

TANEY COUNTY COMMISSION RECORD



APRIL 18, 2007 THE 9TH DAY OF THE APRIL ADJOURN TERM

The County Commission met by way of phone conference at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern District present. Ron Herschend, Western District was absent. The following proceedings were had and made a matter of record.

ACCOUNTS ALLOWED

Presiding Commissioner Pennel made a motion to approve the following payroll warrants.

General County Revenue Warrants	102622-102624, 102658-102696
Road & Bridge Trust Warrants	102626-102650
Assessors Fund Warrants	102625, 102651-102654
Transfer Station Warrants	102655-102657
911 Warrants	None
Manual Warrants	4651-4654
Accounts Payable Warrants	100543-100561, 100654-100655

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

RECESS

Minutes taken via telephone by: Stacey Clemans and typed by Hillary Bargman.

RECONVENE

The County Commission met in the Commission Office at 10:00 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.

JOURNAL ENTRIES

Commissioner Pennel made a motion to approve the following Journal Entries:

Powersite Park Project - \$11,120.49
Masonic Lodge - \$38,652.29
Repair Work at the Transfer Station - \$2,655.76
Work at the Transfer Station - \$457.07
Sheriff's Office Parking Lot - \$936.20

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Recycle Center Work - \$341.60
Spring Clean Up - East - denied
Spring Clean Up - West - denied

Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Note: Equipment costs were not approved to be included with these journal entries.

REINFORCEMENT OF STEEL WALTON CONSTRUCTION

Commissioner Strahan made a motion to approve PR19 for Walton Construction in the amount of \$3,073.00 (not to exceed) for the reinforcement of steel for the deck concrete at the chase.

Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

WHEEL LOADER BID

Commissioner Herschend made a motion to reject the bid for a Wheel Loader and go back out for a smaller unit.

Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

ROOF REPLACEMENT BID SHERIFF/JAIL BUILDING

Commissioner Herschend made a motion to reject the bid for the roof replacement (which would be self-performed) on the current Sheriff/Jail building.

Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Note: Commissioner Herschend exited the meeting

OFFICE SUPPLIER BID

Commissioner Strahan made a motion to approve the bid from Office Max as the main office supplier for the county and to approve Corporate Express, Global Government, and Quill Corporation as approved vendors.

Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (absent), Strahan (yea).

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UTILITY BEDS BID

Commissioner Strahan made a motion to approve the bid for Utility Beds from Kranz with the exception of only purchasing one.

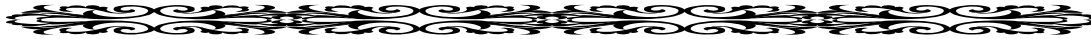
Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (absent), Strahan (yea).

REIMBURSEMENT UNITED MISSOURI BANK

Commissioner Pennel made a motion to approve Reimbursement #8 to UMB for the Judicial Facility Bonds in the amount of \$1,399,490.44.

Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (absent), Strahan (yea).

Minutes taken via telephone and typed by: Hillary Bargman



APRIL 23, 2007 THE 7TH DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Associate Circuit II Courtroom at 9:01 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 Chuck Pennel followed by the pledge.

CASTLE ROCK BRIAN HAYES

Brian Hayes explained that he has been going through the Planning and Zoning (P&Z) process and the Plat has been approved. Mr. Hayes further explained that one of the requirements was to meet with the Commission and come to an agreement of assurance in regards to a bridge where the low water bridge is located. Mr. Hayes inquired as to the status of the bridge in Castle Rock as far as the counties timeline.

Commissioner Strahan explained that the bridge is on the charts for Road and Bridge and they have done a traffic count however it was small at the time the count was done. Commissioner Strahan further explained that the Commission has talked about several options for the bridge in regards to both safety and cost effective purposes. Commissioner Strahan added he was at the P&Z meeting where they spoke about cost sharing.

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Mr. Hayes clarified that they are trying to make the lowest impact possible, out in that area, with the estates they are putting in and added that they have 89, ten-acre tracks and 15 that are below 10 acres. Mr. Hayes reported that financially it would be difficult to spend a lot of money on the bridge and still maintain the low impact development, so in keeping that in mind they might have to go back to the drawing board. Mr. Hayes clarified that if they were asked to contribute financially they would have to do something different with their plat and added they would be willing to consider doing that.

Commissioner Strahan informed Mr. Hayes that the county has several projects and at least three bridges have already been engineered whereas this bridge has not yet been engineered.

Bob Paulson explained that P&Z cannot dictate what the current state enabling statutes or local regulations are, in regards to putting in or paying for bridges but can require that the necessary improvements be in place before approving a project. Mr. Paulson clarified that P&Z merely required that this bridge be in place and if it's not then the project is not approved but they didn't dictate that Mr. Hayes has to pay for anything.

Mr. Hayes added he understood from the letter that there needed to be an agreement or assurance in place that the bridge would be constructed before they can file their plat.

Commissioner Herschend expressed the Commission is in an awkward position as this bridge is used more as a swimming hole than a traffic bridge. Commissioner Herschend stated eleven cars a day does not justify spending the expenditure of several hundred thousand dollars for a bridge located in the right place with an elevation that would preclude flooding in the future. Commissioner Herschend explained that the Commission feels it doesn't make a lot of sense to spend \$20,000 to \$30,000 per car for a bridge and the only other reason for putting in the bridge would be to support Mr. Hayes and his development, which they can't and won't do.

Mr. Hayes expressed that he understands that but according to P&Z they needed an assurance or agreement that when the bridge became necessary then it would be built. A general discussion ensued.

Presiding Commissioner Pennel asked if the Commission would be agreeable to do the engineering on this bridge? Commissioner Pennel stated that even if Mr. Hayes had not come before the Commission this bridge is on the counties schedule to look at because of the safety issue.

Bob Paulson suggested getting a ballpark figure as to how much it will cost before doing the engineering and that way if the ballpark is out of Mr. Hayes price range, then the county wouldn't be wasting money on engineering.

Commissioner Herschend agreed with Mr. Paulson and added that in 1986 there was engineering done on Bear Creek and nothing was done on it until 2 1/2 years ago and they had to re-engineer the bridge so the money was thrown away the first time because it had to be done again. A general discussion ensued.

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Commissioner Pennel stated that the Commission would move forward and get with an engineering company, then get back to Mr. Hayes.

REPORT ON BILL PAYING AND CASH FLOWS RON HERSCHEND

Commissioner Herschend stated that John Soutee asked about bills that needed to be paid for the Bee Creek sewer project and expressed there seemed to be some issue as to when they could be paid. Commissioner Herschend added that he asked Helen to report as to where the county is on cash flow and what the Commission can do to help.

Helen Soutee, Treasurer explained back when the county had the meeting about the bonds and draws with Jack Dillingham and Piper Jaffrey, it was decided that United Missouri Bank (UMB) would be making the payments and the county would not be dipping into the county funds until later in September. Ms. Soutee added that she took from that information that she could continue to invest the counties revenue as it came in and then in March she realized that the checking account was dwindling and the money was not going back in. Ms. Soutee commented that she then asked and was informed of a decision made that the county is now paying the bills and a reimbursement has not been gotten, so at that time the fund had gotten a little low. Ms. Soutee added that she has now stopped investing sales tax and they have that to run on as well as a CD she cashed in the amount of \$500,000. Ms. Soutee clarified that the funds went down because the county had big checks going out and reimbursements not coming in. Ms. Soutee further clarified the situation last week that Commissioner Herschend asked about and explained how she is reconciling the issue.

Commissioner Herschend clarified that this isn't Ms. Soutee's problem and that there are two huge construction projects going on at the same time. Ms. Soutee added she was not aware UMB was holding payments and that the county was now paying. Commissioner Herschend clarified that there was some paper work lost on the part of UMB and expressed that he wants to help make this process better. Ms. Soutee expressed that she feels the process of handling checks will change in her office now that she is aware of this situation. A lengthy discussion ensued.

Commissioner Herschend suggested scheduling a work session with the Commission, Septagon, and Ms. Soutee to further discuss these issues and determine the best process for payments. Commissioner Strahan expressed that the Commission should also invite John Soutee, Sewer Department to the work session.

PRIOR MINUTES

Commissioner Strahan made a motion to approve minutes from April 4, 2007. Commissioner Pennel seconded the motion. The motion passed by a vote of two: Pennel (yea), Herschend (abstain), Strahan (yea).

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve checks# 100562-100653 and to pull checks #100588 and 100614 for Carls Repair to be approved contingent upon a PO and proper

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documentation. Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

AGENDA AMENDMENT

Commissioner Herschend made a motion to amend the agenda to allow James Strahan, Assessor to address the Commission with the understanding that he made the attempt to get on the agenda last week. Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

STATE TAX COMMISSION REIMBURSEMENT JAMES STRAHAN

James Strahan updated the Commission as to the lawsuit that he filed against the State Tax Commission (STC) for reimbursement money. Mr. Strahan added that it seems the STC is going to use the money as pressure point to get the Assessor to do things he will not do. Mr. Strahan then asked the Commission if they would be willing to reimburse that money as per quarter last year with full repayment upon receiving those funds at the time of reimbursement by the STC. Mr. Strahan went on to state that Rick Findley, Auditor and himself looked at his budget and concluded that he has enough monies up through the May 13, 2007 payroll.

Commissioner Strahan clarified that the monies they have been operating on up through May 13, 2007 are monies that the County has expended not the state and asked if he is asking for monies from May 13, 2007 on? James Strahan explained that it can be looked at either way and added that the monies that are their now are from the 2006 collection and no money has come from the state since April 2006. Mr. Strahan then stated that he would be asking Bill McCullough to look into filing a separate law suite requiring the state to pay labor expended bills.

Bob Paulson, County Counselor explained that the STC have been served for the first lawsuit and must file some kind of response soon. Mr. Strahan explained that the lawsuit simply states he wants to know why, who, when, and how.

Commissioner Herschend stated he agrees that money expended for labor should be paid for, however there could also come a time when the county doesn't have the money without impacting some other departments. Commissioner Herschend then asked Mr. Strahan exactly what he is asking for to make sure the county has enough in contingency to make that commitment.

James Strahan explained that his expenditures have always been paid out per quarter and he would like roughly \$60,000 a quarter. Assessor Strahan then explained that whenever he runs out of monies, he would like to see the County Commission whenever he runs out of monies; put \$60,000 per quarter in his fund. Assessor Strahan stated that he does not want a big flush of money transferred to his fund and that as soon as the STC reimburses him then the money would go back to the county. A general discussion ensued.

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Commissioner Herschend made a motion to advance \$60,000 to the Assessor's Fund to be reimbursed when the state reimburses the county for past monies owed.

Rick Findley, Auditor clarified that he doesn't think Mr. Strahan wants it right now because he still has approximately \$70,000 in his fund so it will probably be next month before he needs it. Mr. Findley then explained that \$60,000 might not be needed and suggested waiting to get a more accurate figure. Mr. Strahan added that he could go back through past years to get a better idea as to how much it will be per quarter.

Commissioner Herschend expressed that he would like to go ahead and see if his motion gets a second, adding that if it is different than the \$60,000 they can go back and ratify. Commissioner Herschend further expressed that this way Mr. Strahan has his decision today and the public knows that the Commission is standing behind him. James Strahan expressed his appreciation to the Commission.

Commissioner Strahan seconded the motion.

Commissioner Pennel then expressed his concern that the county hasn't gotten any reimbursement from the state since April 2006 and asked how the Assessor's Office has been able to run a year without reimbursement? James Strahan explained that the Assessor's Office could run off of half collection that is taken off of the Collector's Office and is deposited in so he can run his office. Mr. Strahan added that he has run his office conservatively this year and further stated that he could have ran his office through June except he hired two extra employees to ensure that he got the books done so he wouldn't get to a non-compliance level.

Commissioner Pennel further expressed his concern about the second lawsuit and stated that he doesn't see where Mr. Strahan is heading with it or where it ends? A lengthy discussion ensued.

The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

BEE CREEK ROAD

Commissioner Herschend updated the Commission on the traffic situation on Bee Creek Road and explained they are in the process of letting people traveling southbound know about the congestion. Commissioner Herschend added that Sheriff Russell's staff is helping with the traffic and congestion by directing traffic and the radio station has done a good job getting the message out to the public.

Minutes taken and typed by: Hillary Bargman