

**AUGUST 22, 2008 29TH DAY OF
THE JULY ADJOURN TERM**

The County Commission met in the Commission Office at 1:32 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

**EMERGENCY MEETING
DAM SITE SITUATION**

The County Commission called an emergency meeting without 24 hour notice for posting due to the nature of the situation with raw sewage running into Lake Taneycomo and Branson's drinking water.

Commissioner Pennel suggested that the County be the continuing authority for the sewer plant. Commissioner Herschend commented that it was a good idea. Commissioner Pennel added that the area is connected to public water therefore could be shut off for non-payment.

Counselor Paulson noted that the County should be sure that we will not be liable for anything prior as the AG indicated that they would be doing something. Commissioner Herschend added that what Counselor Paulson didn't hear is that the AG would go get an injunction but if they didn't have the money to pay the penalties, there was nothing the AG could go after.

Commissioner Pennel asked if the County could enter into an agreement with the DNR and the AG that would provide a document that wouldn't slap the County with anything prior. John Hooker, Sewer Utility Supervisor asked if the County was going to be able to keep the plant in compliance. John Souttee, Sewer Administrator indicated that the County could enter into a contract with an operator to keep the plant in compliance.

Commissioner Herschend asked why the county would want to do that. Commissioner Pennel asked by doing that is there some way that the costs incurred would be attached to a lien for those property owners and have the cooperation of the DNR and the AG. It's not realistic that the individuals there are going to be responsible.

Commissioner Herschend noted that his concern was that we end up with the home owners saying great...the county is going to fix the problem but we are not going to pay for anything. Commissioner Herschend asked why the County was between the DNR and the property owners. Why don't we get the AG to shut their water off. It could be turned on when they have a working system. Commissioner Pennel added a continuing authority as well.

Mr. Soutee noted that the rate would have to be changed as it could not be the normal rate. Commissioner Pennel questioned if the Circuit Court could do anything. Counselor Paulson indicated that they have previously caused a place to be inhabitable.

Commissioner Herschend noted that once the County becomes the continuing authority for one area, we start getting all the sewer problems. Then the County has inherited their problems.

Several ideas were discussed regarding pumping options. Commissioner Pennel noted that the private sector has stepped up to help with the immediate crisis, the County needs to figure out if we are going to do anything. Mr. Soutee asked if anyone had contacted the City of Branson noting that the liability is what is going to scare most people.

Commissioner Herschend noted that it would be more realistic to place a \$10,000 lien on a house. Commissioner Pennel asked if it was something the County is going to take on, my sense is that the local government will have to do something.

Mr. Soutee commented that if the AG comes and files on the motel, we are right back in the same situation, should we put a lien on it as well and add it to the mix. Counselor Paulson suggested speaking with the AG and noted that it makes more sense to work towards costs versus fines.

Commissioner Pennel suggested having Mel with Great River draw something up and Counselor Paulson to contact the AG.

Mr. Soutee asked about the individuals getting paid for the work they are doing. Commissioner Pennel suggested contacting the White River Basin for funding. Commissioner Herschend noted that they should seek private funding.

Mr. Soutee asked about on going pumping costs. Mr. Hooker stated they should contact Mr. VanGilder with the City of Branson for their help too. Commissioner Herschend noted that it is their drinking water being affected.

RECESS

2:48 p.m.

Minutes taken and typed by Tressa Luttrell.