

**JUNE 13, 2005 THE 22ND DAY
OF THE APRIL ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:04 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 Ron Herschend followed by the pledge.

**WASTE CORPORATION
MAX MURRAY**

Max Murray, Waste Corporation, also known as Black Oak Landfill, addressed the Commission with a request to help increase the volume of waste stream taken from the transfer station. Murray explained that the County's secondary site is American Disposal and after looking at the transportation spreadsheet, he thinks he can save the county anywhere from \$120 to \$160 per load which averages about 22 tons per load. Murray asked if there was anything they could do to get the county away from American Disposal, the secondary site, in order to increase his business. Murray further stated that, "it would be a win win, if it could be an increase in business for me and a decrease in cost for the transfer station."

Commissioner Herschend explained that 15% of the counties total business goes to the secondary site due to its location. Herschend further stated that the county staff can easily make Black Oak twice in one day but often three loads are needed so they use the secondary facility.

Max Murray then offered to lend a trailer to the County to help with the flexibility of loads. Commissioner Herschend clarified that the county already has three trailers and are in need of a tractor. Herschend suggested Murray schedule a work session with the county staff to further discuss ways of improving the productivity for both Black Oak Landfill and the county.

Commissioner Herschend read the following section of an inspection letter for the transfer station. "Note: On the inspection checklist enclosed that there were no operational or reporting deficiencies observed. Please see the remarks section on the checklist for any additional comments, which there were none. We encourage you and your staff to continue the effective management of this facility to protect the health environment for our state citizens."

**ROAD PETITIONS
POVERTY GULCH**

Bob Paulson, County Counselor stated that he has received material from Ann Symington and it didn't satisfy the issue as to whether the road was built according to plat and suggested Dan Ratermann, Road and Bridge Engineer, survey the land.

Dan Ratermann, Road and Bridge Engineer, stated he reviewed the survey plat that showed the road was on his property. Ratermann further stated, "The plat he is showing you shows where it should be but doesn't necessarily show where it is." Ratermann stated the only way to know for sure is to do a survey and suggested making sure it is a county road before spending any money on it.

Commissioner Herschend made a motion to deny this request due to the unknown nature of the right-of-way and property ownership and to reconsider the petition when the right-of-way and ownership, is cleared up by the petitioners. The motion died for a lack of a second.

Commissioner Strahan asked about Poverty Gulch Road being a detour route for Iowa Colony traffic and stated that the Commission is probably going to have to take the road in anyway to use it as a detour when construction begins on the Iowa Colony project. Ratermann stated if Poverty Gulch is not a county road then the county will not designate it as a detour route.

Presiding Commissioner Pennel made a motion to take Poverty Gulch Road in as a Class 6 contingent upon the property owners working with Dan Ratermann about the property lines.

Commissioner Herschend asked Presiding Commissioner Pennel to consider amending his motion to include a both a 6-month timetable and that the property owners must resolve road ownership issues before the road is taken in as a county road.

Commissioner Pennel amended his motion to put a 6-month timetable on the road and that the responsibility for working out the property line issues is the property owners. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ROAD PETITION COMBS ROAD

Presiding Commissioner Pennel stated there are only 10 signatures on the petition there needs to be 12 to make it a valid petition. It was decided that it is a dead issue.

Commissioner Herschend added that even with the signatures the road only has two dwellings and is 4600 ft in length with only 10 to 12 ft in width. It was decided that a letter be sent to the petitioners explaining that even with two more signatures the county is not likely to take this road in as a county road.

WHORTON ROAD

Presiding Commissioner Pennel reminded the Commission that Whorton Road was tabled at an earlier meeting and residents were to be informed as to the safety issues of the intersection. Pennel further stated the residents have still not been informed and he would work to get the issue resolved.

AIRPORT BOARD BYLAWS TRESSA LUTTRELL

Tressa Luttrell, Administrator, presented the Commission with copies of the Airport Board Bylaws. Presiding Commissioner Pennel and Bob Paulson, County Counselor read the following bylaws.

(insert bylaws)

Presiding Commissioner Pennel made a motion to accept these bylaws. Commissioner Strahan seconded the motion.

Commissioner Herschend brought up the following concerns about the bylaws: dismissal of a board member for cause, Section E not less than 5 of its members when 4 to 7 is quorum, defining significant monetary contributions, the duties and powers section doesn't say how much money they can spend, and finally something should be added about the creating a reversionary act. A general discussion ensued.

Bob Paulson, County Counselor, stated that the bylaws could be amended at any time.

Commissioner Pennel amended his motion to change the wording of Section E to reflect the simple majority instead of the number 7 as a quorum. Commissioner Strahan seconded the amended motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to amend the motion to include that the Airport Board shall operate within a budget established annually by the Taney County Commission and the Airport Board. Commissioner Strahan seconded the motion to amend. Pennel expressed a concern about "micromanaging" plus the he doesn't want to do the budget he wants to approve it once the Airport Board completed the annual budget. Herschend amended his motion to say the Airport Board shall operate within a budget approved annually by the Taney County Commission and the Airport Board. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

The original motion amended passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ANIMAL CONTROL ORDINANCE

TRESSA LUTTRELL

Tressa Luttrell, Administrator, stated that the amendment to the Animal Control Ordinance has been published for three consecutive weeks and is official.

FEASIBILITY STUDY JOHN SOUTEE

John Soutee, Sewer District Administrator, stated that it was discussed at a Sewer Board meeting that Y Highway and Venice on the Lake were next on the priority matrix and since they are not going to change in priority the board decided to move forward with the feasibility study. Soutee went on to explain that the master plan was like looking at an area of land under magnifying glass and the feasibility study was like looking at an area of land under a microscope. Soutee then asked if the Commission agreed with moving forward with the feasibility study.

Commissioner Herschend stated that it makes no sense that Y Hwy and Venice on the Lakes dropped from being 2 and 3 and may slip from 17 and 18 and thinks they should still be a priority.

Presiding Commissioner Pennel clarified that the Sewer Board is saying that Venice on the Lake and Y Highway are there next projects.

John Soutee stated the feasibility study would provide more thorough information and once it is completed they can go back and look at specific information to compare these two areas.

Commissioner Herschend brought up a concern about the cost for citizens to hook on and whether or not the majority of those people can afford to take on that expense.

Commissioner Strahan explained when the Commission originally voted on the sewer tax, Y Highway was mentioned and it has been a long wait already for those people.

Commissioner Pennel stated that the cost of putting in a sewer is an additional 10% cost to the project. Soutee clarified the cost is \$1500 to \$3000 per property, depending on how many people are in the project area. A general discussion ensued.

John Soutee went on to update the Commission on the Bee Creek project stating, that it is moving right along. Soutee explained that a map is established with easements and there is no real controversy on any sites. Soutee then asked if the Commission has heard anything from Burns and Mac on the offer that was made.

Commissioner Herschend responded by stating that the check went out last week and they haven't called expressing any concern. Herschend will follow up on the issue.

PRIOR MINUTES

Commissioner Herschend made a motion to approve minutes from May 2, 4, and 31. Commissioner Pennel seconded the motion. The motion passed by vote: The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ACCOUNTS ALLOWED

Commissioner Herschend made a motion to approve Accounts Payable warrants # 89586-89665 and manual warrant # 4368. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

COPY OF BYLAWS

Dick Clark requested a copy of the Airport Bylaws and also a copy of the insurance papers once an insurance company is established.

RECESS

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