

OFFICIAL

MARCH 15, 2012, 23rd DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission Hearing Room at 8:09 a.m. with Ron Houseman, Danny Strahan and Jim Strafuss present. The following proceedings were had and made a matter of record:

AUDIT ENTRANCE

Siobhann Williams went before the Commission as part of the team to conduct the State Audit. Ms. Williams' approach would be to review the minutes, the bond documents, then spend time interviewing staff members and elected officials, to review processes and procedures. She would look at what grant money the county had received. If any areas could use improvement, they will be documented. Affected parties would have time to respond giving time for thorough understanding.

Component units such as senior services, board of disabled, sewer district would be re-evaluated and would be included in the finance study. She was currently in the preliminary study stage and tomorrow would look at bond documents and contact information for elected officials and department heads. A Mid April to early May completion date was expected. Discussion ensued.

Ms. Williams said there would be quite a bit of overlap of her audit and the state audit. Commissioner Houseman said we didn't want to double efforts and pay twice. Commissioner Strahan said public needed to be aware of the procedures that she did as part of annual audit and it's very rare they have no recommendations which would be issued in the report. Commissioner Strahan said it was best for the county not to double spend.

She would be willing to sit with the State to keep costs down with State Audit. Discussion ensued. She would begin work tomorrow. The Commission thanked her for her help.

DRUG COURT SUPPORT LETTER

Support Letter to Honorable Judge Orr was read by Commissioner Houseman. Commissioner Strahan moved to approve signing the Drug Court Support Letter. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

ANTI-HARASSMENT POLICY

Linda Sorenson went before the Commission to provide an update on the anti-harassment policy. Each employer put out information on stand on topic and consequences. She had rewritten the policy which would be in effect immediately. Commissioner Strahan stated it was comparable. Linda Sorenson said it was more extensive and would be part of the newly developed policy

manual. Commissioner Strafuss moved to adopt the rewritten Anti-Harassment Policy dated 3/8/2012. Commissioner Strafuss seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

TANEY COUNTY, MISSOURI

POLICY: ANTI-HARASSMENT POLICY

Policy: Taney County is committed to maintaining a work environment that is free of discrimination and harassment. In furtherance of this policy, Taney County will not tolerate discrimination or harassment of Taney County employees by anyone, anywhere, including any supervisor, co-worker, vendor, client, customer of Taney County, or any third-party using Taney County facilities.

Employees are entitled to a work environment that is free from discrimination, including sexual or other harassment. Discrimination or harassment undermines the integrity of the employment relationship and causes a loss of productivity. Discrimination and/or harassment consists of unwelcome conduct at any location; whether verbal, physical, visual, and based upon any factor, including a person's protected status, such as sex, color, race, ancestry, religion, national origin, age, physical handicap, medical condition, disability, marital status, sexual orientation, veteran status, citizenship status, or any other legally protected characteristic. Taney County will not tolerate discriminatory or harassing conduct anywhere that affects an employee's job or his/her tangible job benefits that interferes unreasonably with an individual's work performance, or that creates or could create an intimidating, hostile or offensive working environment.

SEXUAL HARASSMENT: Sexual harassment deserves special mention. Sexual Harassment in any form will not be tolerated by Taney County. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex, constitutes sexual harassment when:

- (1) Submission to the conduct is an explicit or implicit term or condition of employment
- (2) Submission to or rejection of the conduct is used as the basis for an employment decision
- (3) The conduct has the effect of interfering in any way with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This conduct consists of persistently engaging in sexually explicit behavior or advances, or any other offensive behavior aimed at, or in the presence of, any employee.

Sexual harassment may include explicit sexual propositions, slurs or insults, sexual innuendos, suggestive comments, sexually oriented "kidding" or "teasing", "sexual jokes" including jokes about gender-specific traits or physical anatomy, ethnic or racial jokes, foul or obscene language or gestures, display of foul or obscene printed or visual material, sexual gestures, blocking, staring or leering, and physical contact such as patting, pinching, sexual touching, unwanted kissing or hugs, or brushing against another's body, punching, tickling, poking or prodding.

VIOLATION OF POLICY: An employee's conduct will be considered unwelcome and in violation of this policy when the employee knows, or should have known, that the person to whom the conduct is directed or any other persons subjected to the conduct would find the conduct unwelcome or offensive.

EMPLOYEE RESPONSIBILITY OR COMPLAINTS: All Taney County employees are responsible to help assure that discrimination and harassment are avoided. If an employee thinks that he or she has experienced or witnessed discrimination or harassment, the employee must immediately notify their supervisor or Human Resources. If, for some reason the employee is not comfortable reporting the discrimination or harassment to their supervisor or the Human Resources Department, he or she may notify any Elected Official. The Elected Official will then report the discrimination or harassment complaint to the Director of Human Resources. Employees should document evidence to support their claim, such as dates, times and places of incidents. If possible keep any voice mail message, note or drawing, etc. Present all evidence to your supervisor and/or Human Resources. Employees should keep a copy of any evidence that is given to their supervisor or to Human Resources.

INVESTIGATION: Taney County will investigate all such discrimination or harassment complaints thoroughly, promptly, and in an impartial manner. To the fullest extent practicable, Taney County will keep complaints and the terms of their resolution confidential; however, the investigation of any complaint may itself result in the disclosure of an employee's involvement in a complaint. Taney County forbids retaliation against anyone for reporting discrimination or harassment, assisting in making a discrimination or harassment complaint, or cooperating in a discrimination or harassment investigation.

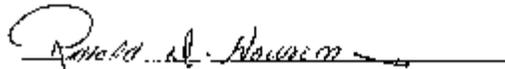
False Reports of discrimination or harassment, or providing false evidence to investigators, will result in disciplinary action, up to and including termination of employment.

CONSEQUENCES: If an investigation confirms that discrimination or harassment has occurred, Taney County will take immediate and appropriate corrective action of discrimination and harassment (with special emphasis on sexual harassment), including disciplinary action up to and including immediate termination of employment. In addition, all evidence may be turned over to the Prosecuting Attorney.

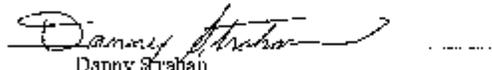
Any questions should be directed to the Human Resources Department. Taney County Commission reserves the right to change or amend this policy at any time for any reason.

Anti-Harassment Policy, 03/08/2012

POLICY: ANTI-HARASSMENT POLICY


Ronald D. Hensemer
Presiding Commissioner


Jirk Strachan
Western District Commissioner


Danny Strahan
Eastern District Commissioner

STAFF DEPARTMENTAL UPDATE – TREASURER

Treasurer Helen Soutee went before the Commission for a Treasurer update. The County had an Investment Policy and had used it for all bids, bank accounts and investments. She wanted input from the Commission regarding rates. Ms. Soutee wanted to move from a 3 year maturity to a 5 year maturity, as the state treasurer does as rates were better. Discussion ensued. The Commission recommended the Treasurer talk to the auditor for her expertise. Discussion would be reposted in four weeks.

AGENDA REQUEST REVIEW

The Commission met with Nikki Lawrence to review Agenda Requests.

RECESS
9:03 AM

RECONVENED
9:18 AM

STORM UPDATE

Chris Berndt went before the Commission to explain AmeriCorps process in filling the needs to the residents of Taney County. They arrived Wednesday night to start operations Thursday morning. Local assistance from the Chamber started the process, but AmeriCorps helped to coordinate volunteers. AmeriCorps documented all phases of the event. The Branson Presbyterian Church was now taking the lead with a focal point for volunteers to report and where home owners can call for assistance.

Commissioner Strahan stated the work done by AmeriCorps was a tremendous help to the citizens. Commissioner Strafuss echoed Commissioner Strahan's comments and thanked them. Commissioner Houseman stated he has only heard positive comments regarding AmeriCorps and read the recognition certificate to AmeriCorps.

The Commission presented AmeriCorps representatives Warren Mercurio and Ali Morgan with a letter of appreciation.

Randy Haes of Road and Bridge went before the Commission to update on the storm cleanup progress. Additional locations had not been found for root ball and stumps to be disposed of. Shoals Bend would still be active through March 31st. Availability of a stump grinder was not yet available. Discussion ensued. The back part of the Mt. Branson facility was discussed as a storage location. Commissioner Strahan stated Mr. Haes was still working on a resolution, but some of the solutions were too costly to consider. Metal removal was discussed. Commissioner Houseman asked if insurance would cover. Chris Berndt with Emergency Management stated tree removal would only be covered by most insurance companies if a tree fell on a house. Commissioner Strahan stated rural homes would be exempt from coverage as well. The Commission thanked Chris Berndt and Randy Haes for their work.

RECESS
9:43 AM

RECONVENED
10:03 AM

**PUBLIC HEARING FOR THE PROPOSED AMENDMENTS TO THE
TANEY COUNTY GUIDANCE CODE**

Bob Atchley with Planning Commission was present to answer questions asked regarding the Guidance Code proposed amendments per Chapter 64 of Missouri Revised Statute. The amendments were publicized on the web site, and legal notices were put in the paper. Also articles were written, which was above and beyond what was statutorily required. Commissioner Houseman stated it was to hear from the public. Called from members of the public

Don Ehrhardt went before the Commission. He said 2006 a vote was taken regarding building codes and it was voted against new building codes. A lot of proposed amendments were placement of buildings. He read Page 9 appendix F (52 of 107) per state code (DNR). Make sure we don't include agriculture. Mr. Atchley said there was a provision in another area of the code book which stated it didn't affect agriculture per state law.

Below Table 1 (page 9) minimum lot size directly affected building.

Commissioner Houseman asked Mr. Atchley if he had received any written or verbal communication regarding the proposed amendments. Bob Atchley said positive comments regarding proposed duplex amendments and Page 1 would give planning Commission additional flexibility to allow privacy fencing.

Vote on individual items would allow Commission to approve or deny specific amendments. Mr. Ehrhardt stated the vote was for code pertained to everything built in the county.

Bob Atchley had not researched the vote, and he would like to do additional research. Houseman asked other than appendix F, did he see anything he questioned. Mr. Ehrhardt said all of it. All building changes were voted on in 2006 which said no new building codes. Mr. Ehrhardt quoted the Hancock amendment. Discussion ensued. Commissioner Houseman stated he felt legal counsel should review the issue.

Bob Atchley stated codes were built according per section 064.800 and felt that the vote referred to a statute.

Commissioner Strahan stated there were items throughout the code book that needed removed from the Code book. Discussion ensued. Mr. Atchley stated in talking with County Counsel he felt the county had the authority to adopt changes to the codes. Commissioner Straffuss stated this would make it safer for citizens to adopt the code.

Don Ehrhardt who was in Engineering construction most of his life commented on firewalls. This shouldn't be a county code, but the constructor should build according to a contractor code. He wasn't against codes, just how it was handled. Separation of ownership was discussed.

Commissioner Strafuss asked if page 6 was linked to page 5. Mr. Atchley said yes, as well as page 1, 2 and 3. Commissioner Strafuss moved to adopt pages 1, 2, 3, 5 and 6 of the proposed Planning and Zoning recommended amendments. Page 2 was discussed. Commissioner Strahan seconded the motion for discussion. Page 9 would remain for clarification. Assessor James Strahan addressed the Commission stating many questions had to be answered such as building federal housing. He was concerned with adoption of something when everything was covered by state and federal laws. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**Planning Commission Recommended Amendments to the Taney County Development
Guidance Code for County Commission Consideration**

Planning Commission Public Hearing - November 21, 2011
Taney County Commission Public Hearing – March 15, 2012

Highlighted Items – Proposed Additions
Strikethrough – Proposed Deletions

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6.1. Buffer Requirements

Buffer requirements for projects requiring site plans shall be designed in conformance with the following standards:

6.1.1. Requirements Between Non-Residential and Residential Uses

A landscaped buffer is required between any residential land use whether those uses are single or two-family, manufactured home parks, multi-family residential, or any other residential land use, and any other non-residential land use such as commercial or industrial (but not agricultural).

6.1.2. Requirements Between Multi-Family Residential and Single / Two-Family Residential

A landscaped buffer is required along the common property line in any multi-family project (any project with three or more dwelling units in one structure) in a specified project parcel where such a project is adjacent to a single-family or two-family parcel.

6.1.3. Required Buffer Specifications

The required buffer shall be a minimum of twenty-five feet (25) in width and may consist of existing indigenous plant material left in the undisturbed state. In the event the required buffer does not provide a visual screen of at least fifty (50) percent, it is required that this buffer be augmented by additional plantings consisting of conifer and deciduous trees and shrubs to fill in any voids or sections of the buffer where the existing material is light. ~~The use of a wall or fence as part of the buffer is an option, but will not reduce the required minimum width.~~ An appropriate root zone protective area must be provided to ensure that the vegetative buffer does not degrade from construction damage. The Planning Commission will establish any required buffers that are wider than the minimum 25 feet during the Division III process. **A privacy fence, wall, landscaped earthen berm or other screening device found to be appropriate by the Planning Commission may be utilized in lieu of the required twenty-five (25) wide landscaped buffer. If an alternative form of buffering is proposed, the applicant shall submit a detailed plan indicating all features to be utilized in order to obtain Planning Commission approval. This alternative buffering plan shall be submitted upon application for a Division III Permit.**

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Table J-2

Commercial / Industrial & adjoining residences / public open space 40-foot **25 feet**

11.1. Policies for Western Taney County

11.1.1. WATER QUALITY

The resort development that has supported Taney County's growth, and which is the most important facet of its economy, is centered on its lakes, making the protection of water quality a priority. Good water quality is also important to Taney County's residents who use the lakes for their own recreational pastimes and to everyone in Taney County and downstream whose drinking water supply may be affected by surface or groundwater pollution.

Absolute Policies

(1) Erosion and Sedimentation Control

Developments will submit erosion and sedimentation plans for approval prior to any clearing done on said project in the form of a Land Disturbance permit in accordance with Appendix F. Reseeding will be done within forty-eight (48) hours of completion of clearing. The types of seeds to be used shall be perennial rye at 42 lbs. per acre, wheat at 30 lbs. per acre. Other seed may be used by the development in conjunction with these seeds.

(2) Wastewater Control

Developers shall obtain and produce a permit from the Taney County Regional Sewer District applicable wastewater system permitting entity to ensureing adequate wastewater disposal.

11.2. Policies for Eastern Taney County

11.2.1. WATER QUALITY

The resort development that has supported Taney County's growth, and which is the most important facet of its economy, is centered on its lakes, making the protection of water quality a priority. Good water quality is also important to Taney County's residents who use the lakes for their own recreational pastimes and to everyone in Taney County and downstream whose drinking water supply may be affected by surface or groundwater pollution.

Absolute Policies

(a) Erosion and Sedimentation Control

Developments will submit erosion and sedimentation plans for approval prior to any clearing done on said project in the form of a Land Disturbance permit in accordance with Appendix F. Reseeding will be done within forty-eight (48) hours of completion of clearing. The type of seeds to be used is perennial rye at 42 lbs. per acre, wheat at 30 lbs. per acre. Other seed may be used by the development in conjunction with these seeds.

(b) Wastewater Control

Developer shall obtain and produce a permit from the Taney County Regional Sewer District applicable wastewater system permitting entity to ensureing adequate wastewater disposal.

APPENDIX B (Division I Permit Application Requirements)

Division I permits provide for the rapid Staff approval for residences that are on large parcels and have little potential impact on the environment, their neighbors, or the taxpayers, or which are located in a subdivision that has already been approved for residential use by the county, assuring that environmental, land-use compatibility, public service, and other concerns have already been addressed.

Step 1: FILING

An application for a Division I permit may be filed with the Staff at any time during regular business hours. The applicant shall complete the permit application with the following information:

- (a) Parcel number and proof of property ownership – either a copy of the property tax statement, a warranty deed with all attachments, or other legally established document that includes both the property owners name and property legal description.
- (b) Diagram showing lot lines, dimensions, locations of access and structures, distances from each lot line to the structure for which the permit is intended, and any other pertinent information as designated by the Staff.
- (c) ~~Applicable wastewater system permitting entity-Taney-County-Regional-Sewer-District approval.~~
(The applicant shall contact the ~~applicable wastewater system permitting entity-Taney-County-Sewer District~~ for determination of any requirements and for approval.)

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Duplex

A two-family residential use in which the dwelling units share a common wall (including the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling Unit

A building or portion of a building designed and used for residential occupancy by a single household. (This includes exclusive sleeping, cooking and sanitation facilities.)

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Wall

An upright structure of masonry, wood plaster or other building material serving to enclose, divide or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building.

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3.13. Duplexes – All duplexes shall comply with the following requirements:

- 3.13.1 The lot size for a duplex when a public/central sewer system is available shall be, at a minimum, equivalent to existing standards for single family residential dwellings.
- 3.13.2 If an onsite wastewater treatment system is required due to the unavailability of a public/central sewer system, the lot size for a duplex dwelling unit shall be, at a minimum, equivalent to existing standards for single family residential dwellings. *(Please refer to the definition of dwelling unit.)*
- 3.13.3 A one (1) hour fire rated, partition wall from foundation to roof decking shall be required between dwelling units. *(Please refer to the definition for wall.)*
- 3.13.4 No interior side setback is required on the "attached" side of a lot containing a Duplex. The street, side and rear setback standards shall apply.
- 3.13.5 Each dwelling unit shall have direct access to the existing road.
- 3.13.6 A recorded governing document acknowledged by all property owners that covers interest in the property including but not limited to: insurance, utilities, building exterior and other common elements.

4. PERMITS

4.1. Types of Permits

The types of permits available are defined below. However, to aid in determining what type of permit is required for a development project, the decision flow chart of [Appendix A](#) can be used to simplify the selection process.

4.1.1. Division I Permits

A permit required for any of the following conditions:

- (a) new single-family dwelling (including [manufactured homes](#))
- (b) ~~new two-family dwelling (duplex) on parcels of three (3) or more acres~~
- (c) any addition to construction originally requiring a Division I permit
- (d) any addition to a single-family unit
- (e) [special events](#)
- (f) any accessory building, structure, or appurtenance (shed, deck, porch, car port, etc.) greater than 100 square feet in ground coverage which is not classified as an agricultural structure (agricultural structures are exempt from all permitting requirements; residential structures are not considered exempted as agricultural structures and do require permits for purposes of compliance with setbacks)

4.1.2. Division II Permits

A permit required for any of the following conditions:

- (a) new commercial, industrial, or institutional uses that have been issued a Division III permit
- (b) any ~~two-family dwelling duplex on a parcel of less than three (3) acres that has been issued a Division III Permit~~
- (c) any three-family or larger multi-family structure that already has an approved Division III permit
- (d) any addition to construction requiring a Division II permit, except additions to single family units
- (e) church structures or additions

Note: All requests that do not specifically fall within the above listed situations shall automatically be considered a Division III permit request.

Detailed Division II permit application requirements are defined in [Appendix C](#).

EXECUTIVE SESSION – PERSONNEL PER SECTION 610.021(3)

Commissioner Strafuss moved to go into Executive Session pursuant to RSMo 610.021(3). Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strahan (aye), and Strafuss (aye).

**EXECUTIVE SESSION
10:57 AM**

See Executive Session Minutes for actions, if any.

Commissioner Strafuss moved to go out of Executive Session. Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**OUT OF EXECUTIVE
1:35 PM**

EXECUTIVE SESSION – LEGAL UPDATE PER SECTION 610.021(1), (2), (3) & (12)

Commissioner Strafuss moved to go into Executive Session pursuant to RSMo 610.021(1), (2), (3) and (12). Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strahan (aye), and Strafuss (aye).

**EXECUTIVE SESSION
1:36 PM**

See Executive Session Minutes for actions, if any.

Commissioner Strafuss moved to go out of Executive Session. Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**OUT OF EXECUTIVE
3:50 PM**

**RECONVENED
3:51 PM**

LETTER PERMIT FOR K HIGHWAY IMPROVEMENTS

Commissioner Strafuss moved to sign the letter permit for K Highway Improvements. Commissioner Strafuss seconded the motion. The motion passed by roll call vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

Commissioner Strafuss moved to adjourn. Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

ADJOURNED
3:53 PM

The minutes were taken and typed by Lyn Wieneke, Deputy Clerk.