

TANEY COUNTY COMMISSION RECORD



**MAY 29, 2007 THE 22ND DAY OF
THE APRIL ADJOURN TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:04 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.

**CHANGE IN ASSESSED VALUE OF REAL PROPERTY
POSSIBLE INCREASE OF R-4 SCHOOL TAX LEVY
ILLEGAL IMMIGRATION
BOB SCHANZ**

Bob Schanz addressed the Commission in regards to illegal immigration and the change in assessed value of real property. Mr. Schanz clarified taxes are going to be going up and he understands that however, there are a lot of retirees on social security who can hardly make it but they have to pay taxes for the children and schools. Mr. Schanz went on to state that back in April the school board put an issue on the ballot to raise the levy and he expressed there is something wrong when the assessments go up \$150,000,000 and in addition to that there is the possibility in August of the levy being raised. Mr. Schanz informed he has spoken to someone at Branson Schools who said the school may not need the levy to be increased and Mr. Schanz added that he does not think they need the increase at all. Mr. Schanz then stated that he also asked the school how many illegal aliens attend the public schools and they printed a chart, which he presented to the Commission. Mr. Schanz explained the chart says they have 265 Hispanics and whether they are illegal aliens or not, they don't know because they can't ask them. Mr. Schanz added that he has also been told the numbers on the chart are not right because if someone fills out a form and checks Caucasian the school cannot question it. Mr. Schanz further reported that the schools do not call these children "illegal aliens" they call them "homeless" and went on to talk about the immunization of students adding that it is the policy of the R4 school district to have all students immunized however, that doesn't apply to the homeless. Mr. Schanz further expressed his concerns in regards to the lack of immunization and requested the Commission do something about this issue. Mr. Schanz further discussed the issue of illegal aliens in general and gave different examples of areas passing ordinances that prohibit illegal immigrants from renting or working.

James Strahan, Assessor spoke to the issue of the increase in assessed valuation and clarified that he has to follow the statutes. Assessor Strahan further clarified the increase is due to the growth of the county and market value.

Mr. Schanz asked the Commission if they are going to be able to pass a law or do something in regards to the issues he addressed.

Presiding Commissioner Pennel expressed his appreciation to Mr. Schanz for his passion and concern about these issues and added that the Commission has a lot on their plate.

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Commissioner Pennel further expressed that he doesn't have an answer for him at this time and suggested Mr. Schanz work with the law enforcement in regards to illegal immigration. Commissioner Pennel asked Mr. Schanz what he would do about this situation.

Mr. Schanz explained that he would try to talk one of the other Commissioners into saying a child cannot go to school unless they are immunized. A general discussion ensued.

Bob Paulson, County Counselor explained it is his understanding that the school districts comply with federal law and they require immunization but they can't discriminate against the people who are called homeless whether they are illegal or legally homeless because of their lack of ability to pay for immunization. Mr. Paulson clarified that they are immunized and it is paid for but they may go to the school for a few days and in some cases a week before it gets done.

Mr. Schanz clarified that he went to Hollister School and they said no child goes to their school without being immunized. Mr. Schanz added that Branson School says it might take a week or a month and that some of them are never immunized.

Mr. Paulson expressed that decision would be up to the school district. Mr. Schanz emphasized that they are taking his tax money and inquired as to why he doesn't have a say in this matter? Mr. Schanz further emphasized that he would like to see something done.

SOLID WASTE DISTRICT COUNCIL & EXECUTIVE BOARD APPOINTMENT CHUCK PENNEL

Presiding Commissioner Pennel stated that the Commission needed to appoint someone to replace Larry Rowland on the Solid Waste District and Executive Board. Commissioner Pennel added he does not have anyone to recommend at this point but wanted to address the issue. Commissioner Strahan added that he doesn't have anyone in mind at this time either.

PARK ISSUES CHUCK PENNEL

Presiding Commissioner Pennel stated the County Park Board made a recommendation for the county to do the mowing at the two parks where the county owns property.

Commissioner Pennel made a motion that the Commission follow the recommendation of the Park Board and have Road and Bridge mow the Mincy and Powersite parks and to have those expenses be taken out of the Park Board budget. Commissioner Pennel clarified the Park Board understood that the cost would be coming out of their budget. Commissioner Strahan seconded the motion for discussion.

Commissioner Pennel stated there was also some discussion in regards to the five acres that were donated for the Mincy Park adding that Brenda Howe expressed some concerns. Commissioner Pennel suggested the Commission get together with the Howe's to see that everybody is on the same page. Commissioner Strahan explained that the controversy mentioned about five acres dealt with the fact the Ms. Howe wished she would have donated more property located at the front end of the park. Commissioner Strahan went on to state that the mowing

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issue came up in the conversation about the maintenance of the park and informed that the Howes felt since they had donated the property to the county, that the county should take care of its own property.

Commissioner Pennel explained it was his understanding that the county would provide the labor, pavilion, and basketball court and after they were set up, then the area park boards established for each park would be responsible for the maintenance. Commissioner Pennel added that mowing was not mentioned but his assumption was the county would not be responsible for maintenance. Commissioner Pennel clarified that he looked at the counties Park Board Resolution and it mentions maintenance, so he doesn't think the Commission is out of line to do the mowing however, expressed concern that the county doing the maintenance could eat up part of the budget. Commissioner Pennel further reported after reviewing the resolution he read that the county Park Board is to present a budget to the Budget Officer and suggested, at the next meeting, that someone communicate this to the Park Board.

Bob Paulson, County Counselor inquired as to a project in Bull Creek? Commissioner Pennel explained that Creagh Tucker has presented a project however the budget is still something that needs to be looked at.

Commissioner Pennel expressed he feels the monies have been well spent and went on to describe other projects that have been mentioned and suggested someone check the Powersite park to see if they even need the county to do the mowing.

Commissioner Strahan then described the process of how the Park Boards are formed and expressed the parks have been very successful and popular adding that he counted the people at several activities held at the parks and there were over 1,000 citizens who used the park facilities in the last month.

Commissioner Pennel added there was mention that they would like to see the County Commission increase the budget for the parks and there was talk about a large fair ground for the county. Mr. Paulson clarified that it was more of a dream than a goal.

Commissioner Herschend then expressed concern about the county Park Board saying they would more money but don't have their next project lined out. Commissioner Herschend added that it doesn't seem like good management to ask for more monies without having a plan as to how they are going to spend it and for the Commission to condone it is poor fiduciary responsibility. Commissioner Herschend further reminded that the Commission discussed at length the county not being responsible for the parks. Commissioner Herschend stated they are talking about mowing now, then inquired about electric, water, cleaning, and painting and asked where it stops? Commissioner Herschend reiterated that each park has a board responsible for parks and added he understands the county owns the land and informed they have the option of taking the land the county owns and leasing it back to the Community Park Board for \$1 per year. Commissioner Herschend went on to state that the Commission even talked about the Park Boards having insurance on the property but because it is convenient for the county to maintain this park they are changing the ground rules and that concerns him. Commissioner Herschend further commented that county employee's from the present House Keeping Staff and Road and Bridge would be stretched too thin adding that he has received numerous calls about right of

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ways not being mowed enough. Commissioner Herschend then inquired as to what happens to the Protem facility when they stop mowing and keeping it up? Commissioner Herschend asked lastly if this is approved, if the county is going to be reimbursed by the Park Board for mowing and maintenance that has already been done?

Commissioner Strahan addressed a few of Commissioner Herschend's concerns and clarified the understanding is that the pavilions themselves, not the land around the pavilions, would be maintained and cleaned by the Community Park Boards and added if the county is going to have a Parks Program, then they have to expect to take care of some things. Commissioner Strahan further expressed that if 1,000 citizens a month are taking advantage of these facilities without costing them anything that it is well worth the time and effort.

Commissioner Pennel clarified he was referring to the Park Boards budget so they could watch and ensure they have enough money for maintenance adding that the Park Board does have a vision and plan. A general discussion ensued.

Commissioner Herschend suggested changing the motion to allow the Park Board to expend funds within their budget to take care of those two parks that the county own, rather than have Road and Bridge or Courthouse Maintenance Staff be responsible to commute to those locations.

Commissioner Strahan clarified, just like other projects that use county labor, those projects are reimbursed from that line item so they don't have to pay prevailing wage or if someone gets injured working on county property they don't end up in court for insurance purposes. A general discussion ensued.

Commissioner Herschend asked again whether they are going to go back and reimburse the county for the mowing and work that has already been done at the parks?

Commissioner Strahan explained the painting that has taken place has all been volunteered and reminded that if they would have just used the county budget for parks they would only be on their third or fourth pavilion and right now the Park Board is working on their eighth project. Commissioner Strahan further explained the counties involvement with the labor of the parks has been minimal and if not for the donations and volunteer work from the public then they wouldn't be where they are at with the parks.

Commissioner Herschend expressed that he thinks parks are good and added that he budgeted for money for parks even before Commissioner Strahan was a Commissioner and reminded that they did say they are not going to manage this process.

Commissioner Pennel reiterated that he would be in favor of the time spent by Road and Bridge mowing to be taken out of parks budget.

Commissioner Strahan clarified that these kinds of projects are under Building and Grounds and added that they have been very gracious and the parks would not be where they are today, without the funds being raised by the local businesses and community people.

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

RECESS

10:00

RECONVENE

10:08

CURB AND GUTTER CARTER ROAD BID AWARD

Tressa Luttrell, Administrator presented the Commission with a copy of the responses she got and stated that she took bids for curb and guttering for Carter Road. Ms. Luttrell explained that out of six she only received two back for 1,052 linear feet of concrete curb and gutter and added that they were from APAC for the amount of \$12,992.20 and Journagan for the amount of \$12,572. Ms. Luttrell clarified that Randy Haes, Road and Bridge said he was fine with both companies and suggested going with the lower bid.

Commissioner Pennel inquired as to the availability of when they could start? Ms. Luttrell stated that Mr. Haes talked to both companies so she is not sure of any problems.

Commissioner Strahan added that the time frame of when this project gets started is a major concern of the Commission.

Commissioner Strahan made a motion to approve the lower bid of Journagan in the amount of \$12,572 according to specs contingent upon the equipment being available in a timely matter.

Commissioner Herschend suggested changing the motion to award it to the first available being that there is only a \$200 difference. Commissioner Strahan clarified it is a \$400 difference. Ms. Luttrell suggested giving her the opportunity to find out the availability and readdress this issue this afternoon.

The motion died for the lack of a second.

DONATION AGREEMENT BOB PAULSON

Bob Paulson, County Counselor stated that originally there was a donation agreement from the College to the county concerning the M Graham Clark/County Airport and presented a new subsequent agreement drafted by Mike Lawsby. Mr. Paulson added that he had a couple of questions in regards to the agreement but they need to get this done. Mr. Paulson further explained that it is pretty simple he would like to do a survey if one hasn't been done, title insurance, and a closing. Mr. Paulson further explained that it is on the property where the road is being built so they want to get it done.

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Presiding Commissioner Pennel made a motion to table this contract until this afternoon. Commissioner Strahan seconded the motion to table. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

ROAD UPDATES

Commissioner Strahan reminded that last week Commissioner Herschend spoke about the Commission in regards to building a road for the Taney County Airport and stated that he wanted to clarify it was the College Airport not the Branson Regional Airport.

Commissioner Strahan reported that he spoke with Jacob Rock in regards to the Swan Creek project. Commissioner Strahan further reported there have been questions as to the amount of time on this project. Commissioner Strahan explained that the Corp of Engineers requested the county resubmit their actual plans and permits after the project had already been started and that slowed the project down for about six weeks until the Corp re-approved the plans and got them back to county. Commissioner Strahan went on to stated that when they started working on the project again, then they had an issue with timber and they couldn't burn the timber there so they had to haul the stumps and timber off which added to the time delay along with other permit problems. Commissioner Strahan stated he wanted to make the public aware that the Swan Creek project was not held up by the county or Road and Bridge but by the Corp.

Commissioner Herschend added that the nature of work along Swan Creek was tedious and they had to strategically place rocks along the bank for practical purposed. A general discussion ensued.

Commissioner Strahan then reported on the Hwy VV project stating that as far as he knows MoDot's projections for the project start the first few weeks of June. Commissioner Pennel clarified that the county is working with the state to fill in an eight to nine feet dip in order to take out the blind spot.

Donna Neeley, County Clerk inquired as to the time frame for Swan Creek? Commissioner Strahan stated he couldn't give an exact time frame as to when this project will be complete because of the paving company however the counties part will be ready by the end of this week.

PRIOR MINUTES

Presiding Commissioner Pennel made a motion to approve minutes from February 16, 23, March 1, 19, April 27, and May 8, 18, 2007. Commissioner Herschend seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

ACCOUNTS ALLOWED

Presiding Commissioner Pennel made a motion to approve account payable checks #101046-101141 and warrant #4666. Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

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DICK CLARK

Dick Clark commented in regards to the issues Mr. Schanz presented. Mr. Clark compared the situation to killing an elephant with a B.B. gun and stated that the Commission is just one small B.B. gun but if enough of the voting public would “shoot the elephant” sooner or later the elephant is going to notice it. Mr. Clark further stated that the Commission could take some sort of stance and at least make an attempt to be heard.

BOB SCHANZ

Bob Schanz stated that if the Commission wants to get together with him he would be glad to do so.

Commissioner Herschend expressed that he appreciates the all of the information from Mr. Schanz and needs time to read through it.

CONTRACTS DONNA NEELEY

Donna Neeley, County Clerk explained that Commissioner Strahan asked for a copy of a contract that she was unable to find and the original was at the title company. Ms. Neeley requested that the Commission create a policy or contract where at least three original contracts are created each time, one for her office, one for the Commission, and one for the company that the contract is with. Ms. Neeley further explained that she is going to develop a tracking system and when a contract is made her office is going to contact the Commission each week to request an original. Ms. Neeley further suggested having the individual or company sign the contract first, so they have to return them to the county and that way they know they are getting them back from the company.

Commissioner Strahan stated that he doesn't understand the procedure because every contract has her attesting. Ms. Neeley clarified that she attests to Presiding Commissioner Pennel's signature but they may be the first to sign it and if all three originals are sent to company and mailed back to Commission Office she may never get them.

Bob Paulson, County Counselor informed that the statute says two originals but suggested doing whatever is the most helpful to the process.

Commissioner Pennel clarified that the system would be: when the Commission signs and votes on contract then there would be a sheet to keep track of them. Ms. Neeley stated that part would be taken care of in her office and clarified she was requesting that if the Commission would like to have an original in their office that the Commission start a policy where three originals are created for every contract and two for every resolution.

MODOT

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Commissioner Herschend reported that the Commission had an excellent meeting with MoDot on both the round about at Hwy 76 and on the Hollister end of the Branson Bridge as well as upgrading and repairs of the bridge.

BOE

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

Minutes taken and typed by: Hillary Bargman