

**DECEMBER 1, 2008 30<sup>TH</sup> DAY OF  
THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Hearing Room at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Helen Soutee followed by the pledge.

**ACCOUNTS ALLOWED**

Commissioner Pennel made a motion to approve accounts payable warrants #306998 through #307164, #307183 through #307247. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**BLACKBERRY DRIVE  
ROAD PETITION**

The County Commission took up the petition to establish Blackberry Drive as a county road. Commissioner Herschend stated that he was concerned that the county is taking in roads that need to be rebuilt and that are smaller than normal. Commissioner Herschend added that he has struggled for the last 8 years to be responsive and not build roads for subdivisions.

Commissioner Pennel read the petition into record as “Blackberry Drive a dead end residential aggregate road Section 12, Township 22, Range 22.” The comments of the reviewer noted this roadway is in fair to poor condition. The roadway needs widen and ditched on the south side of the road. There is only one cross culvert and it will need replaced. The road will need aggregate added and a turnaround established. I have talked to one of the homeowners, who initiated the petition and he is talking to neighbors to make a turnaround possible. Some of the right of way will need clearing and a railroad tie retaining wall will need removed. The entrances on the south side of the road will need culverts installed when ditch line is excavated. I would estimate the improvements to cost approximately \$15,000 to \$20,000. I would recommend a class V if taken into the county system.

Commissioner Pennel made a motion to table until the Commission has the opportunity to visit with the petitioner. Commissioner Herschend mentioned that we should check where the highline poles are and see who owns that property. Commissioner Herschend seconded the motion and added that they should probably check with the Sewer Administrator as well. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**BEAR ROAD  
ROAD PETITION**

The County Commission took up the petition to establish Bear Road as a county road. Commissioner Pennel read the petition into record as "Section 15 Township 23 Range 21 named road is Bear Road." Commissioner Herschend read the following comments of the reviewer: This road is a through road that serves eight homes at present and one archery business. The road has 1,200' that is chip seal and the rest is base rock surface. There is some ditch work that needs to be done and along with some minor ditch cleaning. The main entrance on the east end needs concrete removed from the ditch line on the flow out side of culvert. There are two water valves in the road surface next to the shoulder that needs to be cut down to surface elevation and concrete around the lids to stabilize. A ditch line on the west end of the road needs to be cleaned and shaped. One driveway needs ditch work to prevent washing when the water gets to the roadway. The hills on both sides of the hollow have grades that range from 15-22 percent. The base rock section of this road should be chip sealed, especially on the hills to prevent wash boarding and help with traction. I have met with the developer when I reviewed this road and he said most or all of the drainage issues and water valves that I listed would be taken care of before December 1<sup>st</sup>. I would recommend a class V if taken into the county system.

Commissioner Herschend asked if there was an estimated cost for taking in the road. Randy Haes, Road Coordinator noted that he had not estimated the costs as yet. Commissioner Strahan made a motion to accept the road contingent upon Jack Harris, Developer chip and sealing this road in the spring of 2009. Commissioner Pennel seconded the motion.

Commissioner Pennel pointed out that in asking Mr. Harris to do this is consistent with other roads that have been taken in by the county. Commissioner Herschend asked that the Commission consider taking the road in now and asking Mr. Harris to reimburse the county for the chip seal because by next year there could be other issues arise and added that Mr. Harris has done everything the county has asked him to do. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

### **CLEO BOARD MEMBER**

Commissioner Pennel informed the Commission that he was notified that the Commission would need to appoint a member to the CLEO board and added that Pat Shea had been recommended.

Commissioner Herschend asked what the role of a CLEO member was. Commissioner Pennel noted that he was not sure. Commissioner Strahan made a motion to table the appointment until the Commission could obtain references on Mr. Shea. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **LATE FEE PROPERTY TAX REQUEST**

Cindy Hemenway from the County Clerk's Office presented a request for late fees to be waived on real estate property #03-7.0-26-000-000-007.000 noting that the Assessor missed processing the deed and a tax statement not being received. Commissioner Pennel made a motion to approve the request and reverse the late fees noting that in the last BOE the board adjusted the Barkley's. Commissioner Herschend commented that they had come in to talk about the current year; this request is for 2007 which is apples and oranges. Commissioner Pennel stated that there was an error, the deed was missed the Barkley's was that the basement was put on for full value when it was only partially completed which is the same error.

Assessor Strahan stated that this case has nothing to do with the other one, that there was no erroneous mistake; the deed came in after the deadline to do splits. Commissioner Herschend commented that he was concerned that the Commission was changing their direction in what has been done in the past and added that this case is for an employee. Commissioner Pennel noted that he didn't know that and that it was irrelevant.

Commissioner Strahan made a motion to deny the request. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

### **PUBLIC COMMENT**

Bob Schanz commented that with what has happened in India, does the county have any plans for the county. Commissioner Pennel noted that it was a good idea however it was not a Commission issue.

Justin Gage, Hollister Interchange spoke to the Commission regarding the presentation to the public for the East West Corridor and the Event Center but had not prepared as there was some confusion with him being placed on the agenda.

Commissioner Herschend stated that Mr. Preston had come to the Commission after attending a meeting with you and gave us a copy of a speech you were going to start giving to the public about sales tax, you have got documents from the engineer who we have stopped work with and based on a design that the county hasn't even approved.

Mr. Gage noted that he was set to give a presentation to the Commission but that his goal today was to give the Commission a brief update on what was going on and then give a full presentation at a later date. Commissioner Herschend asked if Mr. Gage's funding was depending on \$500,000 from GCR and added that the speech that was given to Mr. Preston was that you would receive money from both GCR and RBT.

Mr. Gage noted that it was just a draft of a speech. Commissioner Herschend asked if in his speech was he making that announcement and had he come to the Commission to ask to spend that money. Mr. Gage noted yes, he had obtained a copy of

the budget and spoke with the County Auditor, I don't want to speculate. Commissioner Herschend added that that was his concern that he speculated. I think that the East West Corridor is critical but how are we going to pay for it, don't know we haven't gotten that far yet. Commissioner Herschend added that Mr. Gage has made plans to spend someone else's money but without their involvement in the process.

Commissioner Pennel stated that is Mr. Gage has a plan that the Commission will hear it and then the Commission will have to make a decision. Commissioner Herschend added that he didn't think Mr. Gage heard him; it is not his place to go to the public. Commissioner Strahan stated that he would rather see Mr. Gage speak to all the Commission at once and added that any tax brought before the people right now concerns him.

**RECESS**

10:59 a.m.

**RECONVENE**

1:28 p.m.

The County Commission reconvened with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present.

**FRANK PRESTON & TRESSA LUTTRELL  
WORK SESSION**

Frank Preston, Road Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Minimum Flow: Mr. Preston informed the Commission that he would be reviewing the document received by the Corps of Engineers for the Minimum Flow Environment Impact Study.
2. Clevenger Cove: Mr. Preston discussed an issue involving property owners on Clevenger Cove where the neighbors are demanding that right of way be given, which would be right in a front yard or they are going to cut down some trees that are on the other side of the property as a buffer.

Commissioner Herschend stated that the side road is not a county road but that the property owner has been asked to give up 5 feet which would put the bumper of vehicle parked in front of his garage out in the roadway. If he doesn't sign, the neighbors are going to cut down his trees. Commissioner Herschend noted that the costs would be about \$1,400. Commissioner Pennel noted that it sounded like fixing the wall is of benefit to the county.

3. Combs Floor Covering: Ms. Luttrell noted that she had a bill from Combs Flooring for carpet which was over \$8,000; however the proper paperwork had

not been done. Commissioner Herschend made a motion to pay the bill for the carpet and to instruct John Lavender that nothing is to be purchased without first going through Ms. Luttrell. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

4. Board of Adjustment: Commissioner Pennel commented that the Board of Adjustment was in need of an additional member and recommended David Nelson. Commissioner Pennel made a motion to appoint David Nelson to the Board of Adjustment. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### **GEORGE GERTH SEWER ISSUE**

George Gerth met with the Commission to discuss a sewer issue that could tie into the Dam Site situation. Commissioner Herschend made a motion to ask Great River Engineering to look at the cost of taking the sewer from Gerth's plant to the road bore. Commissioner Herschend noted that he thought the estimated engineering costs couldn't be more than \$2,000. Commissioner Pennel asked where Commissioner Herschend was going, as he felt with the discussion had, Mr. Gerth has an estimate of what it would take to connect.