

**OCTOBER 22, 2008 10<sup>th</sup> DAY OF  
THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 12:50 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceeding were had and made a matter of record.

**LIGHTNING SPRINGS &  
SHADY SPRINGS**

Commissioner Strahan stated a letter was faxed to Mr. John Hiser, Corp of Engineers, as proof the county had maintained Shady Springs. He also noted that Lightning Spring was never mentioned until he received correspondence back from Mr. Hiser. Commissioner Strahan commented that he would get in contact with Mr. Frank Preston and have him all of the needed documentation to Mr. Hiser to issue an easement to the county.

**CORP OF ENGINEERS  
ISSUE**

Commissioner Pennel stated that he had received a telephone call from the Corp of Engineers stating that the county owes them \$7,088. He was told that there was an agreement, referencing Beaver Creek Emergency Steam Bank Protection Project, made in 2000 and that the county has already paid \$42,573. Commissioner Pennel also noted the Corp of Engineers is sending the original agreement dated 4/29/99.

**SEWER DEPARTMENT  
UPDATE**

Mr. John Soutee, Sewer Department Administrator, stated the Sewer Board has looked at several future projects, including Ozark Beach, Y Highway, Dam-Site Sub Division, and Spring Creek South.

The Commission discussed the bidding process and breaking projects up into sections and concurred to move forward as the Sewer Board had recommended.

It should be noted that Commissioner Herschend entered the meeting at 1:35 p.m.

The Commission also discussed the prior motion to pay \$85,000 for an emergency Dam-Site project. Commissioner Pennel made a motion to bid out two (2) ways, to include Spring Creek and the recommendation of the Sewer Board with the option of the smaller project, which is the 10 homes and the small grinder station. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**PLEASANT VIEW FENCE**

Mr. Randy Haes, Road & Bridge Coordinator appeared before the Commission to discuss Pleasant View fence issue, which he was directed to have Mr. Hefley's property surveyed. Mr. Preston questioned whether the property owner continued to build fence after Mr. Haes visited with him. Mr. Haes commented that he did.

Commissioner Pennel suggested drafting an agreement that allows the property owner to keep the fence on the county right-of-way. Mr. Haes reported that one of the complainers also has their fence built upon the county right-of-way. A general discussion ensued.

Commissioner Herschend made a motion to instruct Mr. Hefley to move his fence because we went to expense of surveying and for the Commission to speak with Ms. Daniels, complainer, and also instruct her to move her fence.

Motion died for lack of being seconded.

Commissioner Pennel made a motion to table this issue, so that the Commission could discuss further and devise a policy. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (opposed), Strahan (yes).

### **BOB PAULSON WORK SESSION**

Counselor Paulson met with the Commission to discuss legal issues as well as review upcoming events on his calendar, including Wallace Nuisance Case.

Commissioner Pennel requested to move forward with Wallace Nuisance case. He indicated that he spoke with Mr. LaCroy, a concerned taxpayer, and informed him that the case was moving forward.

Counselor Paulson noted this case is being called up for hearing on November 6<sup>th</sup>. Commissioner Herschend requested that a letter be issued to Mr. LaCroy notifying him of this.

### **PLANNING & ZONING UPDATE**

Mr. Eddie Coxie, Planning & Zoning Administrator, appeared before the Commission to give an update nuisance, code book, policies and procedures of daily operations of the office, as well as embracing the flood plain.

### **RE-STRUCTURED CODE BOOK**

Mr. Coxie commented that his department had done a tremendous amount of work on making sure the Code Book was consistent the whole way through, as well as the interpretation of it.

A general discussion ensued.

Commissioner Herschend made a motion to approve the code book as presented. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Mr. Coxie requested for the Commission to review the fee schedule, as charges could be used to cover the daily operations expense. Commissioner Herschend asked if the board was supportive. Mr. Eddie noted that it has not been discussed, but he would review it with his board.

### **SEPTAGON CONSTRUCTION WEEKLY UPDATE**

Mr. Mike Smith, Septagon Construction, presented issues referencing the parking lot. The Commission directed Mr. Smith to remove asphalt in front of parking garage so there would be a smooth and even surface.

### **ROAD & BRIDGE TAX SHARING**

Commissioner Herschend commented on the amount of participants in the tax sharing program. He also requested that Ms. Luttrell send out an e-mail obtaining a general consensus regarding this program if municipalities are still interested in applying for the monies.

Commissioner Strahan noted he agreed with receiving a letter of intent from municipalities.

### **PROJECTOR**

Ms. Neeley, County Clerk, sent over a Purchase Order for a 42" Flat Screen monitor for training purposes and to post election results for the media and candidates, as her office has limited amount of space.

Earlier in the month, Commissioner Pennel suggested to Ms. Neeley, to place it in the County Commission Hearing Room, where it would be centrally location for multi use throughout the county and not be taken out of the election fund.

Commissioner Strahan made a motion to table to discuss further. Commissioner Herschend made a motion to go into executive session for the purpose of personnel

pursuant to RSMo 610.021.3. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).