

# TANEY COUNTY COMMISSION RECORD



## APRIL 16, 2007 THE 5<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The Taney County Commission met in the Associate II Circuit Courtroom at 9:01 p.m. pursuant to adjourn with Chuck Pennel, Presiding, Danny Strahan, Eastern District, and Ron Herschend, Western District present. The following proceedings were had and made a matter of record.

The prayer was led by Helen Souttee followed by the pledge.

### LAKE ROAD ORDINANCE

Presiding Commissioner Pennel stated that he received a call from Bill Stevenson in regards to the status on the issue brought up a year ago on the Corp of Engineers closing roads around the lake. Commissioner Pennel went on to state that Mr. Stevenson would like the Commission to approve an ordinance that he believes would stop the Corp from closing roads. Commissioner Pennel said in an effort to get this issue back on the table he made copies of the ordinance and mentioned it to Bob Paulson, County Counselor.

Bob Paulson, County Counselor suggested that this would be a work session issue. Commissioner Pennel clarified that he has not gotten a list to Mark Case who got the Commission a sign of sheet with a list of names to serve on a committee and the Commission has never gotten a list back to him to set up a committee.

Commissioner Strahan stated he visited with John Hyzer from the Corp of Engineers and reported that he seemed to be in a cooperative mood and admittedly spoke to Strahan about some regulations that they were going to try and get around in regards to some parks and roads. Commissioner Strahan explained that he doesn't know of any road closings that have taken place since the drive around with the Corp.

Commissioner Pennel added that Mr. Stevenson also mentioned a parking lot being built on Slough Hollow and thought the next step would be to close some roads in that area. Commissioner Strahan clarified it was his understanding that parking areas were going to take place anyways and Slough Hollow was mentioned in a meeting in which it was stated that the parking area was for people to get off of the county road there. Commissioner Strahan further expressed that he was encouraged by his conversation with Mr. Hyzer.

Commissioner Strahan made a motion to table the Lake Road Ordinance in order to have a chance to look at it and then further discuss it in a work session. Commissioner Herschend seconded the motion to table for discussion.

Commissioner Herschend asked Bob Paulson, County Counselor how binding a county ordinance is on the federal government? Mr. Paulson answered that it depends and explained that the federal statute would preempt any state or local statute however, if it is not in conflict but rather in compliance with federal statute then it may be to the extent that they would allow the

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county to regulate activity on Corp land. Mr. Paulson read the following statute 327.26: "Except as otherwise provided in this part by federal law or regulation, state and local laws and ordinances shall apply in project lands and waters, this includes but is not limited to state and local laws and ordinances governing operation use of motor vehicles, vessels, and aircrafts." Mr. Paulson clarified the statute is an example that the county needs to look at the federal statutes to see what they permit them to regulate or not regulate.

Commissioner Herschend then asked if the county were to adopt such an ordinance with language that includes the fact that they are able to regulate civil disobedience, criminal acts, littering, sanitation, pollution, and alcohol control substance if the county is setting up to where they would have to reinforce those? Mr. Paulson clarified that in the statute it talks about court or the federal government being able to enforce state or local ordinances, but as far as the county putting itself in a situation where they may be responsible for enforcing ordinances then they would be responsible. A general discussion ensued.

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

### **UTILITY BEDS**

Tressa Luttrell, Administrator stated that on April 2, 2007 she presented the Commission bids for utility beds and reminded them that there was a lengthy discussion in regards to Bus Andrews. Ms. Luttrell informed that since the meeting Bus Andrews has come back and said if the county were to install the beds themselves they would take \$2,165 off of each truck, which brings the bid from \$61,821 down to \$57,491.

Commissioner Strahan stated that he asked Jacob Rock, Road and Bridge Supervisor last week and Mr. Rock felt they could put both of them on for the price Bus Andrew's was deducting for one.

Commissioner Herschend asked if it impacts warranty? Ms. Luttrell clarified that this was a note from Mr. Rock and that she did not talk to the gentlemen.

Commissioner Strahan made a motion to table this until shoptalk tomorrow at 10:00 a.m. Commissioner Pennel seconded the motion to table. The motion passed by a vote of two: Pennel (yea), Herschend (yea), Strahan (yea).

### **WHEEL LOADER BID AWARDS**

Tressa Luttrell, Administrator stated that she took the bid for a wheel loader on March 30, 2007 and then turned it over to Road and Bridge. Ms. Luttrell further explained that six vendors turned in bids and Jacob Rock, Road and Bridge Supervisor recommended Fabric for a Catipillar 966H with the initial cost of \$289,999, which includes a guaranteed buy back of \$156,000.

Randy Haes, Road and Bridge suggested that the Commission table this in order to give them a chance to review because we didn't get to talk about it in shoptalk.

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Commissioner Strahan made a motion to table the bid for a wheel loader in order to give the Commission a chance to review and discuss it in shoptalk tomorrow. Commissioner Pennel seconded the motion to table. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

## **PRIOR MINUTES**

Presiding Commission Pennel made a motion to approve minutes from February 26, 2007, March 22 and 27, 2007, and April 10, 2007. Commissioner Herschend seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

## **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable checks #100322-100542 and warrants #4649-4650. Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

## **PUBLIC COMMENT**

Bob Schanz informed the Commission that he went to a Roy Blunt function in Greene County and observed that there was representation from both Green and Webster however the only representation from Taney County were Leon Combs, Jack Goodman, and himself. Mr. Schanz suggested that the Commission send some elected officials to related functions in the future.

Commissioner Herschend clarified that not only does the county ask Senator Roy Blunt for millions of dollars worth of support but also Senator Kit Bond and yet there is no representation at functions. Commissioner Herschend further expressed that he feels Mr. Schanz has a good point adding that he understands county funds couldn't be used to attend such functions.

Presiding Commissioner Pennel stated that he took Mr. Schanz's point well and expressed his appreciation for the reminder, adding that the Commissioner's do make a lot of meetings and do show appreciation to Elected Officials.

Mr. Schanz then brought up the Animal Control Facility and inquired as to whether or not the Animal Control Facility was shut down at the time Commission Pennel was speaking to the City of Branson. Commissioner Pennel explained that to his knowledge it was not.

Bob Schanz read an inspection report that said, "The exit interview was conducted by Chuck Pennel." Mr. Schanz further read the following from the inspection report: "As of today's date the facility is operating without a Animal Care Facility Act (ACFA) License under technically circumstances that the facility is not legally allowed to receive or adopt animals to the general public and must renew that."

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Commissioner Pennel clarified that Mr. Schanz asked him a question and he answered it, and then asked if the report said the Animal Control Facility was shut down? A general discussion ensued.

Commissioner Pennel clarified that the Animal Control Shelter was not shut down and suggested that Mr. Schanz call and see if the inspector shut the shelter down. Commissioner Pennel further expressed that he does not feel they shut the shelter down and that it was a good meeting with the inspector adding that they are working to improve some of the issues discussed in the inspection.

### **STEVE REDFORD**

Steve Redford addressed the Commission in regards to a notice of violation he received over a Planning and Zoning matter next to Sycamore Farms. Mr. Redford explained it was a statement of record that was part of Sycamore Farms and was sold as a large track of land adding that the people subsequently developed it with private roads. Mr. Redford further explained that he informed Commission Herschend of the situation and he went and looked at the roads and agreed with Mr. Redford that the road were inadequately built, narrow with no cul-de-sacs. Mr. Redford reiterated that Planning and Zoning sent him the violation and he sent a letter to them explaining that his company was not part of the Sycamore Farms subdivision. Mr. Redford stated that he has not yet received a retraction of the notice of violation.

Bob Paulson, County Counselor informed that he was aware of a letter being sent to Mr. Redford and that he has seen the letter from Mr. Redford demanding the notice of violation be lifted within three days. Mr. Paulson added there has been no communication back to Mr. Redford or his company since receiving his letter. Mr. Paulson further explained that Kurt Larsen, Planning and Zoning has spoken to him concerning this issue and he felt although Mr. Redford reported the problem it didn't conform with the decision of record and they were substandard roads in which Mr. Redford's company was still responsible for.

Mr. Redford explained that he bought a 228 acre track and sold 30 or 40 acres to a third party then he got a subdivision in three acre parcels on the balance of 3,5,6,7 acre parcels and built the roads. Mr. Redford went on to explain that after that, the people who bought the 30 to 40 acres came to P&Z and did another request to further subdivide the 30 to 40 acres requesting to build private roads. Mr. Redford stated that this is all clear in a letter and expressed he felt it was inappropriate that P&Z sent him a violation when they wouldn't know about it unless he went over there. Mr. Redford then stated that brings him to the second issue in regards to the road repair on Sycamore Church Road adding they are getting ready to pave phases 5, 6, and 7 at Stone Bridge, which should be done in the next few weeks.

Commissioner Strahan clarified that issue is in regards to an agreement that Mr. Redford made with the county earlier. Mr. Redford expressed he just wanted to report on that issue while he was at the meeting because it was scheduled to be done in the spring and it is now the spring. A general discussion ensued.

Commissioner Herschend stated that he would put the issue of the notice of violation on the front burner and have an answer for Mr. Redford on Wednesday.

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## **EXECUTIVE SESSION**

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

Minutes taken and typed by: Hillary Bargman