners house. Pennel then read the road review done by Randy Haes, Road and Bridge Assistant Engineer, two dwellings; projected traffic is 5, 1775 feet in length, 13 to 14 feet in width. Road is narrow in some places and the ditch line is shallow in places with no turnaround.

Commissioner Herschend made a motion to deny the petition as presented. Herschend explained that 13 to 14 feet in width does not meet county standards and that is sounds like the county would be building a road to someone's residence, which does not serve the best interest of all the citizens of Taney County. Commissioner Pennel seconded the motion to deny. Pennel stated that he has driven it and is also hesitant to take the road in as a county road.

Brenda Neal, Petitioner, stated she has property on either side of the road and expressed a willingness to make it as wide as it needs to be and that they would make any other necessary changes. Pennel explained that he couldn't support it for only two dwellings. Neal asked if it would make a difference if there were three dwellings. Pennel stated that he might think about it however, went on to explain that it looks like the county would be taking care of the road for one person's house.

Commissioner Herschend reminded the Commission that they denied a road in a similar situation because the road only had one resident and stated that he doesn't see the sense in maintaining a road for one person.

Commissioner Strahan stated he has not had a chance to look at the road and explained the county is trying to get away from maintaining roads with only one or two residents. A general discussion ensued.

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

### **BID RESULTS CORD REELS, TRI-POD LIGHTS, LIGHT TOWERS**

Tressa Luttrell, Administrator presented bids for cord reels, tri-pod lights, and light towers. Luttrell explained that the bids for the cord reels are from Kenco Fire for \$6,228.80 and the bids for tri-pod lights at \$5,304 and light towers at \$5,890 are both from Towers Fire Apparatus.

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

### **LEVY SETTING DONNA NEELEY**

Donna Neeley, County Clerk presented the Commission with the assessment for tax levies. Neeley explained that the maximum allowable levy for General County Revenue is .2618 and for Road and Bridge the maximum is .35.

Commissioner Herschend made a motion to set the levy for General County Revenue at .2618 and roll that back to 0. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to set the levy for Road and Bridge to .35 and roll that back to 0. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend noted the Commission is not required to roll those back however, since the voters approved the sales tax to support county operations the county is able to roll them back and not charge any property assessment living within the sales tax means.

### **LAW ENFORCEMENT TAX BOB PAULSON**

Bob Paulson, County Counselor asked what the Commission wants as far as what ballot language for the law enforcement tax to read and that tomorrow August 30 is the deadline to certify for the November election. Paulson explained that he has language from Gilmore and Bell with sunset provisions included.

Commissioner Strahan asked if any word has been received back on whether to do the 15, 17, or 20-year plan and stated they need to decide so they can put it into the ballot language. Paulson explained that the language is designed to plug the dates in later.

Commissioner Herschend suggested taking up the issue in a work session after lunch when the other documents and information is provided. Herschend explained that the ballot language is for 1/8 of a cent tax to pay for the construction and debt service of the new judicial facility.

Presiding Commissioner Pennel stated he would be in favor of approving the ballot language with the date to be plugged in later today. Paulson stated it does not need to be approved right now and suggested waiting until the Commission is ready to approve the whole thing. It was decided that they would work on it after the Commission meeting.

### **SCENIC ROAD**

Bob Paulson, County Counselor updated the Commission regarding the Scenic Road, stating that he needs to draft an order to vacate a portion of the road. Paulson explained that the vacation would be a way to recognize the road as it is by taking the corners off of the road where they are not currently located and then replatting.

### **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants # 90654-90758. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PRIOR MINUTES**

Presiding Commissioner Pennel made a motion to approve minutes from August 22 & 24. 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).

### **RECONVENE**

The County Commission reconvened in the Commission Office at 10:30 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.

### **JAIL DOORS**

Commissioner Herschend made a motion to declare an emergency need and to authorize the purchase of a locking mechanism for the jail doors. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**Note:** The Commission can authorize emergency purchases pursuant to RSMo 34.100.

**RECESS**

**RECONVENE**

The County Commission reconvened in the Commission Office at 2:30 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.

Presiding Commissioner Pennel called the meeting to order and declared a quorum.

**NOVEMBER SPECIAL ELECTION OF TANEY COUNTY**

Commissioner Strahan made a motion to submit the ordinance to call for a Special Election in Taney County. Commissioner Pennel seconded the motion.

Bob Paulson, County Counselor read the following ordinance:

**AN ORDINANCE CALLING A SPECIAL ELECTION IN TANEY COUNTY, MISSOURI**

**BE IT ORDAINED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** An election is hereby ordered to be held in Taney County, Missouri, on November 8, 2005, on the following question to impose a sales tax pursuant to R.S.Mo. Section 67.582:

**QUESTION**

**Shall Taney County, Missouri be authorized to impose a sales tax pursuant to Section 67.582 R.S.Mo. in the amount of one-eighth (1/8) of one percent for the purpose of providing law enforcement services consisting of constructing, equipping, improving, operating and maintaining a county jail and law enforcement center, such sales tax to continue until December 31, 2022?**

**Section 2.** The form of the Notice of Election for said election, a copy of which is attached hereto and made a part hereof, is hereby approved.

**Section 3.** The Presiding Commissioner is hereby authorized and directed to notify the County Clerk of Taney County, Missouri, of the adoption of this Ordinance no later than 4:00 P.M. on August 30, 2005, and to include in said notification all of the terms and provisions required by Chapter 115 of the Revised Statutes of Missouri, as amended.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage and approval.

**PASSED** by the County Commission this 29th day of August, 2005.

Presiding Commissioner Pennel called for a roll call vote:  
Commissioner Danny Strahan – YES, Commissioner Ron Herschend – YES,  
Presiding Commissioner Chuck Pennel –YES