

**DECEMBER 22, 2008 43rd DAY OF
THE OCTOBER ADJOURN TERM**

The Commission met in the County Commission Hearing Room at 9:01 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, 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 moved to approve accounts payable warrants #307529 through #307659 and manual warrants #4937 through #4938. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

PRIOR MINUTES

Commissioner Strahan made a motion to revise prior Commission Minutes dated 12/10/2008, as well as approve prior Commission Minutes dated 12/11/2008 and 12/16/2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

PAYROLL

Commissioner Pennel made a motion to approve the following payroll warrants:

General County Revenue: #105219 through #105220 and #105249 through #105271

Road & Bridge: #105222 through #105242

Assessment Fund: #105221 and #105243 through #105244

Transfer Station: #105245 through #105247

911 Administration: #105248

Accounts Payable Warrants: #307660 through #307677 and #307680 through #307697 and manual warrants #4939, #4940.

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

**OZARKS PARADISE VILLAGE
ROAD PETITION**

Commissioner Pennel read road review into record, which is as follows:

Located in Ozarks Paradise Village > Section 14, Township 21N, Range 22W
Orchard Drive is platted to run east and west from Tate Road to Long Creek Road. There is an entrance off of Highway 86 that connects to this road that residents are using and it is not platted for a road. The majority of this road appears to be under construction. It would be recommended to not take this road into the county system until the road is completed from Tate Road to Long Creek Road. The third entrance off of Highway 86 will need to be platted.

It should be noted Commissioner Herschend entered the meeting at 9:09 a.m.

Located in Ozarks Paradise Village > Section 14, Township 21N, Range 22W
Mulberry Lane runs south off of Orchard Drive and dead ends. Approximately half of the road runs on a grade of 22 percent. The road is base rock and is in fair shape; however there is no turnaround at the end of this roadway. The 36" cross culvert should be reinstalled to work properly. The downstream side should be at the toe of the slope and the upstream side needs more material to prevent water from bypassing the inlet. One entrance on the east side of the roadway should have clean outs installed. The culvert is approximately 150' in length and washing out due to the grade of the hill. It would be recommended to not take this road into the county system until Orchard Drive is completed and accepted.

Located in Ozarks Paradise Village > Section 14, Township 21N, Range 22W
Ozark Road is platted to make a complete circle with both entrances connecting to Devils Pool Road. The road is blocked at the last home on the east side of this loop. The east side of this loop serves seven homes and the west side has none. The chip seal section is poor and should be graded and rebased. The rest of this section is base rock and in fair condition. The hill is wash-board style road and should be graded and compacted. If taken into the county system a turnaround would have to be established. The length of this section is 2,095' 0.39mi. Cost to the county for improvements on this section would be approximately \$10,000 - \$15,000. It would be recommended a Class V if taken into the county system. It would not be recommended to take in the west side of this road into the county system, as it has no homes located on it and has little use at this time.

Mr. Frank Preston, Road & Bridge Administrator, viewed all three roads via wide screen projector and thoroughly described each road and their issues to the Commission.

Ms. Debbie Smith, property owner in Ozarks Paradise Village, was present to answer any questions, as well as Mr. George LaRock, who was also a property within the sub-division.

The Commission discussed, in detail, the condition of all three roads. Commissioner Strahan made a motion to table Orchard Drive Road Petition due to construction along to roadway. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Smith commented that she would be willing to give up a section of land for a turn around at the end of the roadway. Mr. Gene Dragon, Oakmont Association, offered to continue with snow removal and also would bring roadway up to grade, according to county standards. A general discussion ensued.

Commissioner Pennel made a motion to table. Commissioner Herschend commented on liability issues if the county took in the road and questioned what work would be allowed. A general discussion ensued.

Commissioner Strahan stated that different portions of the road could be considered into the county system as different classes.

Commissioner Strahan seconded the motion noting several issues that needed to be addressed through a work session with Mr. Preston. The motion passed vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to table Ozark Road Petition as there was no petitioner present to answer questions or concerns on a partial take-in of the road. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PROJECTOR

Mr. Preston conveyed appreciation to the Commission for purchasing the projector. He indicated that Road & Bridge and Planning & Zoning have already made use of it.

WORKFORCE HOUSING

Commissioner Pennel stated he received a telephone call from Ms. Sara Klinefelter indicating the presentation would be cancelled and she would call back to reschedule.

SALES TAX HOLIDAY

Commissioner Pennel received a document from Clerk Neeley, which was submitted to her and it read:

Re: Show Me Green Sales Tax Holiday

Dear County Official:

Senate Bill 1181, enacted by the General Assembly in 2008, established the Show Me Green Sales Tax Holiday in Section 144.526 RSMo. The Show Me Green Sales Tax Holiday exempts the sale of certain energy certified appliances from state tax and takes place annually on April 19th through April 25th.

According to the statute, political subdivisions may choose to participate in the 2009 Show Me Green Sales Tax Holiday, a political subdivision must both notify the Missouri Department of Revenue (Department) that it will participate in the holiday and provide a copy of the ordinance/order to that effect no later than March 5, 2009.

The ordinance or order must clearly state whether the political subdivision is choosing to participate solely in the 2009 Show Me Green Sales Tax Holiday or if it is choosing to participate in all subsequent Show Me Green Sales Tax Holidays. If a political subdivision's ordinance indicates it will participate in all future Show Me Green Sales Tax Holidays, it will continue to be a participant in future holidays until it notifies the Department otherwise.

In the event your political subdivision opts to participate in one or more Show Me Green Sales Tax Holidays, please submit your ordinance and cover letter in a timely manner to:

Taxation Bureau
P.O. Box 3380
Jefferson City, MO 65202

If you require additional information or assistance, please contact the Taxation Bureau at 573-751-4876.

Local Tax Unit
Taxation Bureau

Commissioner Herschend made a motion to participate in the Show Me Green Sales Tax Holiday as a one time trial and review the results before re-committing. Motion died for lack of being seconded.

Commissioner Pennel made a motion to send a letter to the State of Missouri indicating that Taney County does not wish to participate in the Show Me Green Sales Tax Holiday. Motion died for lack of being seconded. A general discussed ensued.

Commissioner Strahan made a motion to table the decision whether to participate in the Show Me Green Sales Tax Holiday. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

CENTURY TEL EASEMENT

Commissioner Pennel stated he was approached, via telephone, by Mr. Jerry Wood, Century Tel, referencing a piece of property that was given to them by the Branson Airport. He also noted that Mr. Wood was informed the easement belongs to Taney County and is requesting the county to release it.

Commissioner Pennel made a motion directing Counselor Paulson to review the document, which was submitted to the Commission by Century Tel. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

EMPLOYEE ELIGIBILITY FOR HEALTH INSURANCE

Auditor Findley questioned whether an elected official should wait 90 days to be eligible for health insurance, per Taney County Personnel Policy. A general discussion

ensued. The Commission concurred to post this issue on Wednesday, as it will require a motion.

DESTRUCTION OF RECORDS

Auditor Findley approached the Commission with notification the Auditor's Office transferred files to the County Clerk's Office for proper disposal per retention schedule, which are as follows:

2001 Timesheets	-	GS 028 Time and Attendance Records
2002 Timesheets	-	GS 028 Time and Attendance Records
2003 Timesheets	-	GS 028 Time and Attendance Records
2001 Receipts	-	GS 011 Receipts
2002 Receipts	-	GS 011 Receipts
2002 Requisitions	-	GS 009 Purchasing Records
2003 Requisitions	-	GS 009 Purchasing Records
1997 CAN Enrollment	-	GS 056 Insurance Policy Records
2001 I-9	-	GS 031 Employment Verification Forms
2003 I-9	-	GS 031 Employment Verification Forms
2000 – 2001 Flex Spending		
2002 Cox Health Enrollment		
2005 Century Planner Section 125		
2005 Mercy Health Monthly Statements		
2002 Blue Choice Enrollment		
2003 Mercy Health Enrollment		
2004 Corp of Engineer Statement		
2005 AIG Monthly Statement		
2003 – 2004 ASI Statement		
2002 Letters & Memo's for Delta Dental		
County Death Enrollment for Past Employees		
11 boxes of previously audited 2003 accounts payable files		
20 boxes of previously audited 2004 accounts payable files		
8 boxes of previously audited 2005 accounts payable files		
10 boxes of previously audited 2006 accounts payable files		
2002 Accounts Payable	-	GS 007 Accounts Payable Records

**2008
SNOW RODEO**

Mr. Frank Preston, Road & Bridge Administrator, updated the Commission on the many events that took place at the 2008 Snow Rodeo. He also noted the overall winner to be Ms. Bridget Collins and wanted to congratulate publicly. Mr. Preston indicated next year he would like to invite other government entities.

PAGING SYSTEM FOR PROSECUTOR'S OFFICE

Ms. Alissha Woody, Prosecuting Attorney's Office Manager, questioned the Commission whether a decision had been made on the paging system for her office.

Commissioner Strahan noted the Commission had discussed it, but no decision has been made yet. Ms. Woody encouraged the Commission to look into this issue, as it is a huge concern to her department and encounter many problems on a daily basis.

Commissioner Pennel commented he would like to speak with Mr. Gary Morgan, IS Administrator, concerning obtaining additional information on the paging system.

COMMISSIONER HERSCHEND

Commissioner Herschend publicly thanked the citizens of Taney County for allowing him to serve as Western District Commissioner for the last eight (8) years.

PUBLIC COMMENT

Mr. Art Beck commented on joining with the legislature on banning the use of cellular telephone on public roadways.

**RECESS
10:19 a.m.**

**RECONVENE
10:40**

It should be noted Commissioner Herschend was not present.

NUISANCE CASES

Mr. Keith Crawford proposed to drop the approval line from the nuisance form as approval is already documented in the minutes.

Commissioner Pennel moved to close case #04-396 and send letter thanking them for their efforts and continued efforts to keep property clean. Commissioner Strahan seconded the motion. The motion passed.

Commissioner Pennel moved to approve the 2nd letter on case #08-0045 with acknowledgement of efforts, in addition to requesting a plan of completion. Commissioner Strahan seconded the motion, but added the recommendation of a privacy fence. The motion passed.

Commissioner Pennel made a motion to send 2nd letter on case #08-0049. Commissioner Strahan seconded the motion. The motion passed.

It should be noted Commissioner Herschend entered the meeting at 10:52 a.m.

Commissioner Pennel moved to close case #08-0007 as it has been cleaned up. Commissioner Strahan seconded the motion. The motion passed.

Commissioner Strahan made a motion to send 1st letter on case #08-0044. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to send 1st letter on case #08-0002. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to send 2nd letter on cases #08-0021 and #08-0022. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to send 1st letter on case #08-0038. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted Commissioner Strahan stepped out of the meeting.

Commissioner Pennel made a motion to send notification letter on case #08-0065. Commissioner Herschend seconded the motion. The motion passed.

Commissioner Herschend moved to send violation on case #08-0040. Motion died for lack of being seconded. Commissioner Herschend made a motion to send a special letter on case #08-0040. Commissioner Pennel seconded the motion. The motion passed.

Commissioner Pennel moved to send notification letter on case #08-0041. Commissioner Herschend seconded the motion. The motion passed.

It should be noted Commissioner Strahan re-entered the meeting.

Commissioner Pennel suggested sending a notification letter on case #08-0043. Mr. Crawford noted he would re-visit the property and continue to watch before a letter is

sent. Commissioner Pennel directed Mr. Crawford to contact complainant and pursue legal advice on how to proceed.

Commissioner Pennel moved to close case #08-0043. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to send 1st letter on case #08-0074. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send violation letter on case #08-0066. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to send letter on case #08-0055. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to send letter on case #08-0046. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan moved to recess. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS
11:43 a.m.

RECONVENE
1:00 p.m.

BOB PAULSON
WORK SESSION

Counselor Paulson gave an update on the State Tax Commission lawsuit.

EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021.12. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

**CONTINUE WITH
BOB PAULSON
WORKSESSION**

Commissioner Pennel made a motion to direct Counselor Paulson to contact the judge in the State Tax Commission cases; notifying her and request direction resolving the issues at hand, as the two parties cannot come to an agreement. Commissioner Herschend seconded the motion, also asking Counselor Paulson to send a copy of the original Agreement to the judge. Counselor Paulson stated he would look into whether it was ethical to give the Agreement to the judge. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

EXECUTIVE SESSION

Commissioner Herschend 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 (yes), Strahan (yes).

Commissioner Strahan made a motion to terminate Mr. Keith Crawford. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (opposed), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion for the termination to be immediate. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (opposed), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**MR. NATHAN BURTON,
COMPROMISE ON BACK TAXES**

The Commission reviewed information that was discussed on December 15, 2008 at a County Commission Meeting.

Commissioner Herschend made a motion that if the County Assessor and Mr. Burton agree, then the Commission would approve the compromise. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**ANIMAL CONTROL
CONTRACTS**

The Commission reviewed the Joplin Humane Society Contract as well as the other municipality contracts. Commissioner Pennel noted there was some question as to whether the county has to pay \$27.50 or \$30.00 per animal. The Commission directed Ms. Christy Teel to get the correct information.

Commissioner Strahan moved to accept the Contracts as presented with the changes effective immediately. Commissioner Pennel seconded the motion. Pennel (yes), Herschend (yes), Strahan (yes).

**SEPTAGON CONSTRUCTION/
WALTON CONSTRUCTION PROPOSAL**

Commissioner Pennel presented a faxed copy of a proposal that he received from Mr. Mike Smith, Septagon Construction, to the Commission.

Commissioner Herschend commented he would like Counselor Paulson to review the proposal and place it on the agenda this Wednesday at 9:00 a.m. for a detailed discussion. The Commission concurred.

**RECESS
3:50 p.m.**

Minutes were taken by Jim Yust and typed by Nikki Lawrence.