

**SEPTEMBER 29, 2008 51st DAY OF
THE JULY ADJOURNED TERM**

The County Commission met in the County Commission Hearing Room at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants, except for #306068, Sunny Hills Nursery, due to an error on the invoice, #605987 – 306067, 306069 – 306078 and manual warrant #4895. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

PRIOR MINUTES

Commissioner Pennel stated there are no prior minutes available for approval at this time.

**LAKE BEACH LANE
ROAD PETITION**

Mr. Chris Cooper appeared before the Commission to clarify ownership of lots on Lake Beach Lane, as the Commission expressed concerns of following the county road guidelines.

Commissioner Pennel read the following remonstrance into the record and it read as follows:

REMONSTRANCE TO THE SEPTEMBER 22, 2008 PETITION TO ESTABLISH LAKE BEACH LANE AS A COUNTY ROAD

In response to your letter dated August 14, 2008, we object to the petition to establish Lake Beach Lane as a County Road. We own the home at 290 Scenic Drive, Hollister, MO, which adjoins Lake Beach Lane.

We were never consulted about the type, size, or location of the road or how the road would affect our property. Was any consideration given to routing the water to avoid drainage and damage from the road to the adjoining neighboring properties? We telephoned the original developer, Mr. Hodges, who said in a phone call from us as he was leaving the country, that he talked to the county and the county approved his plan for the project that included culvert(s).

Since the developer constructed the road without deep ditches, culverts and drainage consideration, we have constant water into our basement. The water moves like a river through our property and washes out our driveway regularly.

The water problem can be fixed and should be the responsibility of the developer, not the County and taxpayers of Taney County.

Diane and Vic Mitchell
989 NW Colbern Road, Apt. 10A
Lee's Summit, Mo 64086
816-519-5291

Mr. Frank Preston, Road & Bridge Administrator, commented that he drove Lake Beach Lane this past weekend. He noted visual drainage concerns as well as questioning if and when the lots were developed, whose responsibility would it be to correct the drainage issue / make improvements.

Commissioner Strahan commented that it was unusual for more than one (1) property owner to have a remonstrance towards taking a road into the county maintenance system.

Commissioner Pennel made a motion to table until the Commission could evaluate the drainage issue with Mr. Preston. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

CASEY ROAD

Mr. Preston stated that the paving on Casey Road is completed and also noted that he has received many positive comments on the project. He commented that there will be a post-construction meeting with Great River Engineering and Herion next week and in the near future a ribbon cutting ceremony.

Ms. Helen Souttee, County Treasurer, commented how much better Casey Road looks and drives.

ELECTION

Ms. Neeley noted that her staff has sent out over 300 absenteees, which indicates a large voter turnout for Taney County.

JAMES STRAHAN COUNTY ASSESSOR

Mr. Strahan applauded the Sheriff's Department for their continued service at the intersection of Highway 160 & Highway 76, as the traffic runs smoother than it has in the past.

SEWER LINE

Mr. James Strahan stated that his father, Mr. John Strahan, Jr., wanted a letter read into the minutes that was sent to him from Mr. Larry VanGilder, City of Branson Public Works Director and it read as follows:

June 17, 2008

Mr. John Strahan, Jr.
142 Strahan Road
Kirbyville, Missouri 65679

Dear Mr. Strahan:

A couple of years ago during Bee Creek Project discussions between Branson and the County, it was stated several times by the City that the Taney County Regional Sewer District had constructed a sewer line onto John Strahan, Jr.'s property and to date no sewer connection had been made to that line.

I provided this information regarding sewer line location to Paul Link, our City attorney for City/County discussions, based on past information I had understood while I was on the Taney County Regional Sewer District Board.

After being challenged by the Strahan family regarding this matter, I obtained maps from John Souttee, Administrator of the Taney County Regional Sewer District, and researched the issues. I learned that the sewer line was not on Strahan property as I had believed, and in fact, was actually more than 4,000 feet from any Strahan property.

I would like to sincerely apologize to John Strahan, Jr., and his family for the misinformation I provided for public discussions. Mr. Strahan was a long-time County Commissioner and in my research on the sewer line in question I found out that Commissioner Strahan had explicitly stated he did not want the County sewer line anywhere close to his property to avoid any perceived conflict.

The public discussion regarding the location of this line in respect to the Strahan property should never have happened and I regret that I provided inaccurate information. Please accept my heartfelt apology. I assure you I have learned a valuable lesson from this situation.

Sincerely,

Larry VanGilder
City of Branson Public Works Director

Cc: Taney County Regional Sewer Board
Taney County Commissioners
Mayor Raeanne Presley
Frank Schoneboom, Interim City Administrator

He also expressed on behalf of the Strahan family that he appreciated the letter and stated that it was a very honorable thing to do. Commissioner Strahan stated that Mr. Paul Link had personally apologized for the untruths that were told, as well as the Mr. VanGilder's willingness to find the truth.

MoDOT SIGNAGE AGREEMENT

Commissioner Pennel stated that he had received a telephone call from Mr. Andy Miller, MoDOT District Planning Manager, regarding the Signage Agreement. He also

discussed the route and roads that the signage would take place on and stated that a new agreement would be sent out including pictures of the signs.

Commissioner Strahan voiced concerns regarding Taney County being placed on the signs and that citizens may get confused during an emergency situation and think it is county instead of city. Assessor Strahan commented that the Commission should check into the 911 addresses and if changes needed to occur that there were several addresses along the signage path that would need to do so.

Commissioner Pennel stated that tentatively the county will go out for bid in November 2009 and will start working on placing signs by early 2010.

PUBLIC COMMENT

Mr. Art Beck commented on the 911 addresses in that the Commission should look into the amount of changes that would need to occur. He also expressed that someone in the county should be designated to remove animal carcasses.

Mr. John Strahan Jr. commented that everyone makes mistakes, but appreciate Mr. VanGilder vocalizing this.

RECESS

9:36 a.m.

Minutes were taken and typed by Nikki Lawrence.

RECONVENE

11:30 a.m.

WILLA DERBY & LINDA BLUNK COUNTRY MART

Willa Derby and Linda Blunk representing Country Mart of Forsyth met with the Commission to inform them that the deli was rearranging and adding a dining room. Ms. Derby added that Doug Girard had asked if the County would be interested in putting up a bulletin board.

The Commission thought that that would be a great opportunity.

BOB PAULSON WORK SESSION

Counselor Paulson met with the Commission to discuss various legal issues as well as reviewing his weekly schedule.

1. Justus Case: Counselor Paulson noted that Shannon Justus would like an opportunity to present his case to the Commission regarding the determination of deeming his dog vicious. The Commission agreed that either the 6th or 20th of October at 1:00 p.m.
2. Groom Building: Counselor Paulson updated the Commissioners regarding the Groom Building and Mr. Peter Rea.
3. Harold Plott: Commissioner Strahan questioned if Counselor Paulson was working on the Harold Plott issue for the sewer district. Counselor Paulson noted that he was waiting to speak with Sewer District Administrator, John Soutee.
4. Nuisance Cases: Commissioner Pennel asked if Counselor Paulson or Nikki Lawrence could put together the files of those nuisances in litigation as he would like to review the progress.

ANNEX STORAGE

John Lavender, Maintenance Supervisor informed the Commission that the doorway to the Jail Annex was not wide enough to move desks in and out, and requested that the concrete be cut for two double doors. Commissioner Pennel asked if one door would work versus two. Mr. Lavender noted that it was just him that was available to move the furniture and the doorway is not wide enough to get them in there. Frank Preston, Road and Bridge Administrator mentioned that Carpenter, Steve Biggs would be available to cut the hole. Commissioner Pennel noted that they should have Mr. Biggs cut the hole.

JUDICIAL FACILITY WEEKLY UPDATE

The County Commission discussed contacting the supplier regarding the smooth black granite at the staircase and the new parking area in front of the existing courthouse.

MAYOR OLIPHANT DOZER WORK

Mayor Oliphant approached the Commission, asking if the City of Forsyth were to rent a big dozer, for approximately a month, would the County have an operator available and that cost could come out of the \$50,000.00 the County granted the City. Commissioner Pennel noted that he was ok with the idea but wanted to know when they would need to be available as it would have to be discussed at Shop Talk.

FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

1. Coy Boulevard/MoDot contract: Ms. Luttrell presented the Commission with the contract for Coy Boulevard. Commissioner Strahan made a motion to

approve said contract. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

2. Retention Ponds: Mr. Preston informed the Commission that the retention ponds had been taken care of and a final report was being prepared for the DNR.
3. Casey Road: Mr. Preston noted that the paving was finished and that the lawn work was approximately half finished. Mr. Preston commented that he would like to change the message boards and would also be going door to door to tie up any loose ends.
4. General Update: Mr. Preston updated the Commission on various projects and operations within the road department.

ANIMAL CONTROL DEPARTMENT OF AGRICULTURE

Commissioner Pennel commented that the Department of Agriculture was going to be picking up as many as 100 animals in another area of the state and had requested that the County's Animal Control Officer assist with the pick up and hauling of said animals. Commissioner Pennel further noted that this would not be a reimbursable expenditure.

Commissioner Strahan inquired as to if the Animal Control vehicle had been fixed yet, if not, he would not agree.

EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021.3. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).