

**NOVEMBER 21, 2005 THE 15<sup>TH</sup> DAY  
OF THE OCTOBER ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:03 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.

**BID RESULTS  
TRESSA LUTTRELL**

Tressa Luttrell, Administrator presented the Commission with copier bids for the Prosecuting Attorney's Office. Luttrell stated that the lowest and best bid was from Copy Products in the amount of \$6,025.

Commissioner Herschend made a motion to approve the bid from Copy Products in the amount of \$6,025 as presented. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**Note:** Tressa Luttrell clarified that this copier would be for the Child Support Office and that the main office will still need a copier next year.

Tressa Luttrell, Administrator presented copier bids for the Circuit Clerk's Office. Luttrell explained that Brenda Neil, Circuit Clerk requested the Toshiba E Studio 850 which was the best deal at \$12,999 from Copy Products. Luttrell added that the county has just received the JAG Grant from the Department of Justice in the amount of \$14,516.

Commissioner Strahan made a motion to approve the Toshiba from Copy Products in the amount of \$12,999. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**BOARD APPOINTMENTS  
TRESSA LUTTRELL**

Tressa Luttrell, Administrator addressed the Commission regarding various board member terms that are coming due for reappointment. Luttrell explained that the Industrial Development Board has two positions opening and Planning and Zoning has two positions, one in Swan Township and one in Cedar Creek Township coming open. Plus one position from Branson Township and one from Big Creek Township that have not had members reappointed, making four members all together that are needing to be reappointed to the Planning and Zoning Board.

Commissioner Strahan clarified that the reason no one was reappointed to Planning and Zoning is because no one was willing to serve at Big Creek, so it wasn't for a lack of trying to appoint members.

Commissioner Herschend asked Bob Paulson, County Counselor what the procedure is for board members that need to be replaced before their term is up? Paulson stated that he would have to look at the statutes but most boards can appoint a temporary member to serve until their successor takes over the term at the proper time.

Tressa Luttrell continued listing the terms stating that the Sewer District needs to reappoint a chairman (Larry Van Gilder), the Board of Adjustments has a position coming open, and that neither the Park Board nor Airport Board members have defined terms for board members.

Bob Paulson stated that both the Park and Airport Boards are advisory boards and that the County can come up with the member's terms themselves instead of following specific state guidelines. No motions were made and no votes were taken.

## **PLANNING AND ZONING CODES**

Tressa Luttrell, Administrator stated that Larry Rowland and Kurt Larsen have guidance codes that have been approved by Planning and Zoning and now they need to be approved by the Commission.

Presiding Commissioner Pennel stated that the last sentence was left out on his copy of the proposed change to the codes and it should have been left in.

Bob Paulson, County Counselor recommended that the Commission table this issue until it gets resolved.

Commissioner Herschend also expressed a concern about a section of the code regarding easements. Herschend stated that he felt having a 50 foot easement requirement is excessive and that it is 2 and ½ times more than the state requirement. Paulson clarified that the 50 foot easement requirement was already a part of the code and that it is in place to help in the event of lots being split into subdivisions. Herschend added that the rule doesn't allow two lots to split more than once. A general discussion ensued.

Commissioner Strahan made a motion to table the presented code until revisions are made and questions are answered. Commissioner Herschend seconded the motion.

Presiding Commissioner Pennel suggested that the Commission send Planning and Zoning all of their questions and have P & Z address the issues about 50 foot easements and the restriction on selling and splitting lots in minor subdivisions.

Commissioner Strahan asked why the county would want to restrict a property owner that might want to sell four lots? Paulson explained that anything below six lots is

considered a minor subdivision, which means two to four lots at a time would have no requirements or restrictions and could cause problems where splits are concerned. Herschend again stated that lots are restricted to one split and a general discussion ensued.

Bob Paulson reminded the Commission that the things being addressed are already in the code and that nothing new was added, the wording was just changed.

Presiding Commissioner Pennel stated he plans on going to Planning and Zoning tonight to address these issues.

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

### **CONDEMNATION/BOYS CAMP ROAD**

Commissioner Strahan stated that Randy Hayes, Road and Bridge was contacted by Branson School regarding a safety hazard at a bus stop on Boys Camp Road just outside the City limits of Rockaway Beach. Strahan explained that he has looked at the road and there is a bluff that sticks out making the road too narrow which is a growing concern. Strahan added that the two property owners have been contacted and neither one of them would work with the county to resolve the situation. Strahan recommended that the Commission take this matter into condemnation proceedings.

Commissioner Herschend added that he has also looked at the Road and there is an abutment that sticks out into the roadway and opposite of the abutment there is a very steep drop off. Herschend clarified that the reason for condemnation was because Randy Haes has not been able to obtain the right-of-way needed to resolve the issue.

Commissioner Strahan made a motion to condemn Boys Camp Road due to the lack of obtaining the right-of-way needed to widen the road. Commissioner Herschend seconded the motion to condemn. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Bob Paulson recommended getting a description from Road and Bridge stating what the County is condemning.

Commissioner Herschend suggested writing the property owners a letter notifying them that the County Commission has moved forward with the condemnation process so they can hear it from the county instead of the media.

### **PRIOR MINUTES**

Commissioner Herschend made a motion to approve minutes from November 2, 16, and 18. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **ACCOUNTS ALLOWED**

Presiding Commissioner Pennel made a motion to approve Accounts Payable warrants # 91944-92129 and manual warrant # 4419 contingent upon the seven missing, signatures, invoices, or PO's being obtained. The motion died for the lack of a second.

Commissioner Herschend made a motion to approve all Accounts Payable bills that are not in question and to approve the ones in question at a later time. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Commissioner Herschend expressed that the proper Accounts Payable procedures are not being followed and he would like to see the Commission hold people accountable for not following procedure.

## **RECESS**

9:49

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

## **RECONVENE**

10:30

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

## **MASONIC LODGE BILL COX & RON ERICKSON**

Bill Cox, Masonic Lodge presented the Commissioner with copies of letters and plans for the Masonic Lodge based on a bid from Kramer. Cox stated that they looked at the jail facility and had an agreement to work on a plan and an estimate. Cox explained that they have run into a problem with relocating the concrete wall of the facility.

Ron Erickson, Masonic Lodge presented the Commission with a list of cost per month that would be needed for Masonic Lodge members to meet temporarily plus storage. Erickson expressed a willingness to work with the County if the estimate is not the best option for the county financially.

Commissioner Strahan stated that the county has been looking at different sets of plans square footage wise and have other proposals but they have not been completed yet. Strahan further explained that the Masonic Lodge's estimate is out of the range of the cost that the county wanted to spend.

Presiding Commissioner Pennel stated that the Commission needs more time to look at the information. Cox stated that if the Commission feels the Masonic Lodge is being unreasonable to let them know. Pennel expressed his appreciation to Cox and Erickson for all of the work they put into this project. No motions were made and no votes taken.

### **RECESS**

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