

**JULY 25, 2005 THE 4TH DAY
OF THE JULY ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:02 a.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District and Danny Strahan, Eastern District present. The following proceedings were had and made a matter of record.

The prayer was led by Doug Mifflin followed by the pledge.

**MITIGATION PLAN
DIANE MAY**

Diane May, Southwest Missouri Counsel of Governments, addressed the Commission regarding a natural disaster mitigation plan for Taney County. May stated that an act was passed requiring all local governments to develop a hazard mitigation plan to minimize the potential damage of a natural disaster and approve the plan in order to be eligible, in the future, to receive federal mitigation money. May explained that the plan is broken into the following seven portions:

1. **Introduction**, explains why the plan is being done and who is participating in the process.
2. **Community Profile** gives demographics, the environment, conditions, and characteristics of Taney County. It also gives key facilities that would be essential in the event of a natural disaster such as law enforcement, medical facilities, etc. and along with vulnerable facilities such as areas with a concentration of large population, daycare facilities, etc. Plus a summary of the various communities.
3. **Assessment of the natural disasters** that have impacted or could impact Taney County such as drought, wildfire, earthquakes, flooding, thunderstorms and tornadoes. Gives potential damage levels for the future and the frequency of occurrence. It also explains that Taney County has had far less damage incurred by natural disasters than neighboring counties.
4. **Overview of the capabilities** within the county to mitigate disasters such as who would be responsible for what, whether spotters, storm sirens, etc.
5. **Mitigation Plan**, what it is, the process of developing the plan, goal statements, actions, strategies, and a priority matrix outlining responsibility.
6. **Maintenance** for the plan. This plan cover a 5 year time period and it is expected from SEMA and FEMA that the county meet with all of the participating entities to review the plan and see if anything changes need to be made.
7. **Appendix**, including examples of resolutions.

May further stated that each government is required to approve the plan in order to be covered and that the plan as already been adopted by Bradleyville, Kirbyville, and Hollister. It is also on the agenda for Branson, Merriam Woods, Forsyth, and Rockaway Beach.

Commissioner Herschend asked for clarity as to why there would be a requirement by the federal government to have a plan but it is not required to follow the plan? May responded that it is not an ordinance but it provides an opportunity for communities to get together and begin thinking and strategizing about working together in the event of a natural disaster.

ROAD PETITION PICKETT RIDGE

Commissioner Herschend read the following road petition for Pickett Ridge: Swan Township section 21, township 22, range 20. It is a road with a measured surface width of 20 ft, ¼ mile long, one crossroad culvert, chip and seal, and is in good working order. Comments from Road Supervisor: road is in good condition with no apparent drainage problems.

Commissioner Strahan made a motion to accept Pickett Ridge as a Class 5. Commissioner Pennel seconded the motion. Commissioner Herschend asked what class it should be taken in as and Randy Haes, Road and Bridge Assistant Engineer, responded that it can be a Class 5 or greater. It was decided that Randy Haes would give the classification later. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

BID RESULTS ENCLOSED TRAILOR

Tressa Luttrell, Administrator addressed the Commission regarding a bid received for an enclosed trailer for emergency management from Evans Trailer Equipment in the amount of \$8,206. Commissioner Herschend made a motion to accept the purchase of the emergency management trailer from Evans Trailer. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

BRIDGE BIDS

Tressa Luttrell, Administrator, presented the Commission with the following bids for material only on Fox Creek Bridge:

Precast prestressed concrete deck beam bridge package the lowest bid was from Silver Eagle Construction Product in the amount of \$124,950.

Steel railing the lowest bid is from Eagle Construction Product for \$15,750.

Type A guardrail the lowest bid is from Vebrook Construction for \$11,893.81.

Reinforcing steel for substructure the lowest bid is from Arming Company for \$2,870.56.

Concrete the only bidder was Conco for \$7,245.

Steel piling the lowest bid was from Vebrook Construction in the amount of \$5,696.

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

DATA SHARING AGREEMENT

Tressa Luttrell, Administrator, presented the Commission with a data sharing agreement from Gary Morgan, I.S. Administrator, for the Corp of Engineers Mountain Home Project Office.

Commissioner Herschend made a motion to enter into a data sharing agreement with the Corp of Engineers Mountain Home Office. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

SKYLINE SUBDIVISION ROADS ROAD PETITION

Presiding Commissioner Pennel read the following road petition for a portion of Lone Pine Road formally known as Cedar Drive: 40 ft road as per the recorded Platte of Skyline Subdivision Platte, south right way of county road 26510, 20 ft east of northeast corner of lot 14 block 1 and south. Then 1160 ft to the center line of Black Oak Drive point A east 145 ft to a point on the west right of way of county road 26510 extending west 230 ft. Pennel explained that this petition was started in July of 1997 and was tabled twice in 1997 and twice in 1998.

Commissioner Herschend made a motion not to approve the Lone Pine Road petition and to encourage the petitioner to repetition if they are still interested. Herschend expressed a concern that since the petition was tabled 7 years ago the residents might not be the same. A general discussion ensued.

The motion died for the lack of a second.

Commissioner Strahan suggested tabling the petition to have Commissioner Herschend review the road. It was decided that the petition would remain tabled until more information was gathered concerning the maintenance of the road.

DISPOSAL OF RECORDS RICK FINDLEY

Rick Findley, Auditor, stated that he has a list of records to be disposed of however, he and Donna Neeley, County Clerk have conflicting statutes regarding some of

the records on his list. Findley explained that the Secretary of States site says the items on the list can be destroyed at completion of audit however, according to RSMo 50.172 the clerk needs to keep records for five years before they are destroyed.

Donna Neeley, County Clerk, expressed a concern regarding compliance with RSMo 50.320, which states that any County Clerk or Treasurer violating the provisions of RSMo 50.172 is guilty of a misdemeanor and will be punished either by removal of office or by being fined. Neeley expressed a concern over the severity of the penalties should she not be in compliance. Neeley stated that the responsibility of the storage and disposition of records is her responsibility and that no other office holder would risk a misdemeanor or removal of office if the retention requirements are not met.

Bob Paulson, County Counselor, stated the statute does not seem to state that she should not destroy the documents and feels it would be okay if they were destroyed however he understands Neeley's concern.

Rick Findley suggested appeasing everyone by destroying everything that definitely meets the five years requirement and hold off on the ones that do not.

Commissioner Herschend asked Neeley if she would be relieved of the risk if the Commission approves her action. Neeley stated she does not think it would minimize her risk. Herschend further explained that the statute reads the Clerk **may** keep them up to five years and expressed a concern of added cost by keeping more boxes in storage. A general discussion ensued.

Rick Findley submitted the following list of records disposition that meet the five-year retention schedule:

Item Description	Date	Disposition Schedule
1998 paid bills & invoices 3 boxes	01/98 to 01/99	GSO07
1999 paid bills & invoices 1 box	1/99 to 01/00	GSO07
2000 paid bills & invoices 4 boxes	01/00 to 01/01	GS007
2001 Time Sheets		

I wish to dispose of the previous items. Each of the items are at least 1 yr past the minimum retention requirements.

Donna Neeley submitted the following list of records disposition:

RECORDS DISPOSITION

Date Sorted and Pulled: 7-12-05

The following records have met their retention schedule and are recommended for disposal under RSMo 109.230 subsection 4. The officeholder with jurisdiction over these records may elect to take the following action: store the records, destroy the records, or de-accession the records. If the records are destroyed or

donated to a local historical agency the action should be recorded in the minutes with the record series and inclusive dates.

Record Series	Inclusive Dates	Retention
Connell Insurance Papers	1997	6 yrs
State Tax Commission Orders	1997 & 1998	5 yrs
Certified Mail Receipts	1996 to 2004	1 yr
Abatements	1998 & 1999	5 yrs
Liquor License Cards	2000 & 2001	1 yr
Notary Book	1979 to 1999	5 yrs
BOE	1994 to 1999	5 yrs
Budget	1999	5 yrs
R & B Fuel Bids	1994	Completion of Audit
Unvoted Ballots	June 2005	After Certification

ACCOUNT ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants # 90148-90223 with the exception of a \$26 phone bill and manual warrant # 4379. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve the \$26 phone bill reimbursing Commissioner Strahan for cost incurred. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

DAVE THOMAS

Dave Thomas stated that he feels there should be a building code in Taney County. Thomas expressed a concern about construction getting out of hand and proper procedures not being followed specifically with residential and commercial construction.

Presiding Commissioner Pennel explained that a building code would have to be taken to the vote of the people.

Bob Paulson, County Counselor explained that the laws have changed now that Taney County is a first class county and that only people in unincorporated people areas would vote on whether or not to have building codes. A general discussion ensued.

Commissioner Herschend made a motion to direct the County Counselor to come up with ballot language and a plan that addresses getting this issue on a ballot within the next 12 months. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan stated that the enforcement of building codes is what's lacking and that even if it passes it would be difficult finding qualified inspectors to adopt the right code. Strahan further stated that the ballot language needs to be worded to were it has a chance of passing.

DICK CLARK

Dick Clark stated he agrees with Dave Thomas about the building code and expressed the need for one in Taney County. Clark went on to question the Commission about a 14 ft wide road they took in last week asking is that meets county standards. Herschend explained the different classes of county roads.

Dick Clark then asked whether or not the Airport employees will be county employees? Bob Paulson stated that they will be county employees. Clark expressed a concern about the expensed of benefits and insurance. A general discussion ensued.

ART BECK

Art Beck asked the Commission why the College of the Ozarks is getting rid of the airport? Herschend explained there are government funds available for airports but you must be a government entity to receive them and the college is a private entity therefore funds were not available. Herschend further stated that the county is not supplementing anything from the college's program the airport will be a place for planes to fly in, fuel, and park.

Art Beck went on to express that he agrees with Commissioner Strahan on building codes stating if there are no building inspectors than building codes are meaningless.

POLICY STATEMENT

Commissioner Herschend stated that he has the first draft of a simple policy statement for the Commission to review.

ANIMAL ORDINANCE

Presiding Commissioner Pennel stated that Rick Findley has been corresponding with Deanna Schlegel in regards to the Branson Meadows TIF issue. Pennel also stated that he received a letter from Jim Berry and Buddy Roberts with a proposal on the Animal Control Ordinance and that the Commission will need to discuss and make a decision on this issue in the near future.

Commissioner Pennel stated that the Commission needs to make a decision on the monuments. Commissioner Herschend made a motion to ask Larry Gardner to recommend what a prudent plan would be for monuments based on his experienced as a county surveyor. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

HILLBILLY LANE

Bob Paulson, County Clerk stated that the he has reviewed the three documents for Hillbilly Lane explaining that the quick claim deed and road relinquishing statement are okay to sign. The third document needed a revision however it is now okay to sign.

RECESS

Commissioner Pennel made a motion to recess. Commissioner Herschend seconded the motion. 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 (1) (2) (12). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).