

**JANUARY 9, 2006 THE 1ST DAY
OF THE JANUARY ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:05 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 Helen Souttee followed by the pledge.

AGENDA AMENDMENT

Commissioner Herschend made a motion to amend the agenda to go into closed session at the end of the meeting pursuant to RSMo 610.021 (12). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**ROAD VACATION
RUSSELL W. COOK**

Russell W. Cook explained that the reason there are two petitions for Newbury Road is because the original petition was submitted by Great River Engineering to move the road and then it was discovered that the road must be vacated first and therefore the petition was resubmitted.

Bob Paulson, County Counselor added that the road petition is for Newbury Road and that the roads location has moved, emphasizing that the petition is not for a move it is for a vacation.

Randy Haes, Road and Bridge stated that the original entrance is not going to change and added that this road also serves a fire station.

Commissioner Herschend stated that the abandonment of the road would begin north of the fire station and added that he is in favor of the property owners and developers being involved in the process. Herschend expressed that since the road serves a development that is new to sell property, he feels it doesn't meet the 40-year requirement. A general discussion ensued.

Bob Paulson read the following road vacation for Newbury Road: COME NOW, the undersigned residents of the Branson Township through which the road described on Exhibit A and commonly known as Newbury Road (the "Road") currently runs, hereby petition the County Commission to vacate the Road, in as much as the Road is useless to the public and the repairing of the Road is an unreasonable burden upon the County. WHEREFORE the undersigned residents of Branson Township petition the County Commission to vacate the Road under the provisions of Section 228.110 R.S.Mo. A tract of land lying in Section 26, Township 24 N, Range 22 W, Taney County, Missouri.

Commissioner Strahan asked about the two residents living on the road. Russell Cook clarified that clients have purchased the properties and there are no longer any residents along the road.

Commissioner Herschend stated that a ridge has been bought and they are realigning the road to make more sense for the development. Herschend added that the developers have been very cooperative.

Presiding Commissioner Pennel asked if the county maintains this road? Cook stated that the county maintains the road but it has not been platted. Randy Haes added that MoDot requested the county do the permit for the entrance of Newbury Road.

Commissioner Herschend made a motion to table the petition for the vacation of Newbury Road until the first Monday in April beginning the April Adjourn Term. Commissioner Pennel seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

GREAT RIVER ENGINEERING SECOND READING

Bob Paulson, County Counselor read to following petition from Great River Engineering:

IN THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI

PETITIONS TO ENCLOSE AND VACATE ROAD DUE TO ROUTE CHANGE PURSUANT TO SECTION 228.160 RSMO

COMES NOW Petitioner and pursuant to Section 228.160 RSMo hereby petitions The County Commission of Taney County, Missouri for permission to enclose a road running through Petitioner's land and in support states as follows:

1. That portion of Newbury Road (160-30) that runs through Petitioners property and that Petitioner wants to enclose is fully described in Exhibit "A" attached hereto and incorporated herein as if fully set forth.
2. The request to enclose that portion of Newbury Road described in Exhibit "A" is made in connection with the relocation of the route of the said road to the location of a site more fully described in Exhibit "B", the Plat for Hickory Ridge Subdivision, attached hereto and incorporated herein as if fully set forth.
3. The new location of Newbury Road as set forth in Exhibit "B" should be the official public road instead of the portion described in Exhibit "A" because the portion in Exhibit "A" will be abandoned upon the completion and acceptance by Taney County Road and Bridge of the proposed road improvement set forth in Exhibit B.
4. Petitioner has provided to Taney County, Missouri a Plat with 50' of right-of-way the location of the proposed changed route of Newbury and is described in Exhibit "B" hereto.
5. The proposed new road route increases the right-of-way from 40ft. to 50ft.
6. The proposed new road route improves the existing single lane dirt road with no ditches to a 20ft. wide gravel surface with drainage ditches and engineered culverts
7. The proposed new road route location does not injure the public and instead inures to the benefit of the public.

8. The Road and Bridge Administrator has already viewed the proposed change and has determined that the change is not only practical but is also advantageous to the public.
9. The proposed relocated portion of Newbury Road only serves property owned by the petitioners.

WHEREFOR Petitioner prays that this Honorable Board of Commissioners consider the facts alleged herein and take appropriate action as follows:

1. At a regular term of The Taney County Commission, after proper notice has been given and after the new road location is open to public use, that The Taney County Commission enter its order:
 - a. Finding that the Road and Bridge Administrator/County Engineer has filed the required report: that all statutory conditions have been met; and,
 - b. Permitting Petitioner to enclose the land described in Exhibit "A";
 - c. Ordering the Road and Bridge Administrator/County Engineer to view the road location/route change and file a report on the practicability of the proposed change, and distances and situation of the ground, and proposed changes at the first term of the Commission after the filing of this petition;
 - d. Ordering that the proposed changed route described in Exhibit "B" be accepted as a part of the public road known as Newbury Road,
 - e. Order the portion of Newbury Road described on Exhibit 'A' vacated;
2. At the first day of the term immediately following the filing of this petition that The Taney County Commission confirm its previous orders made pursuant to paragraph number 1 .a-c. of this prayer.

Respectfully Submitted,

By the Petitioner;

Jonathan Lee, Member

Gary Winans, Member

Commissioner Strahan made a motion to table this petition, stating that he has concerns on the property vacation of the road and would like to look into it a little more. Commissioner Pennel seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

BID RESULTS TRESSA LUTTRELL

Tressa Luttrell, Administrator stated that bids were in for a Skid Steer Loader. Randy Haes, Road and Bridge added that there were three bidders and he recommended going with the Van Kepple Bobcat Brand. Haes explained that the county currently owns one of the same brand and the same attachments can be used for both. Haes further explained that all of the bids have a universal hookup but pricing for the Van Kepple is considerably lower than the others.

Commissioner Strahan made a motion to accept the bid from Van Keppel. Commissioner Pennel seconded the motion.

Commissioner Herschend expressed that Van Kepple is 60% less than the highest price for base equipment and asked Haes if he had compared them by equipment type instead of total price? Haes stated that he called and confirmed the bids and that they were all for the same equipment.

The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**ROAD PETITION
COUNTRY VILLAGE DRIVE**

Presiding Commissioner Pennel read the following road petition for Country Village Drive: Township 23 N, with a 16 feet width. Base rock gravel is needed, road is in fair condition with one ditch on southeast of road, shallow, needs to be cleaned, seven dwellings, and narrow with no turnaround. Recommendation is to take Country Village Drive in as a Class 5 if additional right-of-way and turnaround are required. Not a through road.

Commissioner Strahan stated that he hasn't had a chance to review this petition and explained that he does not like to table things however, sometimes it is necessary. Commissioner Herschend added that he also feels it is prudent to table this petition in order to get the proper information. Herschend further stated that the 35 feet right-of-way and 16 feet width are both issues for him.

Commissioner Strahan made a motion to table the road petition for Country Village Drive until further review. Commissioner Herschend seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECORDS DISPOSITION
DONNA NEELEY**

Donna Neeley, County Clerk stated that the following list of records have met the proper retention schedule and are ready for disposition:

RECORDS DISPOSITION

County: Taney
Office: County Clerk
Date Sorted & Pulled: January 3, 2006

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
Payroll	1998 & 2000	5 yrs.
Accounts Payable	1999 & 2000	5 yrs.
Treasurer Receipts	1999 & 2000	5 yrs.
Treasurer Jury Warrants	1999	5 yrs.
Bids	1990 thru 1999	5 yrs.
Insurance Receipts	1999	5 yrs.
Election Information	1999	22 mos.
Voter Cards	2001	22 mos.
Change of Address Cards	2004	1 yr.
Road & Bridge Receipts	1994	5 yrs.
Poll Books & Election Information	Nov 02 & Nov 03	22 mos.
County Budget	2000	5 yrs.
PSR's	2000	5 yrs.
Delinquent Tax Sale Notices	2000	5 yrs.

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants # 92700-92749 and manual warrant # 4440. Commissioner Pennel seconded the motion.

Presiding Commissioner Pennel stated that one of the bills is a payment charge from the Branson Meadows TIF which has never been resolved and that he is not happy about a bill coming to the county with a balance that we have never paid.

Rick Findley, Auditor explained that the county has a balance with the TIF so it is not a bill. Findley clarified that the issue was whether or not the charges were before or after 1999 and since there is a discrepancy they might not ever carry the counties balance off of their books. A general discussion ensued.

The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to reimburse Commissioner Danny Strahan for phone charges. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

PRIOR MINUTES

Presiding Commissioner Pennel made a motion to approve minutes from January 3 and 4, 2006. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

CODE OF CONDUCT

Commissioner Strahan stated a code of conduct regarding gift giving to employees needs to be discussed and asked if it could be put on the agenda for next Tuesday's meeting.

TRANSFER STATION

Commissioner Pennel informed Commissioner Herschend that the purchase of a new printer was approved for the Transfer Station at last weeks meeting and has already been installed. Pennel added that there was also some discussion about new software and suggested getting with Gary Morgan, IS Administrator for more details.

Commissioner Herschend stated that the Transfer Station would be closed from Saturday to Monday this weekend for some major renovation.

EXECUTIVE SESSION

Commissioner Herschend made a motion to go into Executive Session pursuant to RSMo 610.021 (12). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS

RECONVENE

The County Commission reconvened in Commission Office at 2:30 p.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.

PAYCHECK RONNIE ARMER

Commissioner Strahan made a motion to approve whatever it takes to fulfill Ronnie Armer's paycheck totaling 80 hours. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

CONTRACT CITY OF BRANSON

Commissioner Herschend made a motion to reject the City of Branson's contract and support the rescinding of the board member seat as the county has been unable to operate in good faith with this entity.

- a. No other entity has cost the county more time and money to receive funds.
- b. They have taken a seat on the board without any contribution.
- c. They will give us 1/5 of the funds on the end of the 3rd year according to the agreement and by the nature of the agreement it cannot be fulfilled.
- d. The contract expires on the very day the County can submit the invoices.
- e. Not a realistic expectation to be in a good working relationship.

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