

**MAY 9, 2006 THE 15<sup>TH</sup> DAY  
OF THE APRIL ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:00 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 Joan Chowning followed by the pledge.

**FAMILY CEMETERY  
DICK SCOTT**

Dick Scott presented a request for the Commission to approve a piece of land to use for his families' cemetery. Scott explained that RSMo 214.090 states "Any person desirous of securing family burying ground or cemetery on his or her lands, may convey to the county commission of the county in which the land lies any quantity of land not exceeding one acre..." Scott stated that he would pay all of the expenses of putting a fence around the ½ acre of land that would be used as the cemetery. Scott emphasized that this would not cost the county anything and that he is willing to sign an affidavit that would release the county from any financial responsibility that might incur. Scott added that it is all his property and that his family would be responsible for the upkeep of the cemetery.

Commissioner Strahan asked about the possibility of the cemetery not being just a Scott family cemetery and expressed a concerned about running out of room? Strahan then asked what Scott plans to do if someone else requests being buried there in the future? Scott expressed his willingness to cooperate with the county and the statute and stated that he would do whatever the Commission recommends.

Bob Paulson, County Counselor explained that RSMo 214.090 limits a private cemetery to one acre however, does not specify limitations on the operation such as how many can be buried, how far apart they need to be, etc. Paulson then read RSMo 214.250 which states "Before any new burial ground, cemetery or graveyard can be opened up, established, started or operated in any town, village, city, county, township, school district or any other political subdivision of the state, in any county of class one, it shall be necessary first to obtain a written petition, addressed to the county commission of the county having jurisdiction thereof, signed by a majority of the assessed taxpaying citizens and conservators of minors owning property in the township in which it is proposed..." Paulson added that it does not say whether it applies to a public or private cemetery.

Commissioner Strahan clarified that he is not in opposition to Scott's request and asked who has control over someone other than a family member? Commissioner Herschend asked what would happen if two family members disagree and are feuding as to who is going to be buried there and whom would have the final say?

Dick Scott stated that he would put in his affidavit that he will operate under RSMo 214.090. Commissioner Herschend explained that he would support him if upon Scott's death the affidavit would carry over to someone else. Scott stated that their family has a board made up of his younger children. A general discussion ensued.

Commissioner Herschend requested that Scott give the Commission a letter saying that a board has been established. Scott agreed to do all of the necessary paper work.

Commissioner Strahan made a motion to table this issue in order to investigate a little more and then get back to Scott with an answer. Dick Scott stated that he would go to Planning and Zoning and clarify the issue as to whether or not a petition of all voters in Scott Township will be needed before the cemetery is established. Commissioner Herschend seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PRIOR MINUTES**

Commissioner Strahan made a motion to approve minutes from March 6, 22, 27, April 20, 24, 25, 27, and May 1. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #94674-94771 and manual warrant #4500, 4501, 4502. Commissioner Pennel 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) (3). Commissioner Pennel seconded the motion. The motion passed by a roll call vote:

Herschend (aye)  
Strahan (aye)  
Pennel (aye)