

**MAY 2, 2005 THE 8TH 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 Rick Findley followed by the pledge.

**COLLEGE OF THE OZARKS
DR. HOWELL KEETER & DR. JERRY DAVIS**

Dr. Howell Keeter, Vice President of College of the Ozarks presented the Commission with a letter of intent to transfer the M. Graham Clark airport to the County. Keeter stated that there is a tentative signing date for the transfer contract on May 31 putting the actual transfer date on July 31. Keeter expressed that he is looking forward to working with the county on this project.

Dr. Jerry Davis, President College of the Ozarks, expressed wanting a smooth transition and feels this is in best interest of the broader community. Davis requested that all issues about the transition go through Dr. Keeter.

Commissioner Pennel thanked the College of the Ozarks for serving so many people, over the years, through the airport.

WHORTON ROAD

Commissioner Pennel read the following petition for Whorton Road: Scott Township near VV Hwy off 76 East, Township 22 North, Range 20 West, Section 20 formally known as Topaz Drive. Pennel then read the Road and Bridge Engineer's comment: road is narrow and rough, no ditches, potholes present, no turnaround, and a 375 ft section with no easement. It needs to be taken in has a Class 6 with a minimum 40 ft. right of way and a turnaround. The road is in poor condition with 3 dwellings. Pennel stated that it is a dangerous intersection.

Commissioner Strahan stated that he is not in favor of taking in the road and made a motion to table the road petition. Commissioner Herschend seconded the motion for discussion. Herschend asked what the next step is after tabling. Strahan stated he wants to let the residents know where the commission stands about the safety issues of the intersection. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**BID RESULTS
TRESSA LUTTRELL**

Tressa Luttrell, Administrator, addressed the Commission regarding bid results for road materials. Luttrell read the following recommendation from Dan Ratermann, Road and Bridge Engineer: Group 1 is the aggregate group that is loaded in County trucks at the pit or quarry. Recommends to award the supplier with the lowest on the road cost using a haul differential of \$.50 for the first 3 miles and \$.10 for each additional mile should the lowest priced supplier be unable to furnish the material the material will be hauled for the next lowest on road cost supplier. Group 2 and Group 4 are asphalt materials furnished and delivered to various locations. Recommends for Groups 2 and 4 is to award those to Coastal Energy Corporation. Group 3 MAC 400 and MAC 400P had no bids received and therefore will not be used in the 2005 maintenance plan. Group 5 bituminous mix furnished and laid in place at various locations. Recommends to award that to Journagan Construction who submitted the lowest qualifying bid. Group 6 bituminous mix furnished and loaded on the county trucks at the bidders plant. Recommends to award bituminous mix bids to award to the supplier with the lowest on the road cost based on the differential described for group 1. Group 7 is concrete. Recommends both Table Rock Asphalt and Concrete Company of the Ozarks and give first preference to the company with the lowest price for the location at the time that the materials needed. Projects that require a large quantity of concrete will be bid on a project-by-project basis.

Commissioner Herschend made a motion for approval has recommended by Dan Ratermann. Commissioner Pennel seconded the motion. Herschend asked Dan Ratermann about oil that no one bid on. Dan Ratermann stated it was a new formulation of oil and since no one bid it the County won't try it. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**SB 40 BOARD APPOINTMENTS
TRESSA LUTTRELL**

Tressa Luttrell, Administrator, informed the Commission that the SB 40 Board submitted a letter for reappointment for the following: Helen Soutee, Tim Connell, Don Ingrum, and John White however his wife is currently serving on the board.

Commissioner Herschend made a motion to approve Helen Soutee, Tim Connell, and Don Ingrum for reappointment to the SB 40 Board. Commissioner Pennel seconded the motion. Herschend expressed a concern about appointing John White because his wife is already on the Board and feels it would take away from the diversity of the board. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**DATA LICENSING AGREEMENT
TRESSA LUTTRELL**

Tressa Luttrell, Administrator, stated that IS Department submitted 2 Data Licensing Agreements for approval for SMSU and Empire District Electric.

Commissioner Herschend made a motion for approval of Empire District Electric. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend questioned the SMSU agreement noting that if the information is used for training how would the county be insured that the wrong information is not being given to the public. After general discussion Commissioner Herschend made a motion to approve the SMSU agreement. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

POVERTY POINT MARILYN BELTZ

Marilyn Beltz, resident of Poverty Point, expressed concerns about the Vickery Resort construction at Poverty Point. Beltz presented a petition to the Commission in opposition the proceeding with the project.

Commissioner Herschend asked Kurt Larson to come forward and update the Commission about the issue. Larson stated they issued a stop work order on this project and gave a copy of it to the Commission noting that they had a permit for an addition of 9 units but have advertised and started building condo units.

Beltz stated that she and the other residents would like to keep it as a residential area.

APPROVAL OF BEE CREEK ARCHER ENGINEERING CONTRACT

Commissioner Herschend asked to wait for Executive Session to discuss the contract.

MASTER PLAN

Commissioner Pennel stated that he has visited with several people regarding the Master Plan and has gotten different viewpoints. Pennel asked Ondria Wohlfeil, Industrial Development Coordinator to address the Commission regarding Planning and Zoning. Ondria discussed plans with different zoning issues in southwest Missouri and stated there are not many counties with zoning however most have comprehensive plans. Would like to see education to let people know more about Industrial and Retail Development.

Commissioner Pennel expressed a concern from a citizen regarding tradition zoning with issues involving land use changes being turned down because it is zoned differently than other parts of the county.

Greg Smith, Planning and Zoning Administrator, stated that zoning is more of a guideline and can be used to protect an area that is a predominantly industrial territory.

Tressa Luttrell, Administrator, stated companies would be contacted for an interview as soon as the Commission is ready to start the interviewing process.

Commissioner Pennel stated that he is hesitant because there are other options that have not been explored he wants to take more time on it.

Bob Paulson, County Counselor, stated it doesn't matter what type of zoning you go with however there needs to be a plan.

Commissioner Strahan expressed a concern that everyone wants to hear more and he wants to know more about the plan.

Herschend suggested either resending last weeks vote or continue with the interview process and then resend the plan if there is still question concerning the issue. It was decided to move forward with the interview process of the Master Plan

PARK BOARD APPOINTMENTS

Commissioner Strahan stated that there were several good applicants for the Park Board but the Commission selected the following 7 individuals from all over the County to appoint. Jack Harrison from Forsyth, Joyce Halcomb from Rockaway, Bob Fausett from Kirbyville, Fred Wippich from Forsyth, Sherry Nave from Protom, Tom Linkous from Hollister, and Lonnie Combs from Bradleyville.

Commissioner Herschend asked Strahan to share his vision for the Park Board.

Commissioner Strahan stated he wants to draw communities together and he is interested in uniting them for relationships with neighbors and have a common goal of accomplishing things within the community.

Commissioner Herschend made a motion to accept the 7 Park Board Appointments. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

HOLIDAY

Tressa Luttrell reminded everyone that next Monday is a holiday so the Commission meeting will meet on Tuesday.

DAN GRANT

Commissioner Strahan recognized Dan Grant a property owner located where the new judicial facility will be built and expressed the Commission's appreciation for his cooperation in the agreement for the purchase of his property.

**STATEMENT OF RAILROAD AND UTILITY PROPERTY
DONNA NEELEY**

Donna Neeley, County Clerk, presented the Commission with the 2005 Railroad & Utilities assessment pursuant to state statute. Upon affirmation of the Commission it will be sent on to the State.

Commissioner Herschend moved to affirm the statement as provided by Donna Neeley. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**SALES TAX HOLIDAY
DONNA NEELEY**

Donna Neeley, County Clerk, asked the Commission about their position on opting out of sales tax holiday.

Commissioner Herschend asked what the deadline is for opting out of the Sales Tax Holiday and asked to wait closer to the deadline before making a decision.

**RECORDS DISPOSITION
DONNA NEELEY**

Donna Neeley, County Clerk presented to the Commission a list of election records found from as far back as 1974 to be disposed of.
Insert Document

**RECESS
10:16**

**RECONVENE
10:23**

ACCOUNTS ALLOWED

Commissioner Strahan made the motion to approve Accounts Payable warrant # 88974-89084 and manual warrant # 4353. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PRIOR MINUTES

Commissioner Strahan made a motion to approve the 4-29 minutes. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**PUBLIC HEARING PREPARATION
TRESSA LUTTRELL**

Tressa Luttrell, Administrator, asked the Commission to give her details on the Public Hearing in which the Commission will be available to answer questions regarding the Bee Creek Sewer Project that is to be held sometime this week.

Commissioner Herschend stated that he is still working on finding a location that will accommodate the hearing however, he does not have a specific time and date yet but is trying for Thursday.

Commissioner Strahan stated that he feels the Commission was ambushed at the meeting last Monday night. Strahan went on to say the he was approached by 2 elderly citizens in Branson expressing concern about the Bee Creek Sewer Project.

Commissioner Herschend explained that the Bee Creek Sewer Project has never been stopped.

Commissioner Pennel stated that the Commission would work on handouts and schedule a meeting for sometime this week.

RECESS

Commissioner Herschend made a motion to recess and then go into Board of Equalization. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).