

**JANUARY 30, 2006 THE 8TH DAY
OF THE JANUARY ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:02 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 Chuck Pennel followed by the pledge.

AGENDA AMENDMENT

Commissioner Pennel made a motion to amend the agenda to add Flood Control under Donna Neeley, County Clerk on the agenda. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Note: Commissioner Herschend entered the Commission meeting at 9:04 a.m.

**TITLE III
DONNA NEELEY**

Donna Neeley, County Clerk addressed the Commission in regards to Title III Monies. Neeley stated that she only received one application that met all the requirements which was from Cedar Creek Fire Protection District in the amount of \$8,000. Neeley added that it has been published and the public has had 45 days to comment on the project. Neeley read the following Title III request from the Cedar Creek Fire Protection District Radio Repeater Project: "Our district is bordered by the Mark Twain National Forest and Federal Corp of Engineers land (lake shore). The Fire Prevention and County Planning category, item (b) would seem to qualify for our project. In addition, our project will include improved communications for the Protem Fire Department, as they will be able to hit our repeater and better communicate with Taney County dispatch.

Bill Jones, with the Cedar Creek Fire Protection District presented the Commission with a revised statement that reflects a lower dollar amount. . Jones explained that the new amount Cedar Creek is requesting is \$5,269.64. Jones added that the tower would greatly enhance operations and that homeland security is encouraging them to finish the tower in case of an emergency.

Commissioner Strahan asked if this is an amendment to the original request? Jones clarified that this is not a project amendment merely a reduction in the dollar amount requested because Cedar Creek has received new quotes to finish the project.

Commissioner Herschend made a motion to approve the distribution of Title III Funds to Cedar Creek Fire Protection District to receive the requested amount of \$5,269.64. Commissioner Strahan seconded the motion.

Commissioner Herschend explained to Jones that Cedar Creek would need to submit proper documentation showing expenditures of their project as a condition of future access to these funds. Jones stated that he would make a note and send the proper documentation of the projects expenditures.

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

FLOOD CONTROL LEASE DONNA NEELEY

Donna Neeley, County Clerk explained that traditionally 11% was taken out of Flood Control Lease Receipts for Road and Bridge and that the remainder was distributed by percentage to schools based of the percentage of land in the Flood Control areas. Neeley asked since Road and Bridge no longer have a levy, if the county would continue taking out 11% or should it be distributed differently?

Commissioner Strahan expressed that he felt this would be an opportunity to distribute more money to the schools by not having to include the Road and Bridge levy. Bob Paulson, County Counselor stated that RSMo 12.100 says, "The county commission of each county receiving any such moneys shall use the funds to aid in maintaining the schools and roads and for defraying any of the expenses of the county in accordance with the provisions set forth in section 12.070 and 12.080. The county commission shall allow to the school districts and for roads an amount based upon their respective levies equal to that which would ordinarily be allowed to them out of taxes from property owned by the United States if the property were privately owned before using any of the moneys for defraying other expenses of the county." Paulson summarized that whatever taxes the roads would have gotten out of the levy, has to go to roads first however, there is no longer a road levy.

Commissioner Herschend asked if that includes the disability board. Paulson clarified that the statute is just for roads and schools. Commissioner Strahan stated that if the county wanted to only distribute to schools it would be beneficial since Road and Bridge no longer has a levy. Commissioner Herschend expressed a concern that if 11% is still being distributed, would the county have enough to pay the levy that otherwise would have been earned? Commissioner Herschend further expressed that he did not want to make a decision without knowing how much the money would have been. A general discussion ensued.

Commissioner Herschend made a motion to table this issue in order to address these questions and concerns. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

TITLE III AWARENESS

Commissioner Strahan addressed the Commission regarding Title III Funds stating that it is the same problem as before with entities expressing a need for monies but failing to follow the proper procedures. Strahan added that it has been discussed at Commission meetings so there are records in the minutes and notices in the newspapers, but he is still getting calls from entities expressing a need for money. Donna Neeley stated that many entities applied but only one met all of the requirements and that they have been informed to reapply by June 1, 2006.

Commissioner Pennel expressed that he has the same concern and suggested asking for a meeting to invite the State Representatives, Senator, and any other entity that is willing to come and try to resolve some of these issues. Neeley reminded the Commission that Title III Monies are federal not state funds.

Commissioner Herschend asked Helen Soutee, Treasurer if the entities are getting more money now? Soutee stated that whenever the 16% was not held out the county had \$25,000 to distribute among all entities. Soutee added that she feels they all know the requirements to apply for Title III Monies.

COUNTY ROAD EASEMENT

Commissioner Strahan stated that back in November, Commissioner Herschend brought up a conversation about 40 feet and 50 feet easements. Strahan explained that there was a discussion about the county requiring a 40 feet easement to take in a county road but a 50 feet easement is required for subdivisions. Strahan further expressed that he wants something more stable and proposed getting the 50 feet easement requirement changed to a 40 feet road easement plus a 10 feet utility easement. Strahan added that the county is taking people's property when there is no need for it and that the property owners are still maintaining the property even though it is a county easement.

Commissioner Strahan made a motion go to the Planning and Zoning Commission with a proposal to change their 50 feet easement requirement to a 40 feet road easement and a 10 feet utility easement. Commissioner Herschend seconded the motion.

Presiding Commissioner Pennel asked for clarity on the proposal? Commissioner Strahan explained that the county requirement for taking in a road is a 40 feet easement however; subdivisions need a 50 feet easement and that he wants to set a standard to go by for consistency. A general discussion ensued.

Commissioner Herschend added that it sends a funny message when the county requires a 40 feet easement to take in a road and Planning and Zoning requires a 50 feet easement to Platte a road. Herschend added that no one has told him why a 50 feet easement is needed.

Commissioner Pennel clarified that the county has two different requirements because the 40 feet requirement is for roads that have already been built while the 50 feet

requirement is for new roads. Commissioner Herschend asked why the extra 10 feet are needed in a subdivision? Pennel stated that in some cases without a 50 feet easement some houses would not have been built.

The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes). Commissioner Pennel expressed that there is a reason for the 50 feet easement requirement.

PRIOR MINUTES

Commissioner Herschend made a motion to table the minutes from November 7, January 23, and 25 minutes. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Strahan (yes), Herschend (yes).

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants # 92975-93076. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

WILEY BARNES

Wiley Barnes, Chamber of Commerce addressed the Commission regarding the Salute to Legislatures reception that took place last week. Barnes explained that she was at the capital the following day and heard several comments about how great the event was and expressed her appreciation for the counties booth.

BOB DIXON RECORDERS OFFICE

Bob Dixon, Recorder of Deeds stated that the Recorders Office was moved and everything is up and running. Dixon expressed his appreciation to all those who helped with the move.

MINCY PARK

Commissioner Strahan stated that someone volunteered to put up a fence around Mincy Park bordering his property lines. Strahan explained that holes for a fence have been dug but the work as not been finished yet. Bob Paulson, County Counselor expressed a concern about safety issues. Commissioner Herschend suggested discussing this issue further in Executive Session.

FEBRUARY 7, 2006 ELECTION ANNEXATION ISSUE

Commissioner Herschend stated that he would like to personally put an ad in the newspaper stating how the annexation would affect residents. Donna Neeley expressed that there might be some forms to fill out for the Ethics Commission depending on how much money he plans to spend. Neeley reminded Herschend that he would have to use his own money. Robert Paulson, County Counselor stated that he could put the ad in the newspaper as long as he spent his own money. Herschend explained that he would just be laying out the facts and would like to share what he has learned from going to various meetings.

Commissioner Pennel expressed his appreciation for Herschend's willingness to share his plans with the Commission because what the Commissioners do individually reflects on the Commission as a whole. Commissioner Strahan stated he has had several calls from citizens wanting to know if they could vote on the issue, so publicizing the issue would not be a bad idea. Commissioner Herschend added that it is fair for folks to understand how they will be impacted. Donna Neeley stated that she would look at the laws about informing/advertising and would advise the Commission later today.

RECESS

10:00 AM

EXECUTIVE SESSION

Commissioner Herschend made a motion to go into Executive Session pursuant to RSMo 610.021 (1) (2) (3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).