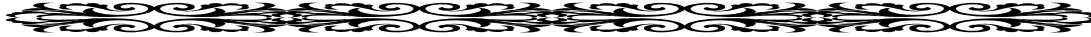


# TANEY COUNTY COMMISSION RECORD



## APRIL 2, 2007 THE 1<sup>ST</sup> DAY OF THE APRIL ADJOURNMENT

The Taney County Commission met in the Associate Circuit Courtroom II at 9:05 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 Gary Groman followed by the pledge.

### **EMORY CREEK BOULEVARD VACATION HARRY STYRON**

Harry Styron appeared before the Commission, requesting the vacation of a portion of Emory Creek Boulevard, under RSMo. 71.270. Mr. Styron added that there are no houses or controversy, he can see, in regards to vacating this portion of the road.

Commissioner Herschend made a motion for approval of the vacation of Emory Creek Boulevard. Commissioner Pennel seconded the motion to vacate.

Commissioner Strahan asked if this road is in existence now and Mr. Styron stated that it is only on a plat. Commissioner Pennel read aloud the following vacation: Petition to vacate a portion of Platted street one disposition is made by Emory Creek Ranch LLC applicant under 71.270 RSMo. Seeks to vacate a portion of Emory Creek Blvd. Phase one lots 1-137 as shown on the Platte recorded in Platte slide I pages 105-107 in the office of the Taney County Recorder. This first Platte, which lies in an unincorporated area of Taney County the page of the first Platte showing the western end of Emory Creek Blvd is Exhibit A. Applicant owns the land on both sides of the portion of the street to be vacated. After applicant filed for Platte the Missouri Department of Transportation (MoDot) require that the entrance to the Emory Creek Randy subdivision off of State Hwy 248 be moved slightly to the side. This relocation is reflected on a Platte for Emory Creek Ranch commercially recorded in Platte slide I pages 310-311 the second Platte showing the area of Emory Creek Blvd be vacated. The page of the second Platte showing this area is Exhibit B. Emory Creek Ranch commercial is a Platte of lots along Bee Creek Blvd adjacent to State Hwy 248. The legal description of the area to be vacated and as required by RSMo 71.270 notice of this petition has been sent via US Mail directly to the following utility service providers that provide service in the area of the easement. Century Tel, White River, Wire Stream, Public Water Supply District #3, according to 71.270 RSMo if no person interested oppose vacation shall appear and show cause to the Commission why the vacation should not be made the Commission may make an order for the vacation as requested in this petition. Wherefore the applicant request that the Commission use it's statutory power to vacate as requested by Harry Styron.

The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

### **FOREST HAVEN VACATION HARRY STYRON**

Harry Styron addressed the Commission regarding the vacation of Forest Haven. Mr. Styron stated it is an older subdivision and requested that the entire Platte be vacated. Mr. Styron added this is now a part of Red Rock Bluff, which is a condominium subdivision that is

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under construction. Mr. Styron further explained that he has a letter from Empire District Electric and they have no concerns or easement restriction having to do with the requested vacation.

Presiding Commissioner Pennel read the following by Title: This petition is made by Missouri Partners Inc applicant under 71.270 RSMo and seek to vacate the entire Platte of Forest Haven Estates.

Commissioner Herschend made a motion to approve the vacation of the streets in the proposed Forest Haven Subdivision. Commissioner Strahan seconded the motion to vacate.

Bob Paulson, County Counselor asked Mr. Styron about the publication of the vacation? Mr. Styron stated he would provide an Affidavit of Publication to the Commission.

The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

### **PEBBLE DRIVE VACATION HARRY STYRON**

Harry Styron informed the Commission about details of the request for vacation of Pebble Drive. Mr. Styron explained that the petitioner owns the lots on both sides of the street, which was designated as a dead-end street. Mr. Styron further reported that the petitioner has built a storage facility there and would like to have the street closed for security purposes. Mr. Styron added that the petitioner has not published in a newspaper, but has posted in five different locations, as provided by statute. Mr. Styron clarified that there is no protest to the vacating of this road.

Commissioner Strahan made a motion to approve the vacation of Pebble Drive. Commissioner Herschend seconded the motion to vacate for discussion. Commissioner Herschend stated that he is struggling to understand a few things and asked for clarity as to where Mr. Styron's client owns property. Mr. Styron explained and added that no part of this will affect access to any other lots. A general discussion ensued in regards to a cul-de-sac or turnaround at the end of the road due to county requirements.

Commissioner Herschend withdrew his second. Commissioner Strahan withdrew his motion.

Commissioner Herschend made a motion to table approving the vacation of Pebble Drive until Mr. Styron has had an opportunity to discuss the issue with his client and see if they are willing to leave a cul-de-sac at the end of Pebble Drive prior to the vacation. Commissioner Strahan seconded the motion to table. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

### **PAINT TRUCK BID TRESSA LUTTRELL**

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Tressa Luttrell, Administrator addressed the Commission in regards to the bid for refurbishing the paint truck, as this would be a sole-source provider, but over her \$50,000 approval limit, so it had to come before the Commission.

Commissioner Herschend made a motion to authorize Bogel Traffic Services to refurbish the County's paint truck for the amount of \$67,781.07, rather than buy a new paint truck. Commissioner Pennel seconded the motion for discussion.

Commissioner Strahan asked if they bid a new truck? Ms. Luttrell said "no". Jacob Rock, Road and Bridge Supervisor explained he has priced new equipment at over \$350,000.

The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

### **BODY ARMOR BID TRESSA LUTTRELL**

Tressa Luttrell, Administrator stated that only one bid was received for body armor for the Sheriff's Department and the recommendation from Jimmy Russell, Sheriff was to approve Southern Uniform for the amount of \$406.10 through \$549.10 each depending on what type he gets. Ms. Luttrell stated she doesn't know how many the Sheriff will be requesting.

Presiding Commissioner Pennel made a motion to approve Southern Uniform in the range of \$406.10 through \$549.10 based upon the recommendation of the Sheriff. Commissioner Strahan seconded the motion. Mr. Paulson verified that Ms. Luttrell had checked to see if this was an appropriate price. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

### **JAIL FOOD BID TRESSA LUTTRELL**

Tressa Luttrell, Administrator, stated that she did the annual bid for jail food and Jimmy Russell, Sheriff is recommending approval for Save-a-Lot and Springfield Grocery.

Commissioner Strahan made a motion to approve the bid from Save-a-Lot and Springfield Grocery as recommended by the Sheriff's Department. Commissioner Pennel seconded the motion.

Ms. Luttrell clarified that Save-a-Lot would provide things that are needed on a daily basis and Springfield Grocery would come two or three times a week with the big bulk stuff.

The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

### **GUARDRAIL BID TRESSA LUTTRELL**

Tressa Luttrell, Administrator, presented the bids for guardrails on the Forsyth/Taneyville Road for 2500 linear feet of guardrail with some breakaway sections. Ms. Luttrell stated there

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were four bidders and Jacob Rock, Road and Bridge Supervisor is recommending the bid from Thompson Culver for the amount of \$29,069.

Commissioner Herschend made a motion to accept the guardrail bid from Thompson Culvert in the amount of \$29,069. Commissioner Strahan seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

### **OFFICE SUPPLY BID TRESSA LUTTRELL**

Tressa Luttrell, Administrator, stated that she talked to the Independent Auditor and is recommending to the Commission that Office Max receive the Office Supply bid, as this company had 42% of the bid. Ms. Luttrell clarified that the Auditor suggested looking at what's best overall instead of what's best for the individual departments and added that they also talked about using multiple vendors. Ms. Luttrell stated that she is open to the direction of the Commission, as to whether to use only one vendor or multiple bids. Ms. Luttrell clarified that Staples is located locally but did not respond to the bid. A general discussion ensued.

Presiding Commissioner Pennel made a motion to table this issue. Commissioner Herschend seconded the motion the table. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

### **UTILITY BEDS BIDS TRESSA LUTTRELL**

Tressa Luttrell, Administrator, presented the bids for utility beds and the explained that the recommendation of Road and Bridge is for Bus Andrews.

Commissioner Strahan asked Jacob Rock, Road and Bridge about problems with work done by Bus Andrews before? Mr. Rock stated that he has spoken with the owner of the company, as well as a subcontractor who did some of the work, and Mr. Rock believes that the issue has been resolved. Mr. Rock added that Bus Andrews has assured him the situation will not reoccur.

Commissioner Strahan made a motion to approve the bid for Bus Andrews at the recommendation of the Road and Bridge Department. Commissioner Pennel seconded the motion.

Commissioner Herschend voiced his concern about problems with Bus Andrews on other equipment. Commissioner Strahan withdrew his motion. Commissioner Pennel withdrew his second. Commissioner Strahan stated that he is concerned about the safety of the workers and Mr. Rock added that the other bid received would take substantially longer than Bus Andrews, and wouldn't arrive until the fall. Commissioner Pennel suggested one or two of the Commissioners personally talking to Bus Andrews before the bid is approved.

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Commissioner Pennel made a motion to table the bid for utility beds. Commissioner Strahan seconded the motion to table. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

## **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable checks #100076-100163 and warrant #4641-4642 with the exception of #100157 for the sign man bill and one to reissue a check due to a tax issue.

Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

## **UMB REIMBURSEMENT #7**

Commissioner Herschend made a motion to approve the reimbursement for UMB #7.

Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

**Note:** The reimbursement will be kept in the Treasurer's Office until disbursement.

## **ROAD ISSUE**

Bessie Stobaugh addressed the Commission in regards to a neighbor who has put a fence across the middle of her road off of H Hwy and inquired as what type of road this is? Ms. Stobaugh added that they are making a road through her yard to get down below her property and asked if the Commission can do anything? Ms. Stobaugh further explained that a survey was done for a 40 feet right-of-way. A general discussion ensued.

Bob Paulson, County Counselor expressed there is an issue on the other end of the road. Mr. Paulson told Ms. Stobaugh that this would not be an easy solution, and agreed to work with her on this issue.

## **APRIL ELECTION**

Art Beck reminded the public to vote tomorrow in the April Municipal Election.

## **PLANNING AND ZONING RESTRICTIONS**

Mark Walicok, Architect addressed the Commission about building heights restrictions and requested that they meet in order to discuss the other side of this issue.

Bill Yung, Land Planner also wanted to talk to the Commission about the building heights issue adding that anything having this much to do with the growth and development of the county and city areas should involve an in depth work session where all sides can be heard.

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Mr. Yung further stated there are other options and provisions available and he would like to discuss those with the Commission. A general discussion ensued.

Commissioner Herschend recommended that someone from Planning and Zoning be present at a work session. Presiding Commissioner Pennel suggested doing a traffic study on specific areas adding that it might help with Planning and Zoning, as certain areas have increased in traffic. Commissioner Strahan would like the work session to also address the limited maintenance in certain road areas, due to lack of easement.

## **TRASH PICK UP**

Commissioner Strahan reported that the county had a very successful trash pick-up day.

## **UTILITY BEDS**

Jacob Rock, Road and Bridge Supervisor presented the Commission with the option of having the Road and Bridge Department install the utility beds from Bus Andrews.

## **MASONIC LODGE**

Commissioner Herschend invited the public to the new Masonic Lodge on Wednesday at 3:00 p.m. for the turning over of the key to the new building.

## **EXECUTIVE SESSION EFK MOEN CONTRACT 610.021(1)&(12) BOB PAULSON**

Commissioner Strahan made a motion to go into Executive Session pursuant to RSMo 610.021 (1) (12). Commissioner Pennel seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Minutes taken and typed by Lisa Owen and edited by Hillary Bargman