

# TANEY COUNTY COMMISSION RECORD



## JANUARY 7, 2008 1<sup>ST</sup> DAY OF THE REGULAR JANUARY ADJOURN TERM

The County Commission met in the Associate Circuit II Courtroom at 9:03 a.m. with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

### VACATION – PERSIMMON POINT

The County Commission took up the petition to vacate platted roads serving Lots 3 and 4A of the Amended Plat of Persimmon Point Lots 4, 5 and 6 situated in Section 10, Township 21 North, Range 22 West, Taney County, Missouri as per the recorded plat thereof.

Commissioner Pennel read the petition. Bob Paulson, County Counselor stated that Mr. Motley had contacted him and informed him that he had a conflict and was in Stone County. Should we need anything just contact his office.

Commissioner Herschend made a motion table the petition until there was a representative that could answer questions. Commissioner Pennel seconded the motion.

Commissioner Strahan asked if this would be a good time to let the public know of our discussion regarding the on going procedures that we run into on these vacations. Such as if we ask for things for the vacation that within the next quarter or period of time that we will not table that issue anymore it will just be dropped...denied. Counselor Paulson clarified that the Commission will vote against the petition should the requested information not be turned in timely.

Donna Neeley, County Clerk asked if that would be an Ordinance, Resolution or just the decision of the Commission. Commissioner Strahan answered decision of the Commission. Commissioner Herschend stated that he was in total agreement. And added that these folks have come to us requesting a change, they need to show us a cause.

A general discussion regarding whether to make a policy or just simply advise the public ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### VACATION – QUEBEC ROAD

Counselor Paulson noted that this has been lingering for sometime. The only thing needed is a ready to record deed to give the County the property. Paulson noted that the individuals have paid the money agreed to change the location of the road. Counselor Paulson stated that he needs to have the order typed as the one faxed over wasn't very clear.

Commissioner Herschend made a motion to approve the vacation of Quebec Road and direct Counselor to file the appropriate documents. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### VACATION – CLEARWATER ACRES

Counselor Paulson stated that the order is ready but as of 12/27/07 the replat had not yet been done. Commissioner Herschend made a motion to table until a representative could be present to answer questions. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### VACATION – EMORY CREEK BLVD

Carrie Walden an Attorney with Styron Law firm presented the Commission with a petition to vacate Emory Creek Boulevard. Ms. Walden stated that this petition comes from a decision by MoDot to move from the crest of a hill to a valley where the access, view from the

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road is much clearer. Ms. Walden noted that they had submitted for utility easements and was still waiting on a couple but was confident they were on their way.

Ms. Walden stated that an order would be sent as soon as the remaining easements were received. Commissioner Herschend made a motion to approve the Vacation. Counselor Paulson stated that the petition would have to be read as it is the first time to hear it. Commissioner Herschend amended his motion to reading the petition and then approving the vacation.

“This petition is made by Emory Creek Ranch, LLC under 71,270 RSMo, and seeks to vacate a portion of Emory Creek Boulevard entirely within Lot 2A, as shown on the plat of Emory Creek Ranch Commercial Subdivision (as recorded in Slide I Pages 311-312) which lies in an unincorporated area of Taney County. Applicant owns the land on both sides of the portion of the street to be vacated.

The Missouri Department of Transportation required that the entrance to the Emory Creek Ranch Subdivision from State Highway 248, as originally built, be moved slightly to the south. This relocation is reflected on the plat for Emory Creek Ranch Commercial, recorded Plat Slide I, Pages 311-312.

Later, MoDot required that the relocated entrance be moved again from where it is shown on the Emory Creek Ranch Commercial plat as recorded, this time at a location between the first location and the second location. The area to be vacated is shown on the attached proposed Amended Plat of Emory Creek Commercial.”

Commissioner Strahan seconded the motion. Commissioner Pennel asked if we wanted to ask for proof of ownership. Commissioner Herschend stated that they had the paperwork and a representative. Commissioner Herschend amended his motion to approve the Vacation contingent upon the receipt of the additional consents and the copy of the order. Commissioner Strahan amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **COMMISSIONER PENNEL TANEYCOMO BRIDGE SURVEY**

Commissioner Pennel stated that while in a meeting with the Road Superintendent and the County Administrator, a discussion regarding the Taneycomo Bridge was had where the Commission agreed to do a survey to get public input. Commissioner Pennel stated that he has already received 100 emails which seems to indicate folks are interested.

Commissioner Pennel added that the State is willing to look at cost sharing and noted that the local match is 5.1m. Commissioner Strahan stated that he had been in contact with Joann Emerson’s Office who is very willing to attend a meeting this month to work on funding.

Commissioner Pennel stated that one of the goals of the survey is to show the need to our State and Federal Representatives. If we were prepared to show the benefits, of what the East/West Corridor would have, with the goal being should the County use money towards the bridge that we could get some of the cost share for the 2 needs. Commissioner Strahan stated that this survey is the tool for receiving the dollars. They all have to be in place.

A general discussion regarding the survey and the possibility of adding additional questions ensued. Commissioner Pennel made a motion to table this issue until after lunch should the Commission want to talk about it more. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **IS CONTRACTS**

Counselor Paulson presented the contracts for Centurytel and Mountain Data Center LLC but noted that there were still some changes to be made. Gary Morgan, IS Administrator stated that these contracts will provide a faster broader service as well as keeping it in Taney County.

Commissioner Strahan made a motion to approve the contracts for Centurytel and Mountain Data Center LLC contingent upon Counselor Paulson’s clerical and questionable changes. Commissioner Herschend seconded the motion.

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Commissioner Herschend made a motion to table until Counselor Paulson could get them hammered out. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PUBLIC COMMENT

Bob Schanz asked the Commission what they were doing with the cat situation on Cliff Drive. Commissioner Pennel noted that it was a City of Branson issue but that the County's Animal Control did assist. Schanz further commented that it was his understanding that the owner of the cats was going to open a restaurant on 76.

Bob Schanz asked if the Commission was aware of a man that brought several visitors to Taney County and there was no rooms or tickets and asked if there was something the County could do. Commissioner Pennel stated that the Mayor is aware and it was his understanding that none of the visitors knew anything was wrong.

Bob Schanz commented that he has heard a lot of discussion regarding the citizens wanting a State Audit on the County.

## RICK FINDLEY YEAR END BUDGET REPORT

Rick Findley, Auditor presented the Commission with the year end budget report.

FUNDBALANCE 12/31/07	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL
GENERAL COUNTY REVENUE		
	# 0.00	16,017,775.03
	# 3,091,930.96	27,519,553.02
	-	-
	# 3,091,930.96	43,537,328.05
	-	-
	# 2,027,408.48	24,908,983.28
	=	=
	# 1,064,522.48	18,628,344.77
ROAD & BRIDGE		
	# 0.00	8,524,193.81
	# 135,832.43	1,629,363.09
	-	-
	# 135,832.43	10,153,556.90
	-	-
	# 337,704.39	3,148,557.99
	=	=
	# (201,871.96)	7,004,998.91
ROAD & BRIDGE TRUST		
	# 0.00	2,707,686.28
	# 905,895.51	7,316,803.98
	-	-
	# 905,895.51	10,024,490.26
	-	-
	# 656,061.51	6,330,996.31
	=	=
	# 249,834.00	3,693,493.95

# TANEY COUNTY COMMISSION RECORD

ASSESSMENT FUND

#	0.00		13.78
#	51,192.82		580,402.37
-		-	
#	51,192.82		580,416.15
-		-	
#	48,093.07		577,316.40
=		=	
#	3,099.75		3,099.75

ELECTION FUND

#	0.00		58,043.81
#	277.23		13,183.09
-		-	
#	277.23		71,226.90
-		-	
#	0.00		15,611.52
=		=	
#	277.23		55,615.38

TRANSFER STATION FUND

#	0.00		578,192.38
#	86,308.82		1,193,589.82
-		-	
#	86,308.82		1,771,782.20
-		-	
#	78,690.64		1,024,288.21
=		=	
#	7,618.18		747,493.99

FUNDBALANCE  
12/31/07

TANEY COUNTY  
BUDGET  
FUND BALANCES

PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL
--------------------------	------------------------

LEPC FUND

#	0.00		8,487.57
#	6,092.88		11,879.81
-		-	
#	6,092.88		20,367.38
-		-	
#	5,592.07		8,527.93
=		=	
#	500.81		11,839.45

LAW ENFORCEMENT TRAINING FUND

#	0.00		58.41
#	479.61		8,298.55
-		-	
#	479.61		8,356.96
-		-	
#	0.00		4,748.82
=		=	
#	479.61		3,608.14

PROSECUTING ATTORNEY TRAINING FUND

#	0.00		9,815.46
#	153.07		1,769.55
-		-	
#	153.07		11,585.01
-		-	

# TANEY COUNTY COMMISSION RECORD

	#	0.00	5,220.24
	=		=
	#	153.07	6,364.77
 COUNTY INSURED FUND			
	#	0.00	158,436.63
	#	623.35	7,638.27
	-		-
	#	623.35	166,074.90
	-		-
	#	255.40	69,761.76
	=		=
	#	367.95	96,313.14
 911 FUND			
	#	0.00	1,195,536.29
	#	49,759.83	583,916.11
	-		-
	#	49,759.83	1,779,452.40
	-		-
	#	226,549.77	679,895.52
	=		=
	#	(176,789.94)	1,099,556.88
 USE TAX			
 FUNDBALANCE			
12/31/07			
	TANEY COUNTY BUDGET		
	FUND BALANCES		
		PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL
 SEWER FUND			
	#	0.00	19,857,468.53
	#	1,034,539.98	18,799,324.60
	-		-
	#	1,034,539.98	38,656,793.13
	-		-
	#	1,351,457.20	15,574,574.68
	=		=
	#	(316,917.22)	23,082,218.45
 SEWER DESIGNATED FUND EXPENDITURES			
	=		=
	#	(316,917.22)	23,082,218.45
	=		=
 SHERIFF CIVIL FUND			
	#	0.00	85,646.91
	#	592.89	55,949.48
	-		-
	#	592.89	141,596.39
	-		-
	#	3,205.82	44,425.22
	=		=
	#	(2,612.93)	97,171.17
 TAX MAINTENANCE FUND			
	#	0.00	102,043.58

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	#	3,310.90		118,530.99
	-		-	
	#	3,310.90		220,574.57
	-		-	
	#	1,861.50		109,129.32
	=		=	
	#	1,449.40		111,445.25
		PERIOD TO DATE		YEAR TO DATE
		ACTUAL		ACTUAL
PRO ATT BCF				
	#	0.00		253,538.40
	#	6,612.30		75,597.67
	-		-	
	#	6,612.30		329,136.07
	-		-	
	#	85.09		64,693.04
	=		=	
	#	6,527.21		264,443.03
RECORDERS TECH FUND				
	#	0.00		293,634.09
	#	22,534.47		276,859.01
	-		-	
	#	22,534.47		570,493.10
	-		-	
	#	9,348.43		191,186.30
	=		=	
	#	13,186.04		379,306.80
PA DEL TAX FUND				
	#	0.00		8,541.73
	#	3,744.88		7,943.01
	-		-	
	#	3,744.88		16,484.74
	-		-	
	=		=	
	#	3,744.88		16,484.74
LLEBG				
	#	0.00		0.21
	-		-	
	#	0.00		0.21
	-		-	
	=		=	
	#	0.00		0.21
FLOOD CONTROL				
	#	0.00		46,086.46
	-		-	
	#	0.00		46,086.46
	-		-	
	#	0.00		46,086.46
	=		=	
DRUG FORFEITURE				
	#	0.00		1,191.24
	#	7.47		73.57
	-		-	
	#	7.47		1,264.81
	-		-	
	=		=	
	#	7.47		1,264.81
SHERIFF REVOLVING				
	#	0.00		8,958.16

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	#	805.79	10,659.09
		-	-
	#	805.79	19,617.25
		-	-
	#	0.00	9,544.19
		=	=
	#	805.79	10,073.06
VEST GRANT			
	#	0.00	1,813.29
	#	11.97	1,592.86
		-	-
	#	11.97	3,406.15
		-	-
	#	0.00	1,380.00
		=	=
	#	11.97	2,026.15

Commissioner Herschend suggested a work session to understand the overages.

## PUBLIC COMMENT

Donna Neeley, County Clerk stated that she had spoken with Sharon Siler regarding placing MAS90 in her office and Ms. Siler had indicated that the County had two licenses available and would need a letter from the Commission asking that one of those licenses be placed in her office. Clerk Neeley stated that she was requesting that the Commission write said letter.

Commissioner Herschend noted that he would need to understand why she needed MAS90 in her office. Clerk Neeley stated that the license already exists, it's just a matter of moving it and added that she has talked with Auditor Findley about the ability to review read only but would also like to have the ability to create reports.

Commissioner Pennel stated that he would suggest a work session as well as inviting the Auditor, Assessor and Collector to also discuss BOE procedures.

Frank Preston, Road Superintendent informed the Commission that a pre-construction meeting would be held on Wednesday regarding the Casey Road Project and anticipated construction starting in about two weeks.

Road Superintendent Preston also informed the Commission that Hillside was approved contingent upon easements. All but one, who is non responsive has been received. Commissioner Herschend made a motion to set up a work session to work out the details. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ACCOUNTS PAYABLE

Commissioner Pennel made a motion to approve accounts payable warrants #301423 - #301435, #301438 - #301545, manual warrants #4767 - #4769. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Herschend questioned the discussion regarding those minutes still outstanding. Commissioner Pennel stated that it was determined that Counselor Paulson would write 12/4/07 and that 12/11/07 was to be received from the Clerk.

Clerk Neeley asked what those minutes regarded. Ms. Luttrell stated that it was the meeting she sat in on with Septagon Construction. Ms. Neeley stated that she had given those to Jackie who left without notice but she did find them and noted that she could send them over to the Commission's Office for Ms. Luttrell to type. Commissioner Pennel stated that since that

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was before the change would you like to present them like the rest of them. Commissioner Herschend stated that Ms. Neeley had sent an email stating that she was committed to doing those before the change. Ms. Neeley stated that she was not sure she wanted to do that. Commissioner Pennel noted whatever she wanted to do but to get them to the Commission.

Commissioner Pennel made a motion to approve prior Commission Minutes dated 1/2/08 and 1/4/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

## **EXECUTIVE SESSION**

Counselor Paulson stated that he had received a settlement agreement regarding the State Tax Commission case and would like to go over it with the Commission. Commissioner Herschend made a motion to go into executive session pursuant to 610-021 (1)(12). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

### **RECESS**

12:35 p.m.

### **RECONVENE**

3:20 p.m.

## **SEWER EASEMENT ACQUISITION**

Commissioner Strahan made a motion to approve the sewer easement acquisition for David Junge (Pacific Builders) necessary to the completion of the Bee Creek Sewer Project as designed. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **AIRPORT GRANT PUBLICATION CERTIFICATION**

Commissioner Herschend made a motion to approve for signature the publication certification required for the Airport Grant. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RECESS**

3:22 p.m.

### **RECONVENE**

3:55 p.m.

## **TANEYCOMO BRIDGE SURVEY**

The County Commission worked on the Taneycomo Bridge Survey adding a couple of questions and modifying one.

### **RECESS**

4:00 p.m.

Minutes taken and typed by Tressa Luttrell.

Finished Type: 1/8/08

Submitted to Commission: 1/8/08

Commission Approved:1/9/08

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## JANUARY 8, 2008 2<sup>ND</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission's Office at 9:51 a.m. pursuant to adjourn with Chuck Pennel, Presiding via telephone, Ron Herschend, Western Commissioner and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### PUBLICATION TANEYCOMO BRIDGE SURVEY

Commissioner Herschend made a motion that the County purchase 1/8 page ad for \$240.00 for the Bridge Survey in the Branson Daily News. Commissioner Strahan seconded the motion. The motion passed.

**RECESS**  
9:55 a.m.

**RECONVENE**  
1:02 p.m.

### APPOINT PRESIDING

Donna Neeley, County Clerk appointed Danny Strahan as Temporary Presiding Commissioner in the absence of Chuck Pennel.

### SEPTAGON MONTHLY MEETING

The County Commission met with representatives from Septagon Construction and HMN Architects for the monthly update.

Commissioner Herschend made a motion to approve CCD#2 and CCD#4 for added additional structural steel to the parapet wall on the south side of the courts building and further changes to the structure of the south courts wall by adding additional steel above the windows and modified the masonry expansion joints. For a total cost of \$16,769.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve RFI #229 to add a section of 12" duct in place of the 6" duct for each smoke detector. For a total cost of \$9,238.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to take PR #33 off the list regarding adding a camera that would watch the radio tower base and the generator. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

**RECESS**  
2:01 p.m.

Minutes taken by Danny Strahan and Tressa Luttrell, typed by Tressa Luttrell.

Finished Type:

Submitted to Commission:

Commission Approved:1/9/08

# TANEY COUNTY COMMISSION RECORD



## JANUARY 9, 2008 3<sup>RD</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission's Office at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### **PAYROLL**

Commissioner Strahan made a motion to approve payroll check warrants:

General County Revenue #103868 - #103889

Road & Bridge #103838 - #103861

Assessment Fund #103862 - #103684

Transfer Station #103865 - #103867

Accounts Payable warrants #301558 - #301570, manual warrants #4771-#4772

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

### **IS CONTRACTS**

Commissioner Pennel made a motion to table the IS Contracts until later today. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **DIRECT DEPOSIT ORDER**

Commissioner Pennel made a motion to approve the order for direct deposit. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **PRIOR MINUTES**

Commissioner Strahan made a motion to approve prior Commission Minutes dated 12/4/07. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to approve prior Commission Minutes dated 1/7/08 with changes and 1/8/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021.1. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

It should be noted that Commissioner Herschend entered the meeting at 10:00 a.m. It should be noted that no motions were made and no votes were taken.

### **RECONVENE** 10:45 a.m.

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## PLANNING & ZONING ADMINISTRATION / FEES

The County Commission met with the staff of Planning & Zoning to inform them that Frank Preston, Road Superintendent would be overseeing the Planning & Zoning Department once the current Administrator, Kurt Larson retired later this month.

A lengthy discussion regarding this change ensued.

**RECESS**  
12:00 p.m.

**RECONVENE**  
1:00 p.m.

## PRE CONSTRUCTION MEETING CASEY ROAD

A pre-construction meeting for the Casey Road project was held with members from Great River Engineering, APAC, Herion & Young, MoDot, Centurytel and Taney County.

Commissioner Pennel made a motion to approve the MoDot permit. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

It should be noted that Commissioner Herschend entered the meeting at 1:30.

Commissioner Strahan made a motion to approve the contract for Casey Road between Taney County and Herion & Young. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to authorize Chuck Pennel to sign the notice to proceed. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

**RECESS**  
1:35 p.m.

Minutes taken and typed by Tressa Luttrell.

Type Finish: 1/10/08  
Submitted to Commission: 1/10/08  
Commission Approved: 1/14/08



## JANUARY 14, 2008 4<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Associate Circuit II Courtroom at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

## WALLEN BLUFF EASEMENT

Frank Preston, Road Superintendent informed the Commission that they had acquired approximately 30-40 feet for an easement to fix a hair pin corner and noted that excess material will fill a ravine inside the curve.

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Commissioner Strahan made a motion to approve the Wallen Bluff Easement. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **SEDGWICK ROAD EASEMENT**

Commissioner Strahan made a motion to approve the Sedgwick Road Easement which provides the County a hammerhead turnaround. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that the road petition was previously approved contingent upon the turn around.

## **COMMISSIONER PENNEL BRIDGE SURVEY'S**

Commissioner Pennel informed the Commission that there had been a lot of interest in filling out the surveys and added that that they were even putting their name and phone numbers on them. Commissioner Pennel reported that a majority noted that they were affected, some even severely. Commissioner Pennel commented that the majority answered yes to the county/city spending funds.

A general discussion regarding how long to leave the surveys out ensued. It was decided that they would encourage people to get their surveys in by Wednesday; however they would leave the boxes out for another week.

## **COMMISSIONER PENNEL CONDO ASSESSMENT CLARIFICATION**

Commissioner Pennel stated that he had put this issue on the agenda with the hopes of being ready to discuss the issue, however he was not prepared. Commissioner Pennel further stated that in BOE (Board of Equalization) last summer there was a problem working on Condo's for all parties involved. Commissioner Pennel suggested getting together to forward their concerns/thoughts to the legislature.

## **IS CONTRACTS**

Counselor Paulson presented the contract for Mountain Data Center to the Commission noting that they had taken out the arbitration language as well as cleaned up what was requested. Commissioner Strahan made a motion to approve the Mountain Data Center contract with Counselor Paulson's corrections. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Counselor Paulson presented the contract for Centurytel for the Ethernet services. Commissioner Herschend made a motion to approve said contract. Commissioner Pennel seconded the motion. Commissioner Herschend noted that Centurytel was working hard with the County as they were also completing the wiring for the new Judicial Facility. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

The County Commission thanked Counselor Paulson and Gary Morgan, IS Administrator for all their hard work.

## **DONNA NEELEY MAS 90**

Donna Neeley, County Clerk again requested that the Commission write a letter to allow her to utilize MAS90 in her office to comply with her statutory duty.

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## PUBLIC COMMENT

Dick Clark commented that it was his understanding that the initial talks regarding a bridge was to go across "T" Highway, he then found out that it was for a 3<sup>rd</sup> bridge for Branson...they don't need another bridge. Mr. Clark added that since the ¼ cent was not specified for the bridge, that was why the ballot issue was shot down.

Dick Clark asked how the County was dealing with the cats recently brought in by the City since the County didn't have a provision for cats. Commissioner Pennel explained that the facility does take cats from municipalities.

Dick Clark informed the Commission that there is a problem with the recycling center at Kissee Mills. Clark stated that he had taken some recycling out there and stuff was piled high on the table. Clark added that he had put his stuff on the table which knocked everything over onto the ground. It was then that two gentlemen walked out of the shack offering no assistance. Commissioner Pennel noted the incident and commented that they would address it.

## ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #301559 - #301639, manual warrants #4773 and UMB Reimbursement #21 for \$775,690.18. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 12/11/2007 and 1/9/2008. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

9:45 a.m.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021(1). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

## RECONVENE

## FRANK PRESTON WORK SESSION

Frank Preston, Road Superintendent met with the Commission to discuss the following issues:

1. Planning & Zoning: Mr. Preston noted that he had spent most of the morning with the staff and would be meeting this Wednesday here with each of them. They drilled me on my planning experience but I informed them that I didn't think I was hired for that but for my management skills.

The County Commission expressed their frustrations as they had previously met with the staff and noted that Mr. Preston should let them know they have two weeks to determine if they want to be part of the team.

2. Equipment: Mr. Preston stated that bids have gone out for a Backhoe and a Trackhoe. Mr. Preston also stated that he is currently working on specifications for a Watertruck.

3. Misc. Roads: Mr. Preston discussed issues on various county roads.

# TANEY COUNTY COMMISSION RECORD

A. Dean Road: Mr. Preston stated that they were using EFK Moen on this project and was having a problem. Mr. Preston commented that he had only met with him once prior to receiving the plans. They call for 8,000 square yards of excess material. When questioned what to do with that fill, Mr. Waggoner said use that excess to build the road up another 2.5 feet. At this point, we are at a stand still on this project until we hear back from Mr. Waggoner. Commissioner Pennel suggested maybe talking to the neighbors and possibly getting some storage space for the material.

B. Nolan Road: Commissioner Pennel questioned whether we should put some base on it to smooth it out.

C. Road Master Plan: Mr. Preston stated that he had asked the Commission to think about what road projects they would like to be placed on the plan and was wondering if they had any roads to add to the list. Mr. Preston presented a preliminary listing and again asked for the Commission to review and report back.

D. Forsyth/Taneyville Road: Mr. Preston asked the Commission to what extent do they want to go with acquiring easements. It is a safer road but not adequate for the amount of cars traveling that road.

E. Sycamore Church Road: Mr. Preston noted a compileage of various drainage systems and that it appeared that part of the concrete culvert is damaged. Commissioner Herschend suggested getting a traffic count before figuring out what to do.

F. Cottonrock Road: Mr. Preston informed the Commission that the traffic count had been completed and was 76 cars within a 24 hour period.

L. Lenhart Lane: After a lengthy discussion, Mr. Preston will go back to the individual and inform them that the County Commission would consider taking in the road at no cost to the county and that the roads are at county standards.

4. Electrical Upgrades: Mr. Preston reported that an estimated cost for getting Phase 3 at the east barn is approximately \$6,200.

5. Road Standards: Mr. Preston presented a draft copy of the road standards that had been compiled and added that he would like to see the Commission go through the document and make notes like Randy and he had done before the final document is printed.

6. Road Inspector: A general discussion regarding the position of "Road Inspector" was had. Mr. Preston indicated that the computer program Carte Graph could be highly utilized with this position. Mr. Preston added that it will track actual costs as we set the criteria. Once all this information is captured, this position could then go to a "special project" position or a couple hours a week.

Commissioner Strahan noted that he would like a little time to think about the issue. Commissioner Herschend stated that he wouldn't commit to that position being full time past 24 months.

Minutes taken by Nikki Lawrence and recorder, typed by Tressa Luttrell.

Finish Type: 1/15/08

Submitted to Commission: 1/15/08

Commission Approved: 1/22/08



**JANUARY 17, 2008 5<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met in the Commission Office at 9:12 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## CITY OF BRANSON / TANEY COUNTY TANEYCOMO BRIDGE

The County Commission met with members of the Branson City Council to work on a plan for the funding of the Taneycomo Bridge project.

Commissioner Pennel opened the meeting with results from the Taneycomo Bridge survey noting that he was estimating 500 surveys will be returned. It was very apparent that the community would be affected should the bridge close. Commissioner Pennel also expressed that even though the City of Hollister was not present, they were still in support of whatever the City of Branson and the County wanted to do.

Commissioner Pennel stated that he had a chance to visit with Rick Huffman who is 25% owner of the property and he indicated that they were still looking at building a 5-story building.

Commissioner Pennel stated that he felt strong that they needed to make this work and added that the County uses 5.1 million to put on the application and work on the other later. Commissioner Pennel stated that he was asking the Branson City Council to support us and ask for an application to be started ahead of the deadline.

Mayor Presley commented that the council has continued to get more information but hadn't taken any formal vote but that they were more comfortable with the situation.

Chad Zickefoose, a representative from MoDot, stated that whatever the parties came up with, MoDot would do their best and added that they were looking at using their own funds as well, however when looking at those applications that were not totally 50/50 were not approved. Mr. Zickefoose commented that they wanted to keep the bridge as a local project then draft a cost share for the new structure, roundabout and right-of-ways for 14.7 million, which leaves 6.65 million for local match.

Mayor Presley inquired about the interest on funds. Mr. Zickefoose stated that it would be 4%, which is not in the 6.65 million noting that they would have to work out the payment of the interest.

Bob McDowell, Branson City Alderman, asked why the submittal date was so important. Mr. Zickefoose stated that the Steering Committee meets quarterly and the longer we wait the less funds are available. The first quarterly meeting is February 28<sup>th</sup>, if we don't submit then the next meeting isn't until May 29<sup>th</sup>. Mayor Presley noted that if we wait, it will have to be a sweeter deal. Mr. Zickefoose noted that the project was scheduled for 2009, which meant that final plans need to be done this spring or early summer.

Commissioner Strahan stated that he didn't think the County should have to spend local money for the bridge which is why he had been searching for funding alternatives. Commissioner Strahan added that he realizes that the lack of a bridge is devastating to the economics of Taney County. Commissioner Strahan stated that the Commission would be meeting with Joann Emerson's staff to try and figure out if there is any federal funding for eastern Taney County. No way am I trying to hurt MoDot's monies, but I am trying to look for money for the eastern side.

Steven Marshall, Branson City Alderman, commented that he had read in the paper that they were encouraging the feds to raise gas by 40 cents. The people that are making the money are those with the gas companies. Mr. Marshall added that he believed the bridge should be funded differently too but was also concerned of the impact that Branson would have with traffic coming in two ways.

Mr. Zickefoose noted that the figures show that our gas tax is the lowest but our mileage is the highest. Our latest figures noted that the income is lower than estimated so we pulled projects because we didn't think we could cover the cost. Mr. Zickefoose added that should you receive funding elsewhere, there is no reason that we couldn't amend the application.

Commissioner Strahan stated that we might as well give up on receiving any federal funding if the application is already started with county monies. They are interested in talking

## TANEY COUNTY COMMISSION RECORD

with us or they wouldn't be coming to set down with us. Commissioner Strahan added that for us to front the money before researching ways to get the funding...our chances would be "0".

Commissioner Herschend stated that we will have a bridge that would be good for 20 years...do we have this backwards...should we be funding 3 million for the citizens expenses while the bridge is closed. Mr. Zickefoose commented that they didn't feel the closing of the bridge would be of a concern as it is, we close bridges all the time. We have found if we get in and get the work done it can be done faster however there are some inconveniences and costs that go with it.

Commissioner Herschend noted that it was a good investment on the County's money. Mr. Zickefoose commented that it could be structured into two phases. Jack Purvis, Branson City Alderman added that he was selling right along with Commissioner Pennel as there are seven bus routes and those children will have to get up earlier as well as the traffic tie-ups in Hollister.

Mr. Zickefoose noted that they are wasting gas when the bridge is open by setting still. Alderman Purvis added that it was a safety issue. Alderman McDowell commented that if we are looking at it for the long haul...if demolition is 1 million and the roundabout complexity would be diminished if we put in a 2x2 bridge where the current bridge is wouldn't that be the best long term solution if it wasn't going to interrupt the traffic thoroughfare and move enough traffic across that bridge. Mr. Zickefoose stated that you can't just build a 4 lane bridge, you have to accommodate the pedestrian and bike traffic. Alderman McDowell noted that it was still a substantial savings and added that he wanted to make sure that they were looking at all the options.

Commissioner Pennel stated that they were faced with making a decision this month on either the A4 or B10 option. Mayor Presley noted that the A4 option doesn't include the bigger roundabout. Mr. Zickefoose stated that the A4 option is 11.2 million. With the 50/50 cost share the local match would be 2.74 million.

Commissioner Herschend stated that he agreed that we should be looking, but building a 50 year bridge next to a 20 year bridge... A general discussion regarding the different options ensued.

Commissioner Herschend asked what happens at the end of the 20 years...what do you do with half of the traffic. Alderman Marshall noted that there may be a bridge somewhere else in Branson by then.

Mayor Presley stated that we all have passion about the bridge and added that she would take it back to the board and see if they were willing to find a way to fund the interest for their cost if the County was willing to fund the match. Mayor Presley added that she did think it was more of an economic impact that the gas and added that it was probably about a good of a buy as they were going to get.

Commissioner Herschend stated that he appreciated the City's willingness. Commissioner Pennel stated that he would ask for the County Commission to make a motion to commit 5.1 million. Commissioner Pennel so made the motion. The motion died for a lack of a second.

Frank Preston, Road Superintendent stated that he understood this was a complex issue and that the Value Engineering came up with the B10 option. Mr. Preston noted that there are other pieces or parts to this...the redundancy in the bridge...the big unknown with the bridge...the B10 provides part of the long term fix, regardless time is of the essence.

Commissioner Herschend stated that he couldn't second the motion because of the other 1.5 million and where it is going to come from, it's going to impact the project. Alderman Marshall commented then why not amend the motion that the 1.5 come from Hollister and Branson. Commissioner Pennel stated that he would clarify that he felt they had been given a target of 5.1 million so we are 1.5 million short but that he was drawing a line at the 5.1 million.

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel amended his motion that the County commit to 5.1 million and that the Cities or MoDot come up with the 1.5 million as well as the 1 million in interest. Commissioner Herschend seconded the motion.

Commissioner Herschend noted that his opinion would be that this money would be coming from the East/West Corridor funding which will set that project back...is that right. Commissioner Pennel stated that he was optimistic and that it would set it back maybe a year or two. Commissioner Herschend noted that it would take us about five years to replace that money.

Commissioner Herschend asked Commissioner Pennel to amend his motion that the County will find the 5.1 million to leave the door open for Commissioner Strahan's research for federal funding. Commissioner Pennel so amended. Commissioner Herschend so amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

Bob Schanz noted that the citizens do want another bridge but a little bit more North. You have to look at the whole picture. Commissioner Herschend asked about the estimates of going more North. Mr. Preston noted 36 million. Mr. Zickefoose stated that it was about 25-30 million but that the challenges are with the new alignment and noted that it would take longer to complete.

Gary Groman commented that the last figures were 5.1 million and now it is 6.65. Mr. Zickefoose explained how it got there again. Jim Babcock stated that detouring will cost 30-50 cents a mile and that they should build a four lane bridge and give the old bridge to Branson to use as a pedestrian/fishing bridge. Commissioner Herschend noted that he agreed with Mr. Schanz but that he didn't think it was right at this time.

Commissioner Strahan stated that the approaches to go north would cost more than the bridge...to do the citizens any good. Mr. Zickefoose commented that MoDot was basically out of the business of building new roads...they are only maintaining. Commissioner Strahan stated that the State of Missouri owes the citizens of the East a better road system than those built by horse-drawn equipment and would be working towards that.

**RECESS**  
11:45 a.m.

Minutes taken and typed by Tressa Luttrell.

Finish Type: 1/18/08  
Submitted to Commission: 1/18/08  
Commission Approved: 1/22/08



**JANUARY 22, 2008 6<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met in the Associate Circuit II Courtroom at approximately 9:00 a.m. with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

**CHUCK PENNEL**  
**NUISANCE CASES**

Commissioner Pennel noted that he had put the issue on the agenda but did not get done what he wanted. Commissioner Pennel further asked that the Commission continue to keep the idea on the back burner of Planning & Zoning working on the Nuisance Cases rather than the County Commission.

# **TANEY COUNTY COMMISSION RECORD**

## **CHUCK PENNEL BRANSON LAKES AREA LEGISLATIVE PARTNERSHIP**

Commissioner Pennel noted that he had run on to Wyli Barnes regarding the membership dues for the Branson Lakes Area Legislative Partnership and added that they were \$2,000.00. Commissioner Pennel further stated that he would entertain a motion for the approval of said membership.

Commissioner Strahan commented that he couldn't remember but thought the decision last year was to only be a member of one of the organizations for 2008. Commissioner Herschend stated that the split happened between the two organizations because of the difference in priorities. Commissioner Strahan stated that if the Commission was going to approve only the one, he would second the motion.

Commissioner Pennel made a motion to approve the membership dues for the Branson Lakes Area Legislative Partnership. Commissioner Strahan seconded the motion.

Commissioner Herschend noted that he would like to understand what the County would be giving up by only going with one organization. Commissioner Pennel added that he would not want to shut the door on the other organization either. Both Commissioner Strahan and Commissioner Pennel rescinded their motion and second.

Commissioner Herschend made a motion to table and asks that the County get a representative from both organizations to share what the County receives for the funding. Commissioner Pennel stated that he had sat in on their meeting last Friday and noted that he felt it was important for the County to be a member of one of the two but added that he would prefer looking at the local first then look into the Springfield group.

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

## **CHUCK PENNEL TANEYCOMO BRIDGE SURVEY**

Commissioner Pennel gave a brief update regarding the Taneycomo Bridge Survey and added that the VE report (valued engineer) was going to be presented at the City of Hollister today. Commissioner Pennel noted that according to Chad Zickefoose, the presentation would mostly going over the same information.

## **BOB PAULSON ASSESSMENT MAINTENANCE PLAN**

County Counselor, Bob Paulson informed the Commission that he had previously put a copy of the Assessor's Maintenance Plan for '08-'09 and added that per statute by February 1<sup>st</sup> if the Commission doesn't act, it is assumed that they are in favor of the Assessor's version of the plan.

James Strahan, Assessor advised the Commission that the State Tax Commission representative Jim Kyle was going to be in his office today for his monthly statutory visit and had indicated that there were a few problems with the plan.

The Commission agreed to go into executive session following the public meeting since this issue was in litigation and due to inclement weather, the representative was present today.

## **HELEN SOUTEE SEMI ANNUAL REPORT**

County Treasurer, Helen Soutee presented the Commission with the Semi-Annual Treasurer's report for the year ending 2007. A general discussion regarding projects and estimated expenditures ensued. Commissioner Herschend noted that he would like to see a report detailing the allocation of projects. Both Treasurer Soutee and Auditor Findley stated that they would get that together.

# **TANEY COUNTY COMMISSION RECORD**

## **COMMISSIONER HERSCHEND PURCHASE OF VACATION TIME**

Commissioner Herschend stated that the County Commission was asked to purchase vacation time last week. Commissioner Herschend noted that he had spoken with that individual and added that the employee does have a plan. Commissioner Strahan commented that since this was a personnel issue, it should be in executive session.

## **COMMISSIONER HERSCHEND SYCAMORE LOG CHURCH ROAD**

Commissioner Herschend informed the Commission that while on a road trip with Frank Preston, Road Superintendent, they have a situation on Sycamore Log Church Road. Commissioner Herschend noted that there is severe damage to the road caused by blasting. The road will need to be pulled up and redone. Commissioner Herschend stated that he would like to discuss this issue in executive session as well. Commissioner Strahan commented about the 24 hour posting. Commissioner Herschend stated that he had informed road & bridge to not do any grading on this road as it may damage the evidence, but by doing that, there is no snow removal until this is taken care of.

Counselor Paulson concurred that it should be discussed in executive session noting that inclement weather and collection of evidence is of time concern.

## **COMMISSIONER HERSCHEND CITY OF BRANSON PROJECTS**

Commissioner Herschend noted that he was going to have a meeting with the Mayor of Branson regarding keeping the county in the loop when a project is bordering a county road.

## **COMMISSIONER STRAHAN WEATHER ISSUE**

Commissioner Strahan requested that Frank Preston, Road Superintendent keep the Commission up to date on the weather since his crews would be out in the middle of it. Commissioner Strahan added that it would help when determining if the Courthouse should be closed. Mr. Preston stated that he did not want to be responsible for that decision. Commissioner Strahan noted that they would be more informed to make a better decision.

## **ACCOUNTS ALLOWED**

Commissioner Pennel made a motion to approve accounts payable warrants #301640 - #301795, manual warrants #4774 - #4776. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PRIOR MINUTES**

Commissioner Pennel made a motion to approve prior Commission Minutes dated 1/14/08 and 1/17/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
10:00 a.m.

**RECONVENE**  
10:10 a.m.

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(1)(3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to pay John Lavender for 107 hours of his 2008 vacation which will leave 40 hours to be taken. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.

Finish Type: 1/22/08

Submitted to Commission: 1/23/08

Commission Approved: 1/23/08



## JANUARY 23, 2008 7<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission's Office at 9:05 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern District Commissioner present and the following proceedings were had and made a matter of record.

### APPROVAL OF PAYROLL

Commissioner Strahan made a motion to approve the following payroll warrants:

General County Revenue - #103890 thru #103891, #103922 thru #103944

Road & Bridge - #103893 thru #103915

Assessment Fund - #103892, #103916 thru #103918

Transfer Station - #103919 thru #103921

Accounts Payable Warrants #301796 thru #301811, Manual Warrants #4777 thru #4778

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

### PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 1/22/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### CASEY ROAD EASEMENTS

Commissioner Strahan made a motion to approve the following road easements for Casey Road upon the recommendation of Randy Haes, Road & Bridge Coordinator:

Donald & Loretta Anton  
Michael & Janalee Quigley  
Nicholas & Sally Welter  
Phil Carter (4)  
David Emgren/Gail Seyl POA  
Charles & Connie Hyson  
Jack & Madelon Kinkade  
Calvin & Donna Clark

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

# TANEY COUNTY COMMISSION RECORD

## COMMISSIONER STRAHAN RICHARD HAINES

Commissioner Strahan stated that he had spoken with Richard Haines who had a verbal agreement from the County to place trees and rocks along his property rather than putting up a fence, while working on a County Road, however the County staff failed to leave rocks and trees to serve as a natural fence. Commissioner Strahan commented that Mr. Haines is now requesting that a fence be put up because there have been some problems with four-wheelers and property theft.

Commissioner Strahan noted that since the County had not fulfilled their part did the Commission have a problem with road & bridge installing the fence. Commissioner Pennel stated he had no problem.

**RECESS**  
9:25 a.m.

Minutes taken and typed by Tressa Luttrell.

**RECONVENE**  
3:00 p.m.

The County Commission reconvened at the Construction Entrance on the back side of Industrial Park Drive in Hollister at 3:00 p.m. with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

### SYCAMORE LOG CHURCH ROAD

The County Commission met with Frank Preston, Road Superintendent, Tom Boyce and the staff with Boyce and Rozell Engineering to discuss Sycamore Log Church Road.

A general discussion ensued on the situation where Boyce's blasting crew damaged Sycamore Log Church Road. Mr. Boyce explained that he had a conversation with Sam Yarnell from the Taney County Road Department offering to fix the road and provide a letter to that effect. Mr. Yarnell had declined the letter. However, Mr. Preston asked that the County receive a letter detailing the work to be done and set a May 1, 2008 completion date. A discussion regarding the placement of an electronic board sign notifying the public about the repair plan was had as well.

**RECESS**  
3:25 p.m.

Minutes taken by Ron Herschend and typed by Tressa Luttrell.

Finish Type: 1/23/08  
Submitted to Commission: 1/24/08  
Commission Approved: tabled 1/28/08  
Re-Submitted: 1/30/08  
Commission Approved: 1/30/08



### JANUARY 28, 2008 8<sup>th</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Associate Circuit II Courtroom at 9:02 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Rob Owen followed by the pledge.

# **TANEY COUNTY COMMISSION RECORD**

## **COMMISSIONER PENNEL BRIDGE SURVEYS**

Commissioner Pennel reported that there have been many surveys filled out. The main message that was received from the citizens of Taney County was the need for a new bridge, but not to close the existing one. Commissioner Pennel sent out his appreciation for all the opinions/ideas that were communicated.

Commissioner Pennel made a statement that the survey boxes were going to be picked up, but encouraged the citizens of Taney County to continue communicating their ideas/opinions.

## **COMMISSIONER HERSCHEMEND ANNUAL REPORT OF COUNTY OFFICIAL COMPENSATION DOCUMENTS SENT BY THE COUNTY CLERK**

Commissioner Herschendam suggested to Donna Neeley, County Clerk that she contact each Elected Official to verify they received their document as it was, when sending out internal documents, as it went through the postage meter with no addresses. Ms. Neeley responded by saying that there must have been a misunderstanding within her office. Commissioner Herschendam thanked Clerk Neeley for taking the time to listen to his suggestion.

Commissioner Herschendam stated that he wanted to discuss another issue. Since it was not posted, there will not be any type of vote. Commissioner Herschendam wondered why only 5 municipalities applied for the Road Sharing Project. He stated that last year all 9 municipalities participated. Commissioner Strahan suggested that the Commission discuss this issue in a Work Session. A general discussion ensued.

## **COMMISSIONER STRAHAN EASTERN TANEY COUNTY TRANSPORTATION/FEDERAL FUNDING**

Commissioner Strahan announced that U.S. Representative Jo Ann Emerson will be traveling to Taney County to meet with the Commission on Thursday, January 31, 2008 to discuss funding for the bridge. Her staff will also accompany her at this meeting. Commissioner Strahan expects a great crowd for this event. All Commissioners agreed that this issue is extremely important and it affects the entire county. A general discussion ensued about the affects of the bridge.

## **TRESSA LUTTRELL – COUNTY ADMINISTRATOR PATROL CAR BID**

Ms. Luttrell stated that she went out for bid on Patrol Cars. The bid was for 1 Dodge Magnum and 9 Dodge Chargers. Tri-Lakes Motors came in at \$231,902 and Central Dodge came in at \$230,916. \$235,000 was budgeted for new patrol cars for the Sheriff's Department. A general discussion ensued due to the fact that the bids were only \$886.00 in difference. Commissioner Strahan made a motion to go with Tri-Lakes Motors at \$231,902 to keep the money local as that money will come back trifold.

Counselor Paulson expressed his concern as to whether this was the best bid. Commissioner Herschendam questioned if this would hinder our ability to receive any bids outside the county.

Jimmie Russell, Sheriff, commented that if you factor in the drive time for delivery or warranty work more than covers the difference. Counselor Paulson noted that he did feel better with that information.

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

## **PUBLIC COMMENT**

Bob Schanz applauded the fact that the County Commission minutes were printed in the paper. He commented that it was the greatest thing put in the paper.

# TANEY COUNTY COMMISSION RECORD

Art Beck stated that TCAD is extremely low on first responders. This is a basically a volunteer position, it only pays \$5.00 per call. Commissioner Herschend asked what exactly does a First Responder do. Art responded by saying the First Responder is the first person on the scene and assesses the situation as to whether who gets called to the scene. Art also stated that if the Commissioners knew of anyone that would be interested to please contact Kevin Tweedy or Kent Vanderpool.

## **DONNA NEELEY – COUNTY CLERK MAS 90**

Clerk Neeley stated that she needed to gain access to MAS90 to finish her reports. Tressa Luttrell, County Administrator, scheduled a Work Session with Clerk Neeley and the Commissioners for February 4, 2008. Clerk Neeley communicated that that would not work due to the fact that it is the day before the election. Commissioner Herschend asked Ms. Luttrell to reschedule her Work Session.

## **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #301812-#301874. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PRIOR MINUTES**

Commissioner Pennel made a motion to table prior Commission minutes dated 1/23/2008, as the section regarding Mr. Haines needed to be reworded. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

9:34 a.m.

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021(1)(12). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.

## **RECONVENE**

11:32 a.m.

## **DAWN ERICKSON IDA UPDATE**

Dawn Erickson, Interim IDA Director met with the Commission to provide an update on the projects she has been working on.

Ms. Erickson noted that there are two major projects in which she was working on; one being the Workforce Housing Summit which will be February 21<sup>st</sup> at Presley's Theatre from 9-12. Ms. Erickson added that she would be spending funds for the invitations as well as postage. The other companion project is tax credit on housing and added that they had built a data base for lobbying purposes.

Ms. Erickson commented that they were thinking about some of the panelist for the summit being the Carmichaels, HCW, the individuals putting in the project at Bull Creek...adding that they were hoping to attract developers, finance people etc to the summit.

Ms. Erickson updated the Commission on various projects and possible prospects to Taney County and added that she had attended a meeting for Rockaway Beach's Economic Development where Donna McCoy was the speaker. There seems to be a lot of talk about Lake Taneycomo and the difficulty of people getting together.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend stated that the Commission had addressed the water quality issue 4 or 5 years ago and thought that that was the solution. The algae is a sewer issue and it should be cleaned up when they fix their plant.

Lisa Owen asked if anyone had taken advantage of the septic reimbursement. Commissioner Pennel noted that they were on City Sewer. Commissioner Herschend stated that the problem is their sewer plant.

Commissioner Herschend commented that he would like to have an understanding...and added that he would ask Ms. Erickson to give the Commission her recommendations. Ms. Erickson noted that she would come back the next time with some specific requests.

Commissioner Pennel commented that maybe the County should have Ms. Erickson look at the feasibility of the issue and if it can even be achieved.

Commissioner Herschend stated that unless he has missed a meeting, he thought that the Commission approved for them to work on two projects and today we here that they have attended a meeting in Rockaway...all of these things she is working on is without the Commission's approval. Commissioner Pennel stated that he had spoken with Cy Murray and let them know that the Commission would have a more hands on involvement and that things would need to be cleared through the Commission first.

Ms. Erickson commented that there hasn't been a lot of work done but that she was just returning phone calls that have come in...if the Commission doesn't want them to take care of the phone calls... Commissioner Pennel stated that he didn't think they wanted to ignore the phone but that the issues should be brought to the Commission.

Commissioner Herschend added that he would suggest Ms. Erickson work on the two issues at hand and provide a listing of the phone calls and then the Commission can say what should be done. Commissioner Pennel noted that Ms. Erickson could continue to answer the phone calls but to be frank with them about the situation. Commissioner Herschend added that the County was in the process of reorganizing the IDA at the County level.

Ms. Erickson asked if they had a timeline for the transformation. Commissioner Herschend stated that he didn't know...the County may pull together with some other organizations and pool the resources but the County needs to talk about the restructuring.

A general discussion regarding the goals of the summit, adequate workforces as well as adequate housing ensued.

The Commission did request that the invitation list for the summit be submitted to the Commission for their perusal.

## **RECESS**

12:36 p.m.

## **RECONVENE**

1:32 p.m.

## **TRESSA LUTTRELL / FRANK PRESTON WORKSESSION**

Tressa Luttrell, County Administrator and Frank Preston, Road Superintendent met with the Commission to discuss the following issues:

1. Great River Engineering contract: Ms. Luttrell presented the Commission with a contract for engineering services with Great River Engineering for the Casey Road Project.

Commissioner Herschend commented that the County normally didn't have inspections on road projects. Mr. Preston stated that typically no, but with this project there is so many homes as well as the size of the project. Mr. Preston noted that he felt it was needed.

## TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion to approve the contract for Great River Engineering for construction phase services and construction staking for Casey Road Improvements at a not to exceed rate of \$115,000. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Staging area at Casey Road: Ms. Luttrell stated that Randy Haes, Road Coordinator had requested that the Commission approve the payment of the staging area for Casey Road.

Commissioner Pennel made a motion to approve the payment of \$2,000.00 for the staging of Casey Road project on the Degraffenreid property. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. Stormwater Pollution Prevention Plan: Ms. Luttrell presented the Stormwater Pollution Prevention Plan for the Casey Road Project. Mr. Preston noted that on bigger construction projects you are required to place the fencing etc. so that materials don't run off and get into the sewer, water etc.

Commissioner Herschend made a motion to approve the Stormwater Pollution Prevention Plan for the Casey Road Project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. Tool Inventory: Ms. Luttrell stated that in previous meetings the Commission had discussed having the Auditor conduct a tool inventory for road & bridge but had not seen anything go out. Commissioner Herschend had suggested sending a letter out for the request. Ms. Luttrell presented a draft copy for the Commission's perusal.

Commissioner Herschend suggested that Mr. Preston look into a policy regarding penalties for tools going home without permission. Commissioner Strahan noted that possibly suspension for the first occurrence and then termination.

5. Road Policy: Ms. Luttrell commented that in a Commission Meeting the Commission discussed the possibility of having a policy for timelines on petitions and vacations. Ms. Luttrell reviewed the policies and submitted a possible change to the "New Road Policy" to address the road petitions; however the road vacations may need to be something the Commission addresses when reading the vacation the first time.

The Commission and Mr. Preston edited the document which will be corrected and submitted for final approval.

6. Road & Bridge Sharing Projects: Ms. Luttrell presented the projects submitted thus far for the 2008 monies.

Commissioner Herschend made a motion to approve \$31,000.00 for the Village of Bradleyville for the Church Street project and to look at additional funding when the remainder of the application comes in. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve \$50,000.00 for the City of Branson for the purchase of a tar melting machine. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve \$50,000.00 for the Village of Bull Creek for work on Liberty, Independence, Roman and Kemp. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve \$50,000.00 for the City of Forsyth for the VinVilla, Gym Road project. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Commissioner Herschend noted that he felt the City was double dipping. Commissioner Pennel disagreed.

## TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to approve \$50,000.00 for the Village of Merriam Woods for the Driftwood and West Gate Road project. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve \$50,000.00 for the City of Rockaway Beach for the repaving of City Streets project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

The County Commission requested that Ms. Luttrell send a memo to those entities that had not submitted a project noting that they would extend the application process as well as making a follow-up phone call.

7. Emergency 911 Grant: Ms. Luttrell presented letters of support to the Commission that was requested by Sean Barnwell who is working on the grant for the White River Emergency Communications Project. Ms. Luttrell added that Mr. Barnwell had requested to pick them up this afternoon for their submittal deadline.

The County Commission reviewed said request but stated that at this time with the funding issues for transportation, they couldn't sign the letter.

8. Transportation Committee: Ms. Luttrell asked the Commission if they were still wanting to form a Transportation Committee as this issue had not been finalized.

Commissioner Herschend made a motion to invite David Miller, Bob Simmons, Jeff Woods, Jim Youngblood, Christina Schanda and Rick Davis to be members of the Taney County Commission's Transportation Committee looking to help the County develop a transportation plan. Commissioner Pennel noted that this has been a very public issue and asked that Commissioner Herschend withdraw his motion and post the issue specifically. Commissioner Herschend withdrew his motion.

The Commission requested that the issue be posted for the Wednesday meeting.

9. MoDot Request: Ms. Luttrell presented a letter from MoDot requesting them to be allowed to sign Taney 165 from the new Hollister Interchange, on the south, to its intersection with State Route 248 on the north which would require the Commission's signature.

The Commission questioned what the look of the sign would be. Mr. Preston indicated that he had seen a picture and was recommending approval, however if the Commission wanted to hold off, he would go back to Mr. Becker from MoDot. The County Commission signed the requested letter.

10. Richard Melton: Mr. Preston informed the Commission that he would be contacting Richard Melton to let him know that he would not be offering him a position with Planning & Zoning.

Commissioner Herschend asked for his reasoning. Ms. Luttrell reminded the Commission that the tape was on and this was a personnel issue. Mr. Preston commented that he had checked his references and based his decision upon that.

11. Bee Creek Guardrail: Mr. Preston informed the Commission that the guardrail has been installed and added that there was Sheriff's Department presence for the project.

Commissioner Strahan asked if Mr. Preston would be keeping track of that for the back-up information regarding the transferring of road & bridge funds for road patrol. Mr. Preston indicated yes.

12. Hillside Petition: Mr. Preston informed the Commission that the last easement has been signed and inquired as to the approval of the petition.

The Commission noted that the petition was approved contingent upon the acquirement of easements.

13. 2008 Road Projects: Mr. Preston again reminded the Commission for input regarding the 2008 Road Project List.

## TANEY COUNTY COMMISSION RECORD

14. Road Standards: Mr. Preston indicated that the Commission had received an electronic copy of the road standards and again requested the Commission's input.

15. Buena Vista: Mr. Preston indicated that he had revised plans for Buena Vista and would bring them to Commissioner Herschend to review.

16. Board of Adjustment: Mr. Preston informed the Commission that there were two vacancies on the Board of Adjustment; Bob Anderson and Tim Huddleston.

Ms. Luttrell commented that Bob Anderson's term was up January 2007 and Dave Clemensons term was up January 2008. Commissioner Pennel stated that he had received a letter from Mr. Huddleston regarding his resignation from the board.

17. Bateman off of Gladetop Trail: Mr. Preston informed the Commission that Bateman off of Gladetop Trail has had a request for improvement as the Boy Scouts/Cub Scouts are planning to put a summer camp in along that road.

18. Nuisance Ordinance: Mr. Preston addressed the Commission regarding an idea Keith Crawford, from Planning & Zoning, had regarding the Nuisance Ordinance.

Mr. Preston stated that Mr. Crawford has suggested that he conduct the research on behalf of the Commission, as he is already out in the field, for the nuisance ordinance and forward that information along with a standard letter to the Commission for approval. Mr. Crawford thought that this would address the issue of the Commission being responsible for the Ordinance.

19. Bridge Reports: Mr. Preston noted that he had contacted MoDot to receive a copy of the bridge inspection reports and has pulled all the ones that needed concrete attention. Mr. Preston added that he has created approximately 13 work orders for Charlie.

20. Prottem/Cedarcreek Continuation: Mr. Preston commented that he would like for Commissioner Strahan to go look at the progress of the Prottem/Cedarcreek and added that Randy is working on the easements for the road.

Commissioner Strahan noted that the easements are going to be received not so we can continue to work on but so that it is available to work on when there is nothing else to do. Mr. Preston noted that it is used as a fill in project.

21. Specifications for Mechanic Building: Mr. Preston informed the Commission that the specifications have been delivered to Ms. Luttrell for the purchase and erection of a 40' x 60' metal building. Mr. Preston estimated the costs being \$30,000.00.

22. Mechanics work tracking system: Mr. Preston stated that he is having trouble getting any information from either of the mechanic shops so Kathy Roberts is working on a program that will allow us to track costs per unit. This should be installed within the next week.

23. Joint Meeting: Mr. Preston stated that our Planning & Zoning would like to meet with both the City of Hollister and the City of Branson's Planning Department as it is a great networking tool. Mr. Preston added that if the Commission was ok with that he would contact both Cities to see if they would be interested.

Commissioner Herschend stated that he would suggest the County hosting the meeting and cook burgers or something.

Mr. Preston further commented that when an individual comes in for a permit, depending upon who gives you the information, it is not always the same so he has asked Planning & Zoning to create a flow chart that can be handed out telling individuals what is needed and required.

24. Incentive Suggestion Program: Mr. Preston commented that in other places that he has worked they had incentives for good suggestions. For instance, if they had a good suggestion the

# TANEY COUNTY COMMISSION RECORD

employee would receive a cup but if their suggestion saved a lot of money, they were rewarded with \$1,000. Mr. Preston added that he thought it would be a good idea.

25. Road Inspector: Mr. Preston presented a report to the Commission that he had been working on for several days showing recent projects and the cost for those projects. Mr. Preston added that this information could be input in the Carte' Graph program and spit out in a few minutes. Mr. Preston added that the more the County uses Carte' Graph the better the information.

Mr. Preston stated that Commissioner Strahan had wanted some time to think about the position some more and was once again bringing it up. No action was taken.

## GALLAGHER BASSETT WORKERS COMPENSATION

Mike Richards, Devon Young and Bob Holthaus all representing Gallagher Bassett met with the Commission to discuss the recent possibility of the County cancelling their enrollment with Gallagher Bassett for Workers Compensation.

A discussion regarding how the program works and their desire to continue to serve Taney County was had. The Commission indicated that they would take the information and ask better questions to the company that had presented a better quote before making a decision.

## GARY MORGAN EMPLOYEE ISSUE

Commissioner Strahan made a motion to approve Joe Blackerby at 20 hours a week, contract labor in place of the additional full time employee for the IS Department. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
4:55 p.m.

Minutes taken and typed by Tressa Luttrell.

Finish Type: 1/29/08  
Submitted to Commission: 1/30/08  
Commission Approved: 2/13/08



## JANUARY 29, 2008 9<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at Bailey's Café in Theodosia at Noon pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern District present and the following proceedings were had and made a matter of record.

## MINIMUM FLOW

The County Commission attended a presentation conducted by the Arkansas Game & Fish Commission concerning the White River minimum flow issues.

**RECESS**  
2:30 p.m.

Minutes typed by Tressa Luttrell.

Finished Type: 1/30/08  
Submitted to Commission: 1/30/08  
Commission Approved: 2/11/08

# TANEY COUNTY COMMISSION RECORD



**JANUARY 30, 2008 10<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met in the County Commission's Office at 9:09 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **TIM CONNELL / LYNETTE WEATHERFORD WORKERS' COMPENSATION**

The County Commission met with Tim Connell and Lynette Weatherford, representing Connell Insurers, to discuss the recent issue of the County's workers' compensation.

After a lengthy discussion, the Commission requested that Mr. Connell present a letter from Missouri Rural Services noting that the deviation factor would not go more than "0". Mr. Connell stated that he was sure he could get a letter to that effect and would also verify his information with the State.

Commissioner Herschend added that this change would be roughly \$10,000 a month in savings. Auditor Findley commented that he would like to do a comparison prior to making any decision.

The Commission asked for the issue to be posted on Friday.

**RECESS**  
9:51 a.m.

**RECONVENE**  
10:17

## **EMERGENCY 911 GRANT SEAN BARNWELL**

The County Commission met with Sean Barnwell, Dave Gyger and Chris Berndt, members of the Taney County Emergency 911 Advisory Board to discuss the recent request for a letter of support for the White River Emergency Communications Project.

Commissioner Herschend asked what Commissioners Pennel and Strahan had found out regarding asking for both funding issues (the grant and transportation funding). Commissioner Pennel commented that he didn't pick up on that, just that it was a 2 million dollar request and that they wasn't going to get it.

Mr. Barnwell commented that the grant writer has stated that it wouldn't even come from the same monies. Commissioner Strahan added that they were not very encouraging when they spoke with us...not sure if it was the amount of money...they just said that you wasn't going to get the funding. A general discussion regarding the process ensued.

Commissioner Herschend made a motion to approve the support letter as presented and ask that it be distributed once he has spoken with Congressman Blunts office. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PRIOR MINUTES**

Commissioner Pennel made a motion to approve prior Commission Minutes dated 1/23/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Strahan made a motion to table 1/28/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

10:58 a.m.

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(1). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to approve the funding for the filing fee on the Bush Nuisance Case for a Motion of Contempt. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to approve the Tax Maintenance Plan as assembled by the County Counselor and the Assessor. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECONVENE**

11:32 a.m.

## **CEMETERY RESOLUTION**

Counselor Paulson noted that Eddie Coxie with Planning & Zoning had contacted the Planning & Zoning Commission noting that 6 of the board members had no problem with approving the issue and added that the remainder of the board members just wanted to make sure that the issue came before Planning & Zoning.

Counselor Paulson further commented that a trust would have to be formed and by statute it is the County Clerk's responsibility to keep track of those trusts.

Commissioner Herschend made a motion to approve said resolution. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**(INSERT RESOLUTION)**

## **GRANT SUPPORT LETTER**

### **FOLLOW-UP**

A general discussion regarding Commissioner Herschends phone call to Congressman Blunts office was had. Commissioner Herschend noted that in speaking with Mr. McIntosh, this isn't a grant, they are asking for legislation to get funding.

Commissioner Herschend added that Mr. McIntosh commented that they would come back to the County asking for the County to prioritize the requests, and I don't see this as a priority. Commissioner Herschend stated that the grant writer should be writing a grant...that is what we approved funding for...not lobbying for funds. At this point, I would not send the letter. Commissioner Herschend stated that he didn't feel good about it at this time as it seems we would be competing with ourselves for funding.

Commissioner Strahan agreed regarding not sending the letter if that is the stance they are going to take because he didn't want anything to interfere with possible transportation assistance.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion that Sean Barnwell be notified and that the Commission rescind approving the letter. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
11:55 a.m.

Minutes taken and typed by Tressa Luttrell.

Finish Type: 1/31/08  
Submitted to Commission: 1/31/08  
Commission Approved: 2/11/08



**FEBRUARY 1, 2008 11<sup>TH</sup> DAY OF  
THE JANUARY ADJOURNED TERM**

## **TANEYCOMO BRIDGE MEETING**

The meeting was held at the Missouri Department of Transportation Headquarters office in Springfield, Missouri at 10:00 a.m. Chad Zickefoose, Commissioner Strahan, Commissioner Pennel, Commissioner Herschend, Kirk Juranus, David Miller and Gary Groman were present.

Chad Zickefoose led a general discussion on the cost of the project, which party was responsible for each aspect of the presentation including financial responsibilities.

After the discussion above, Mr. Groman asked for a timeline on steps and processes. There were also comments made on other sources of funds, including private donations and federal funding.

The bridge discussion concluded and Commissioner Herschend asked if MoDOT would be willing to review/brief a road design by one of the counties outside vendors. Commissioner Herschend went on to say that Taney County staff had questions and that we needed a neutral party to review the plans. Both Kirk and Chad said that they could provide a couple of hours to support the request. Taney County is supposed to supply them with a copy of the plans.

The meeting adjourned after all parties shared their appreciation of the support of the other parties.

**RECONVENE**  
2:35 p.m.

The County Commission reconvened in the Commission's Office with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## **WORKER'S COMPENSATION**

Commissioner Herschend made a motion to accept Connell Insurance as Taney County's Worker's Compensation. This policy will take effect on 2/1/08 at \$307,000. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes taken by Ron Herschend and Chuck Pennel, typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD



## FEBRUARY 4, 2008 12<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Associate Circuit II Courtroom at 9:02 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Clerk Neeley approached the bench and asked if the Commissioners would amend the agenda and let her start the meeting, due to the Election on Tuesday. Commissioner Herschend made a motion to amend the agenda. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Prayer was led by Commissioner Pennel followed by the pledge.

### **DONNA NEELEY, COUNTY CLERK TITLE III ISSUE**

Clerk Neeley stated that she emailed the Title III Application to all 3 Commissioners. Commissioner Pennel asked when the information was sent over. Commissioner Herschend commented that he didn't remember seeing it. Clerk Neeley stated that she would read the Title III Application into record.

Pursuant to Public Law 106.393.302.1 pertaining to Title III funding for Taney County Projects. The following projects have been submitted for review by the citizens of Taney County. The Taney County Commission will make a decision on the projects submitted in February 2008.

Project #1: Bradleyville School purchased 22 acres of federally owned land and requested \$20,000 of Title III funds to survey and develop the property to help stop the erosion of Beaver Creek, develop agricultural plots, a nature trail and wildlife food plots.

Bradleyville was the only municipality that turned in their application. A general discussion ensued on how much money the county received for the year for Title III. Helen Soutee, County Treasurer, stated it is approximately between \$16,000 and \$18,000.

Commissioner Strahan made a motion to award the entire amount to Bradleyville. Commissioner Herschend seconded the motion for discussion. Commissioner Herschend questioned how we could award the full amount without knowing how much money Taney County would receive.

A general discussion ensued. Commissioner Strahan amended his motion to award the total 2008 Title III money up to \$20,000 to Bradleyville. Commissioner Herschend seconded the amended motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PERSIMMON POINT VACATE**

Tom Motley, Attorney for the Petitioners, was present. Mr. Motley apologized for not being present at the January meeting. He explained to the Commissioners that the vacate was initially for a 30 foot road that serviced 3 lots. The owners of two of the lots have since purchased a lot in the middle and has since taken it down to two lots. The petitioners are requesting to vacate a portion of the road. The original agreement between the property owners that was done in 1973, states that the road was never to be wider than 15 feet, even though it is platted for 30 feet.

A general discussion ensued as to how the plots serviced the road by all three Commissioners. Commissioner Herschend questioned as to why the petitioners, Mr. & Mrs. Williams, are requesting to vacate a road that is not on their property. Counselor Paulson was confused as to how there was even a 30 foot road when the requirements set forth by the Planning and Zoning Commission is 40 feet in a subdivision. Mr. Motley state that in 1964 there was a document that dedicated the road. At the time of this document there were no requirements on the width of a road.

## **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend made a motion to deny the request to vacate at this time, due to the fact that the petitioner cannot vacate someone else's property and that it would be in violation of Taney County Planning Guidelines. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **CLEARWATER ACRES VACATE**

Tom Motley, Attorney for Petitioner, addressed the Commissioners that he was unable to reach Ms. Sheldon, petitioner. Mr. Motley stated that he needs to express to Ms. Sheldon that she needs to obtain a replat, joining the three parcels and making them one parcel.

A general discussion ensued regarding the county's road application process. Commissioner Strahan stated that when answers are not met on a timely basis, the application would be denied and the petitioners would have to re-apply. Commissioner Herschend stated that there would be an exception for this particular application due to the fact that the process was started in July, which was prior to the new ruling.

Commissioner Herschend made a motion to table this vacation until the next quarterly date, which is in April, due to the fact that Mr. Motley was unable to get the appropriate answers from the petitioner and the decision to change the road application process was after the initial date of application. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **BOB SCHANZ TANEYCOMO BRIDGE**

Bob Schanz addressed the Commission on his opinion on the Taneycomo Bridge issue. Commissioner Pennel shared that the commission met with MoDOT on the Cost Sharing Application. A general discussion ensued. MoDOT, Taney County, the City of Branson and the City of Hollister are working together to find a solution.

**RECESS  
9:53 a.m.**

**RECONVENE  
10:03 a.m.**

### **COMMISSIONER PENNEL, TANEYCOMO BRIDGE SURVEY & FUNDING**

Commissioner Pennel stated that the County Commission met with MoDOT on Friday, February 1, 2008, in Springfield, Missouri. Commissioner Pennel stated that the Cost Sharing Application is moving forward and noted that Chad Zickefoose, with MoDOT, presented a schedule to the County Commission, as far as a time line. The process of this application does not happen quickly, it is a very lengthy process. Sometime this month the application will be reviewed by the Cost Sharing Committee, along with all the other applications that have been received. The Committee may make a decision upon reviewing or they could come back to the County Commission with additional questions.

Donna Clevenger approached the Commission and asked for clarification on the procedure of the Cost Sharing Committee and where it goes from here. Commissioner Pennel explained the process.

Commissioner Pennel stated that all the survey boxes have been picked. The majority of the responses indicated that closing the bridge would be of severe impact. The surveys are being tabulated and are in our office if anyone would like to see them. Commissioner Herschend stated that the public was knowledgeable and educated themselves, which the Commission as a whole appreciates.

### **COMMISSIONER PENNEL DOLLAR COIN RESOLUTION & LETTER**

Commissioner Herschend read the Dollar Coin Resolution into record:

# TANEY COUNTY COMMISSION RECORD

## RESOLUTION CONCERNING PRESIDENTIAL \$1 COINS

**WHEREAS**, Congress has authorized the Presidential \$1 Coin Act (Public Law 109-145) to honor our nation's Presidents; and

**WHEREAS**, many of our Presidents have both acknowledged God in public and called on Him in times of need; and

**WHEREAS**, the currency of the USA both in coin and paper has acknowledged In God We Trust for many generations; and

**WHEREAS**, the United States Mint has used edge-incused inscriptions of In God We Trust instead of using the front of our coins, which has been done historically; and

**WHEREAS**, the United States Mint has also entirely omitted Liberty from the coin.

**WHEREFORE**, be it resolved that the Taney County Commission requests Congress take action to require the Director of the United States Mint to place In God We Trust and Liberty on the front of the \$1 Dollar Presidential coin.

PASSED AND ADOPTED by the County Commissions of Taney County, this 4<sup>th</sup> day of February, 2008.

Commissioner Herschend made a motion to approve the \$1 Coin Resolution. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel stated the Commission will be sending a letter to all Federal Representatives regarding the \$1 Coin. The postage will be paid for privately. The Resolution will also be sent along with the letter.

## TRESSA LUTTRELL BACKHOE BID AWARD

Tressa Luttrell, County Administrator, stated that bids were taken for a backhoe and three bids were received. Frank Preston, Road & Bridge Superintendent, recommended John Deere, due to it being the second lowest price at \$72,910 and the highest five year buy back, cost minus the buy back is \$25,410.

Mr. Preston stated that the backhoe will serve as a replacement for the Transfer Station or one that will be taken out of the West Side.

Commissioner Strahan made a motion to approve Mr. Preston's recommendation for the purchase of a John Deere backhoe. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## TRESSA LUTTRELL BULL SHOALS LAKE LAUNCHING RAMP

Ms. Luttrell stated that the County Commissioner received notification from the Corp of Engineers that the license for a boat ramp has expired. To renew our license, it will be \$310.00 and that is for five years. A general discussion ensued.

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

## TRESSA LUTTRELL NEW ROAD ADOPTION POLICY

Ms. Luttrell stated that the New Road Adoption Policy is ready for approval. Commissioner Herschend moved for approval as amended. Commissioner Strahan wanted to take a look at the changes. A general discussion ensued. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## TRESSA LUTTRELL TRANSPORTATION COMMITTEE

Ms. Luttrell brought forward the Transportation Committee Appointments. The Commission is still trying to get a hold of a couple more people. Commissioner Herschend expressed that he would like it put back on next weeks agenda.

## FRANK PRESTON

Mr. Preston was present before the Commission to talk about winter events. He stated that he felt very good about the two major winter events that took place in the county. He felt like his crew responded in a timely manner and he is very pleased. Mr. Preston also stated that he would like to make a public apology to MoDOT's Highway Department for the statements that were made by a local newspaper that MoDOT was late on the ice storm. Mr. Preston stated that it was not his intent to criticize, but to explain why our Road and Bridge Department was responding to the state highways so that our own emergency vehicles could respond to accidents that had been pending because our emergency vehicles could not get to them.

Mr. Preston commented that there are approximately 600 miles to plow in Taney County. The most heavily traveled roads had to be plowed 2-3 times, and has created a burm in front of some residential driveways. The Road and Bridge Department received approximately 20 complaints due to this.

## RICK FINDLEY BUDGET REPORT

Mr. Findley submitted a monthly budget report for January. He asked the Commission if they had any questions. He will email it to the Commission Office so that it will be recorded in the minutes.

FUNDBALANCE 01/31/08	TANEY COUNTY BUDGET FUND BALANCES	PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL
GENERAL COUNTY REVENUE			
BEGINNING BALANCE	18,628,344.77		18,628,344.77
REVENUES	2,404,759.41		2,404,759.41
	-		-
TOTAL REVENUES GCR	21,033,104.18		21,033,104.18
	-		-
TOTAL GCR EXPENDITURES	1,758,198.10		1,758,198.10
	=		=
TOTAL GCR FUND BALANCE	19,274,906.08		19,274,906.08
ROAD & BRIDGE			
BEGINNING BALANCE	7,004,998.91		7,004,998.91
REVENUES	125,315.79		125,315.79
	-		-
TOTAL RB REVENUES	7,130,314.70		7,130,314.70
	-		-
EXPENDITURES	261,077.68		261,077.68
	=		=
TOTAL RB FUND BALANCE	6,869,237.02		6,869,237.02
ROAD & BRIDGE TRUST			
BEGINNING BALANCE	3,693,493.95		3,693,493.95
REVENUES	714,219.37		714,219.37

# TANEY COUNTY COMMISSION RECORD

TOTAL RBT REVENUES	-	4,407,713.32	-	4,407,713.32
EXPENDITURES	-	1,205,615.21	-	1,205,615.21
TOTAL RBT FUND BALANCE	=	3,202,098.11	=	3,202,098.11
ASSESSMENT FUND				
BEGINNING BALANCE		3,099.75		3,099.75
REVENUES		283,070.60		283,070.60
TOTAL AF REVENUES	-	286,170.35	-	286,170.35
EXPENDITURES	-	69,953.26	-	69,953.26
TOTAL AF FUND BALANCE	=	216,217.09	=	216,217.09
ELECTION FUND				
BEGINNING BALANCE		31,698.41		31,698.41
REVENUES		175.26		175.26
TOTAL ELECTION REVENUES	-	31,873.67	-	31,873.67
EXPENDITURES	-	246.70	-	246.70
TOTAL ELECTION FUND BALANCE	=	31,626.97	=	31,626.97
TRANSFER STATION FUND				
BEGINNING BALANCE		747,493.99		747,493.99
REVENUES		91,335.06		91,335.06
TOTAL TS REVENUES	-	838,829.05	-	838,829.05
EXPENDITURES	-	114,046.54	-	114,046.54
TOTAL TS FUND BALANCE	=	724,782.51	=	724,782.51
FUNDBALANCE 01/31/08		TANEY COUNTY BUDGET FUND BALANCES		
		PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL	
LEPC FUND				
BEGINNING BALANCE		11,839.45		11,839.45
REVENUES		65.44		65.44
TOTAL LEPC REVENUES	-	11,904.89	-	11,904.89
EXPENDITURES	-	186.56	-	186.56
TOTAL LEPC FUND BALANCE	=	11,718.33	=	11,718.33
LAW ENFORCEMENT TRAINING FUND				
BEGINNING BALANCE		3,608.14		3,608.14
REVENUES		413.44		413.44
TOTAL LET REVENUES	-	4,021.58	-	4,021.58
	-		-	

## TANEY COUNTY COMMISSION RECORD

EXPENDITURES	1,584.51	1,584.51
	=	=
TOTAL LET FUND BALANCE	2,437.07	2,437.07
PROSECUTING ATTORNEY TRAINING FUND		
BEGINNING BALANCE	6,364.77	6,364.77
REVENUES	134.25	134.25
	-	-
TOTAL PAT REVENUES	6,499.02	6,499.02
	-	-
EXPENDITURES	175.00	175.00
	=	=
TOTAL PAT FUND BALANCE	6,324.02	6,324.02
COUNTY INSURED FUND		
BEGINNING BALANCE	96,313.14	96,313.14
REVENUES	612.23	612.23
	-	-
TOTAL COUNTY INSURED REVENUES	96,925.37	96,925.37
	-	-
EXPENDITURES	6,723.21	6,723.21
	=	=
TOTAL COUNTY INSURED FUND BALANCE	90,202.16	90,202.16
911 FUND		
BEGINNING BALANCE	1,099,556.88	1,099,556.88
REVENUES	48,880.48	48,880.48
	-	-
TOTAL 911 REVENUES	1,148,437.36	1,148,437.36
	-	-
EXPENDITURES	7,352.80	7,352.80
	=	=
TOTAL 911 FUND BALANCE	1,141,084.56	1,141,084.56
USE TAX		
FUNDBALANCE 01/31/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL
SEWER FUND		
BEGINNING BALANCE	23,082,218.45	23,082,218.45
REVENUES	2,607,954.30	2,607,954.30
	-	-
TOTAL SEWER REVENUES	25,690,172.75	25,690,172.75
	-	-
EXPENDITURES	978,306.45	978,306.45
	=	=
TOTAL SEWER FUND BALANCE	24,711,866.30	24,711,866.30
SEWER DESIGNATED FUND		
EXPENDITURES		
	=	=
TOTAL ALL SEWER FUNDS	24,711,866.30	24,711,866.30

# TANEY COUNTY COMMISSION RECORD

	=	=
SHERIFF CIVIL FUND		
BEGINNING BALANCE	97,171.17	97,171.17
REVENUES	2,322.53	2,322.53
	-	-
TOTAL SHERIFF CIVIL REVENUES	99,493.70	99,493.70
	-	-
EXPENDITURES	1,404.80	1,404.80
	=	=
TOTAL SHERIFF CIVIL FUND BALANCE	98,088.90	98,088.90
TAX MAINTENANCE FUND		
BEGINNING BALANCE	111,445.25	111,445.25
REVENUES	2,967.23	2,967.23
	-	-
TOTAL MAINTENANCE FUND REVENUES	114,412.48	114,412.48
	-	-
	=	=
TOTAL MAINTENANCE FUND BALANCE	114,412.48	114,412.48

## COMMISSIONER HERSCHEND

Commissioner Herschend stated that he would like to set up a work session with Sheriff Russell, Commissioners, and John Lavender for this afternoon. There was an issue with sewage that was expelled on the sidewalk from the jail. Commissioner Herschend stated that it was an emergency situation.

## ACCOUNTS ALLOWED

Commissioner Pennel made a motion to table approval of accounts payable and approval of minutes until 4:00 p.m. today. Commission concurred. . The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PAYROLL

Commissioner Pennel made a motion to approve payroll.

General County Revenue #103974 through #103996

Road & Bridge #103982 through #103967

Assessment Fund #103968 through #103970

Transfer Station #103971 through #103973

Accounts Payable Warrants #301988 through #302000, Manual Warrants #4780 through #4781

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

Minutes taken and typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were had and no votes were taken.

## RECONVENE

11:23 a.m.

### MARK PARENT AIRPORT HANGAR BID AWARD

Mark Parent, Airport Manager met with the Commission to present the Airport Board's recommendation for the purchase and erection of an airport hangar.

Mr. Parent noted that the board has accepted to recommend Cornerstone Building Company L.C. as they were significantly lower. Mr. Parent further stated that the board worked with Cornerstone to possibly lower the costs even more. One being that they took out the cost of the steel from their performance bond...the steel will be purchased outright. We also changed the gable of the roof to run lateral rather than parallel. With the changes their proposal went from \$667,000 to \$621,000.

Mr. Parent also presented the Commission with the following:

1. A proposed draw down schedule for the hangar.
2. An estimated revenue breakdown noting that it could possibly become a profit generator for the airport as well as additional fuel sales.
3. A list of individuals on the waiting list for hangar storage.

Commissioner Strahan asked if Mr. Parent had a time frame listed on his waiting list. Mr. Parent noted that he did not as they weren't sure if the Commission was going to approve the project or not, however we do have letters of intent.

A general discussion regarding the proposed funding of the hangar ensued. Commissioner Herschend made a motion to accept the proposal from Cornerstone Building Company L.C. for the erection of the hangar under the condition that there is no commitment of expenditures until the financing is awarded. Commissioner Pennel seconded the motion.

Commissioner Herschend stated that he has never heard of a bank being able to do what we are asking them to do. We are asking them basically to be a developer. Commissioner Herschend added that if they can do it without putting the county or the airport at risk then I am excited for the airport.

Mr. Parent stated that he would equate this like funding for a small business loan where you have to show your financial plan and added that they would see if the banks are willing to step up.

Commissioner Pennel commented that he would like the bid to be reviewed...so that it is clear to them that we don't want any encumbrance except for that building.

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

## CENTURYTEL CONTRACTS

Ms. Luttrell stated that Nikki Lawrence had taken the Centurytel contracts to the County Clerk and she refused to sign them stating that the Commission needed to make another motion approving the changes. Ms. Luttrell added that the motion was approved contingent upon Counselor Paulson getting all the changes worked out. But since Counselor Paulson needs this done today, and we are not posted, he wrote out a statement for the minutes.

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel read: The Taney County Commission on a previous date made a motion to approve the Centurytel Ethernet Contract Agreement and incorporate the changes County Counsel listed to the Commission on that occasion with the split on the agreement to two agreements. The documents were prepared and signed by the Presiding Commissioner and now the County Clerk is refusing to attest to the Presiding Commissioner's signature unless the County Commission votes again on the matter now that the changes have been added to the agreement. Due to the need to have the agreement to Centurytel today it is necessary that the Commission take up this matter without 24 hours notice to approve again so that it can be attested to the Presiding Commissioners signature.

Commissioner Herschend made a motion that all three Commissioners sign the contract so that Commissioner Strahan and I are attesting to Commissioner Pennel signing the contract since the Clerk refuses to do something. Commissioner Strahan seconded the motion.

Commissioner Strahan noted that he would like something in writing from the Clerk...gentlemen we have reached a point to where we can't even get our own decisions...contracts, and it's unfair to our attorney that works on projects that we request and it come to the final deadline and the Clerk hasn't acted upon her duties.

Commissioner Herschend phoned the County Clerk to inquire about the situation. The County Clerk stated she just needed a copy of the minutes. Ms. Luttrell noted that she has all the minutes. The County Clerk then asked what date it was. Ms. Luttrell stepped out of the room to locate the date. After the phone conversation, Commissioner Herschend stated that from now on, should the County Clerk refuse to do something, staff should contact one of the Commissioner's and let them pick up the phone and ask the Clerk if she is refusing to do something so that you and Bob aren't wasting time based on a misunderstanding.

Commissioner Strahan commented that shouldn't we receive things in writing and added that neither Bob nor himself had received the Title III documents that the Clerk stated she sent over.

Commissioner Herschend rescinded his motion. Commissioner Strahan rescinded his second.

Commissioner Herschend stated that he would move that the Commission send the County Clerk a request, in writing, that any time she refuses to attest or do anything statutorily she notifies the Commission in writing as to why so that the Commission can take the appropriate action. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

12:07 a.m.

## **RECONVENE**

1:44 p.m.

## **FORSYTH/TANEY COUNTY PARK**

Counselor Paulson stated that Dave Oliphant, Forsyth City Alderman had come to him and brought a concept for a City/County Park and asked for a contract. Counselor Paulson added that he got the impression that it would be a County park run by the City.

Commissioner Strahan noted that he thought the dugouts and lighting would all be done by the City. Commissioner Herschend commented that he did share that conceptually sharing the park made sense to him...Mr. Oliphant is truly envisioning a county park. My only question is why are we drafting a contract and added that he sensed there was an urgency.

Counselor Paulson noted that there was a reason for urgency. Commissioner Herschend questioned why the County Counselor was drafting a contract. Commissioner Pennel asked why we wouldn't be leaving it as a City park...why would the County want to own a City park. Counselor Paulson stated that the County would be spending funds on the park.

# TANEY COUNTY COMMISSION RECORD

Ms. Luttrell noted that there would be a swimming pool...what would the County's liability be. Counselor Paulson noted that Mr. Oliphant didn't mention a pool. Commissioner Strahan stated that it was mentioned to him...we would just be doing the 17 acres and would have no ownership or liability but added that he didn't think that it was timely.

A general discussion regarding funding, grants and City versus County Park ensued.

## **FRANK PRESTON VARIOUS ISSUES**

Frank Preston, Road & Bridge Superintendent met with the Commission to discuss the following:

1. Tool Inventory: Mr. Preston stated that he wanted direction of what the Commission was asking for with the letter to the Auditor regarding conducting a tool inventory.

Commissioner Herschend noted that he envisioned that we do create a base line and go back to what has been spent...we may find that we are comfortable with what has been spent. Commissioner Pennel stated that his idea was to inventory what we have...15 phillips, crescent wrench etc.

Auditor Findley commented that he didn't think that they could get the inventory done in the timeline set out in the letter. Commissioner Pennel continued noting that he didn't see why we didn't take digital photos so you can see what's there.

Auditor Findley stated that he just needed direction. Commissioner Strahan commented that he thought the sole purpose is that at this time we have a tool specific inventory...the likelihood of those disappearing...then if we see something out of whack go back and look at it.

Commissioner Herschend noted that this was initiated because we are spending more and more money on tools. Commissioner Strahan added that he thought this would do wonders for the workforce. Commissioner Pennel agreed.

Auditor Findley stated that he would bet that there is a lot of road & bridge with tape measures at home. Commissioner Herschend stated that this would provide a tool...when a requisition comes through you could check it out rather than waiting a year for inventory.

Commissioner Herschend added that it tells the guys that we are looking. Commissioner Pennel noted that he would like to see the brand of the tool on the inventory as well.

## **EMERGENCY 911 GRANT SEAN BARNWELL**

The County Commission met with Steve McIntosh, representing Congressman Blunt, Sean Barnwell and Kent Vanderpool, Emergency 911 Advisory Board Members, Jimmie Russell, Sheriff and Jeff Merriman representing Trotter & McIntosh.

Commissioner Herschend stated that he was concerned about double dipping as this is not a grant...it's lobbying, this probably isn't the time along with the bridge request for funding. Commissioner Pennel noted that the goal for this meeting would be for the Commission to decide if we want to send a letter to apply for this appropriation earmark. Commissioner Pennel further noted that he was comfortable, that while talking with Stacey that it won't harm us...does Taney County want to be the applicant or do we want the City of Branson. But I got the feeling that it would be better coming from Taney County.

Mr. McIntosh noted that there is a difference with a grant and an appropriation...what we are asking is that they go through the budget authority for support which is the County Commission. We will come back and ask for the Commission to give us a priority list. Mr. McIntosh added that with this one the amount is extremely high...just can't do it. There is a difference between grants and earmarks within a grant. If you are paying a grant writer you're actually paying a lobbyist for an earmark.

# TANEY COUNTY COMMISSION RECORD

Mr. Merriman noted that he didn't personally lobby but was working with two groups. Mr. Merriam stated that he was doing the paperwork. A discussion regarding this funding ensued.

Commissioner Strahan asked Sheriff Russell if he was satisfied. Sheriff Russell stated yes, we requested going through the County Commission...the paperwork would go through Tammy and Judie to handle the grant. Commissioner Herschend asked why Tammy. Sheriff Russell commented that she was the secretary to the Advisory Board. Commissioner Herschend stated that if the County Commission is asking for the funding he would like to suggest that the County Commission track the grant.

Commissioner Herschend made a motion to ratify and release the letter approved last week sponsoring the project. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend noted for the record that this is the second on the priority list...the first is the bridge. Commissioner Strahan noted federal funding for transportation including the bridge.

## FRANK PRESTON CONT.

2. Uniforms: Mr. Preston noted that he would be sending out a letter to all employees regarding county policy on wearing uniforms.

3. Planning & Zoning work session: Mr. Preston noted that a work session regarding Planning & Zoning had already been scheduled for the 13<sup>th</sup>.

4. Road Standards: Mr. Preston reminded the Commission about the road standards. Mr. Preston further stated that he had checked the law regarding underground facilities. Cleaning out ditches is not exempt from calling dig-right.

Commissioner Herschend asked how grading would mess anything up in our own right of way. Everything should be deeper...why do we have to call dig-right? Commissioner Pennel stated that it was the law and we just want to be good neighbors. Mr. Preston noted that he would be stressing the issue at shop talk.

5. Hillman Easement: Mr. Preston commented that the last easement had not been received yet although the individual has stated it has been sent.

6. Planning & Zoning: Mr. Preston noted that if a developer had road issues or drainage issues...Commissioner Herschend stated they should issue a stop work order and inquired as if they could call the bond.

Mr. Preston noted that the development of fees was rushed and he couldn't find anywhere where there were fines. Commissioner Pennel commented that if we are going to issue a stop work order the County Commission should be involved as his fear is an over zealous staff may not be thinking straight.

7. Walking Trail: Mr. Preston stated that Spencer Jones of Great River Engineering indicated that we would be receiving reimbursement soon.

8. Raises: Mr. Preston noted that 6-8 employees contact him on a frequent basis regarding raises. The Commission noted that they would come back to this issue.

9. Employee comments: Mr. Preston stated that he had spent 12 hours at the East Side to go over concerns from the employees. This turned into a supervisor bashing session. Mr. Preston added that he had heard that Commissioner Strahan wanted to go to the barn.

Commissioner Strahan noted that he had received phone calls and stated that he wanted to go out there with applications in hand...if they didn't want to work there was plenty of people that wanted to. Commissioner Herschend commented that he would ask that he reconsider.

# TANEY COUNTY COMMISSION RECORD

10. Tom Boyce letter: Mr. Preston noted that he was in receipt of the letter of intention from Mr. Boyce and was comfortable with the situation.

11. Area Meetings: Mr. Preston commented that he would like to meet with area municipalities along with the foreman's to discuss various road issues. This would be to see what concerns, ideas etc. those working out there have. Mr. Preston stated that it is a great tool and keeps everyone on a level playing field.

12. Presbyterian Church Parking Lot: Ms. Luttrell commented that the issue of the Presbyterian Church Parking Lot needed to be brought up per Commissioner Pennel.

Commissioner Herschend made a motion to accept the proposal for the parking lot. Commissioner Pennel noted that he thought there was an expectation for something in the future. Commissioner Strahan added that he thought it was future maintenance or something. Motion died for a lack of a second.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #301875 through #301986, Manual warrant #4779. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Strahan made a motion to table the minutes until Monday. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## EMPLOYEE ISSUE CONTINUED

Commissioner Herschend commented that the Commission owes it to Mr. Preston to let the crews know that he is the boss and added that he thought it was a mistake for Commissioner Strahan to go out to the barn. Commissioner Strahan commented that Commissioner Herschend had been hands on and Commissioner Strahan was asking for Mr. Preston to go with him. A discussion ensued.

## RECESS

4:44 p.m.



## FEBRUARY 5<sup>TH</sup> 2008 13<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the Hollister Depot at 1:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## TANEY COUNTY REGIONAL SEWER DISTRICT MEETING

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates on Bee Creek, Ozark Beach and the lift station elimination. Other topics of discussion included Cottages at Riverpointe, Oak Knoll Estates, Fieldstone Villas and Chapel Hill.

Minutes typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## FEBRUARY 6<sup>TH</sup> 2008 14<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the Capitol Plaza in Jefferson City at 2:00 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### CCAM TRAINING

The County Commission attended their mandatory County Commissioner's Training pursuant to RSMo.



## FEBRUARY 7<sup>TH</sup> 2008 15<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the Capitol Plaza in Jefferson City at 7:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### CCAM TRAINING

The County Commission attended their mandatory County Commissioner's Training pursuant to RSMo.



## FEBRUARY 8<sup>TH</sup> 2008 16<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the Capitol Plaza in Jefferson City at 7:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### CCAM TRAINING

The County Commission attended their mandatory County Commissioner's Training pursuant to RSMo.

Minutes typed by Tressa Luttrell.



## FEBRUARY 11, 2008 17<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Associate Circuit II Courtroom at 9:08 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Chuck Pennel.

### EXCAVATOR BID

Tressa Luttrell, County Administrator presented the bids for a used excavator. Ms. Luttrell stated that although the bids were for a used excavator, bids were also received for new

## **TANEY COUNTY COMMISSION RECORD**

equipment. Said bids were sent to Frank Preston, Road & Bridge Superintendent for review. Mr. Preston recommended the bid of Murphy Tractor in the amount of \$66,920.00.

Commissioner Strahan made a motion to deny all bids noting that when purchasing a used piece of equipment you inherit other people's problems. Ms. Luttrell pointed out that this is the piece of equipment that the County has been using and added that the lease was up.

Commissioner Herschend added that he didn't want people to think that we are playing games by bidding out a piece of equipment and then denying them because we didn't get the bid that we wanted. We should take the lowest and or best whether it's new or used.

Commissioner Strahan withdrew his motion. Commissioner Herschend made a motion to approve the bid as recommended by Mr. Preston. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **TRANSPORTATION COMMITTEE**

Ms. Luttrell again reminded the Commission that the Transportation Committee needed to be appointed.

Commissioner Pennel made a motion to table said issue until the Commission goes back to the office. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **JOURNAL ENTRIES**

Ms. Luttrell presented some journal entries to be made that were received from the Auditor's Office. These are where work was performed by road & bridge and needs to be repaid by GCR.

Commissioner Herschend made a motion to approve the following journal entries: Airport \$3,164.36, Masonic Lodge \$1,468.33, and the Transfer Station \$2,006.25. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **AVIS RENTAL CONTRACT**

Ms. Luttrell presented the contracts for Avis Rental for a three-year renewal.

Commissioner Herschend made a motion to approve said contract contingent upon Counselor Paulson identifying that we do have the ability to terminate for cause. 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 #302001 through #302077, manual warrants #4782, #4783, #4785. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PRIOR MINUTES**

Commissioner Herschend made a motion to approve prior Commission Minutes dated 1/29/08, 1/30/08, 2/5/08, 2/6/08, 2/7/08, and 2/8/08. Commissioner Strahan 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. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

## RECONVENE

1:06 p.m.

The County Commission reconvened in the Commission's Office with Commissioner Pennel and Commissioner Strahan present.

## FRANK PRESTON & TRESSA LUTTRELL

Tressa Luttrell, County Administrator and Frank Preston, Road & Bridge Superintendent met with the Commission to discuss the following issues:

1. Building Renovations: Ms. Luttrell presented the proposed department renovations for those departments that will be moving within the current courthouse for the Commission to review.
2. Funeral Leave: Ms. Luttrell informed the Commission that she needed clarification regarding the amount of time that can be taken for a funeral day. Those that work 10 hour days are taking 10 hours rather than the 8 hours defined in the personnel policy.

The County Commission agreed that the work day is based on 8 hours.

3. Personnel Policy: Ms. Luttrell presented another copy of the personnel policy currently being worked on for them to review.
4. Transportation Committee: The County Commission discussed potential members for the Taney County Transportation Committee.
5. SMACOG: Commissioner Pennel noted that he would like for maybe a Commissioner or Mr. Preston to start attending the SMACOG meetings noting that he thought they would benefit the County.
6. Murphy Tractor Facility Tour: Mr. Preston asked the Commission if they were in favor of a few employees traveling to Iowa to tour the Murphy Tractor facility.

The County Commission noted that if the employees wanted to take their own time and go that was fine but they would not be sending them.

7. Engineering Committee: Mr. Preston informed the Commission that the group Dan Ratermann (former Road & Bridge Engineer) had put together has requested that he attend their meetings. Mr. Preston noted that the one time he had any dealings with Mr. Ratermann was at a training where Mr. Preston was asked a few questions and ended up giving the training. Mr. Preston added that he and Mr. Ratermann did not see the issues the same, which is why Commissioner Herschend would like for Mr. Preston to attend those meetings.

Commissioner Pennel stated that he would rather Mr. Preston implement his idea of meeting with the surrounding entities.

8. Bateman Road: Mr. Preston presented the Commission with a letter outlining the request for the County to improve the road because a Boy Scout Camp is to be constructed at the end of the road will be constructed. This would mean that over 1,000 citizens would be traveling along that road.
9. Road Standards: Mr. Preston again reminded the Commission about the road standards.
10. Road Inspector Presentation: Mr. Preston noted that he would like to give a presentation to the Commission to show how having a road inspector will benefit the County.

# TANEY COUNTY COMMISSION RECORD

11. Transfer Station: Mr. Preston commented that while going through the Transfer Station tickets he noticed that we were hauling over the load limit and was told that the County was exempt. Mr. Preston inquired as to if the Commission was aware of the exemption.

Mr. Preston noted that he would double check the issue.

12. Outer Roads: Mr. Preston commented that the outer roads the State wants to give the County on 65 have some issues with them. Mr. Preston noted that one was in need of a guardrail. Mr. Preston stated that he would visit those roads again and prepare a report on each road.

Minutes taken and typed by Tressa Luttrell.

Finish Type: 2/12/08

Submitted to Commission: 2/13/08

Commission Approved:



## FEBRUARY 12, 2008 18<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the County Commission's Office at 1:08 p.m. pursuant to adjourn with all members present.

### SEPTAGON MONTHLY UPDATE

The County Commission met with representatives from Septagon Construction and representatives from HMN Architects via telephone for the monthly update on the Judicial Facility project.

Commissioner Herschend made a motion to approve RFI #279, which added (7) water valves in the Administration area to isolate fixtures and make maintenance easier. And RFI #318 that added a mixing valve to the hand sink in the kitchen to prevent scalding. To supply and install the valves adds an additional \$866.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve Proposal Request #39 requesting to add bulkheads to the future courtroom so that the ceiling in an area could be lowered to accommodate a beam as well as added ductwork and diffusers to the future courtroom which were omitted from the bid drawings. The added an additional \$6,463.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to deny RFI #198 which replaced the hollow metal doors specified for the north side of the trash enclosure with metal gates similar to the gates specified for the south side. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.

Finish Type: 2/12/08

Submitted to Commission: 2/13/08

Commission Approved:

# TANEY COUNTY COMMISSION RECORD



**FEBRUARY 13, 2008 19<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met in the Commission's Office at 9:06 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **HILLSIDE DR**

The County Commission met with Randy Haes, Road & Bridge Coordinator and Frank Preston, Road Superintendent regarding the necessary right of way for Hillside Dr. Mr. Haes stated that the Commission had approved the petition contingent upon the necessary right of way and the turn around, however we still have not received the signed easement for the last individual.

Mr. Preston indicated that he has verbally agreed and has stated that the signed easement was sent in January but it has been three weeks. Commissioner Herschend noted that he was concerned that it sounded like they wanted to go ahead with the project without the easement...it sounds like the County is already doing more for this petition than any other.

The County Commission suggested that a letter be sent to the petitioners describing what had transpired and maybe they can get this last easement.

## **PRIOR MINUTES**

Commissioner Herschend made a motion to approve prior Commission Minutes dated 2/11/08 and 2/12/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to approve prior Commission Minutes dated 1/28/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend stated that he would like for the record to reflect...I was joking when I said we liked it when we weren't rushed with these...it is so nice to have these for anyone that asks. Commissioner Pennel noted that it reminds us of things before it's too late to be reminded.

Commissioner Strahan stated that he would request that County Clerk, Donna Neeley provide an index and the binded folder of all the 2007 minutes for the Commission to view. Commissioner Herschend suggested filing a sunshine law request.

Commissioner Herschend made a motion to officially file a sunshine requesting that information today as it is a matter of public record. As it is suppose to be available and should circumvent any question she may have about the request. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **STEHLE BRIDGE**

Mr. Haes stated that there is only one easement needed for Stehle Bridge improvements being Billy J & Joyce R Stehle and added that this bridge is on the state inventory. Mr. Haes indicated that the County would be going out for bid on the materials possibly in March.

Commissioner Strahan made a motion to accept the easement. Commissioner Herschend seconded the motion.

Commissioner Pennel asked if this was the one that requested a driveway. Mr. Haes noted that they didn't have approval for that. Commissioner Herschend asked why the County is

## **TANEY COUNTY COMMISSION RECORD**

realigning the road. Mr. Preston commented that when it rains there is the potential of flooding and it denies them access.

Commissioner Herschend asked why the County was rebuilding the Stehle Bridge. Mr. Preston commented that there were noted deficiencies from the State Inspection and has been noted for a couple of inventories.

Commissioner Herschend asked what the estimated costs were. Mr. Haes noted that he didn't have actual estimated costs but would guess around \$400,000. Mr. Preston commented that he thought that figure sounded high and would probably look at \$200,000 - \$230,000 range. Mr. Haes indicated that he would get with Spencer Jones and get a cost.

Mr. Preston noted that he could probably fill the concrete crew's year with all the deficiencies that have been noted. A general discussion regarding the deficiencies and how they come about ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that Commission Pennel signed the easement in the presence of both Associate Commissioners.

### **PRESBYTERIAN CHURCH PARKING LOT**

Commissioner Herschend made a motion to accept the offer from the Presbyterian Church and to utilize the parking lot for the public in exchange the County will resurface. Commissioner Pennel seconded the motion.

Mr. Preston stated that he didn't hear any definitions of resurface...crack seal and slurry seal would be good. Commissioner Strahan commented that the County supply one overlay to the surface.

Commissioner Herschend felt instead shouldn't they put a 2" cap down. Commissioner Strahan agreed. Commissioner Pennel asked if Mr. Preston had a better idea. Mr. Preston stated that putting a 2" cap down would change the dimensions...it would be more appropriate to remove then replace.

Commissioner Strahan asked the Mr. Preston meet with the church and bring back a solution.

Commissioner Herschend made a motion to table the issue. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PLANNING & ZONING THE FUTURE**

Mr. Preston met with the Commission to discuss the future of Planning and Zoning. Fee structures were the first topic of discussion wherein Mr. Preston noted that the last time they were increased, it was done hastily. Taney County is the lowest in fees around and there is no penalties. Mr. Preston commented that there is no incentive for individuals to do the right thing.

Commissioner Herschend added that saying it differently...there is no teeth. Mr. Preston asked if the Commission wanted him to look into the fee structure. Commissioner Strahan stated that until there is a Planning Commission that will stand up and have a back bone...no one wants to address the situations.

### **SALT EMERGENCY SITUATION**

Mr. Preston reported to the Commission that the current vendor could not produce any salt at this time because of the recent ice storm and due to the next round coming in this weekend we need to get some product here. Mr. Preston noted that we are in line to receive the product just as the State is as soon as they can get to us.

# TANEY COUNTY COMMISSION RECORD

Ms. Luttrell noted that it is an emergency situation and could go outside the bidding procedures.

Commissioner Herschend made a motion to purchase salt from whomever Road & Bridge could get it from in this emergency situation. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

A discussion pertaining to the need for additional salt storage ensued.

Commissioner Herschend encouraged Mr. Preston to contact Jack Harris with the Underground and look at their dry storage. Mr. Preston noted that he would. Commissioner Pennel stated that he would like Mr. Preston to look at all avenues.

## PLANNING & ZONING THE FUTURE CONT.

Discussion regarding Planning & Zoning continued.

Commissioner Herschend stated that he thought in the case of Planning & Zoning and Sewer he didn't think it's unfair to establish higher fees. Commissioner Herschend added that those boards are hesitant but need to take a lead. Mr. Preston inquired whether the Commission wanted to recover the County's costs.

Commissioner Pennel stated that it's a service that the normal citizen wouldn't be using so they should pay a higher fee but the other side of the coin is that they are protecting the citizens. Mr. Preston stated that he was here when they implemented the new fee but had asked the Planning Commission to review them...what about a penalty phase.

Commissioner Herschend suggested a penalty 30 days after they receive their notice and have a dollar a day amount. Commissioner Strahan noted that there are individuals that intentionally do things out there. Commissioner Pennel concurred and added that look at what DNR does now...they use to just fine you, now they look towards how can we fix the problem. Commissioner Pennel added that if you have a mistake and try to resolve it that's different than just slapping on a penalty.

Commissioner Herschend asked if this would be an Ordinance or Resolution. Commissioner Pennel suggested that it be a written policy that is approved by the County Commission.

Mr. Preston informed the Commission that the staff and he have been going through the code or guidance book and each person has sticky notes where they have problems interpreting the language. Mr. Preston noted that they were going to be putting them in layman terms and will bring it to the Commission similar to the road standards. If the people putting out the information have problems then there is a problem.

Commissioner Herschend asked if the staff had ever been trained. Mr. Preston stated that the answer has always been "Kurt's interpretation was...", we are going section by section.

## AMEND AGENDA

Commissioner Pennel made a motion to amend the agenda and move the presentation from the road department from 1:00 to now as Commissioner Herschend will not be able to attend at 1:00 p.m.. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Mr. Preston stated that all the staff was in favor of Traditional Zoning...there are differences between modernized versus rural...maybe an Agricultural zone. Commissioner Pennel stated that originally he was against it but has flipped since then. Commissioner Pennel added that his thought was that we try to do a zone...maybe Western District.

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel stated that he had spoken with Diane May and she would be willing to talk with us after the SMACOG meeting. Mr. Preston noted that there are strong feelings both ways.

Commissioner Pennel added that he left out the reason he turned over...the guy from Egypt can build his 20 story building next to KANAKUK with our rules and added that he believed our Commission would protect us from the hodge podge. Commissioner Herschend noted that it has to have teeth.

Commissioner Strahan stated that he has been against it because of the history. When Planning & Zoning was brought to a vote, it would not have passed if it hadn't been for Branson and Hollister. Commissioner Strahan added that if the people aren't in support...he works for the voice of the people.

Mr. Preston asked if he was lumping building codes with Planning & Zoning. Commissioner Strahan stated no that he was just using building codes as an example.

Mr. Preston asked if the Commission was willing to allow me to look at Traditional. Commissioner Strahan commented that we were in a heated argument with the territory agreements with the City of Branson which is a great example of the failure of Planning & Zoning...Branson Landing, Bass Pro and the Convention Center. Commissioner Strahan added that he looks at it both ways as he made his living in Branson but he is here to serve the consensus of the people...I'm not saying that they are wrong.

Commissioner Pennel stated that his change is in the Western District or within a ½ mile of the incorporated limits. Mr. Preston stated that when he is talking to citizens he has a series of questions that he asks...and there seems to be this imaginary line. My question is do I put together a package and bring it to the Commission or to a vote. Commissioner Herschend stated that Planning & Zoning is not a voter issue and would encourage Mr. Preston to go forward.

Commissioner Pennel added do we really want every square foot around Lake Taneycomo to be covered with Condo's...I personally would like you to do nothing until we talk to Diane.

## **ROAD & BRIDGE PRESENTATION**

John Rider, Road & Bridge Inspector gave a presentation to the County Commission regarding the benefits of conducting inspections and inputting all that data into the CarteGraph system.

A discussion regarding what information would be gathered ensued. Mr. Preston noted that he, Mr. Rider and Mr. Haes would be using "Y" Highway as a test. So they will take a drive and determine what information will be collected. That way all roads would have the same information gathered.

## **RECESS 12:00 p.m.**

Minutes taken and typed by Tressa Luttrell.

Finish Type: 2/15/08  
Submitted to Commission: 2/15/08  
Commission Approved: 2/19/08

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## FEBRUARY 19, 2008 20<sup>th</sup> DAY OF THE JANUARY ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 9:01 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present, and the following proceedings were had and made a matter of record.

Prayer was led by Helen Soutee, County Treasurer, followed by the pledge. It should be noted that Commissioner Herschend entered the meeting at 9:05 a.m.

### HILLSIDE DRIVE EASEMENTS

Commissioner Pennel stated that there are two easements needed for Hillside Drive, which are from Richard & Robyn Tillery and Daryll Lee Dreasher. Commissioner Strahan made a motion for approval of said easements. Commissioner Pennel seconded the motion. Commissioner Pennel also stated that Hillside Drive had previously been approved to take in as a county road contingent upon acquiring the appropriate easements. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### ANGELA LEIST TANEY COUNTY PARK BOARD RECOMMENDATION

Commissioner Pennel read a letter from Angela Leist, Park Board Secretary, regarding a contract for electricity at Mincy Park. It read as follows:

The Mincy Community Park Board submitted their first reimbursement request for the cost of the electricity used at the park at the January 24, 2008, Taney County Park Board meeting. Commissioner Strahan requested the Park Board review the request and make a recommendation to the Taney County Commission regarding payment. We reviewed the request and the recorded contract between Taney County and Mary Bell Howe.

The contract calls for the county to reimburse Mrs. Howe or her heirs or assigns monthly for the cost of electricity for the well at Mincy Park for 24 months. After that period of time elapses, the county is responsible for its pro rata share of the electricity charges attributable to the well. The well has now been in operation for twenty months.

The Park Board recommends payment of this request for reimbursement of the first 19 months of electricity charges totaling \$511.43. The remaining 5 months of charges incurred will be submitted for review at our June meeting.

As there is now a residence that will have its electric use measured with the same meter that measures the well's power use, we would suggest that the county contact Mrs. Howe's assign to establish the monthly amount attributable to the well. No minimum or maximum amount was set in the contract. It could be an accurate amount for the well's monthly bills reimbursed in this first request should be an accurate amount for the well's use.

I am attaching a copy of the bill and the contract for your consideration. Please let me know if you have any additional questions.

Ms. Leist stated that the contract was signed when the well was donated for park use and added that the request for reimbursement came to the Park Board for the first 19 months of electricity used for the well. Commissioner Herschend made a motion to approve the payment of \$511.43 which breaks down to be \$27.00 per month. Commissioner Strahan seconded the motion. A general discussion ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### BOB SCHANZ TANEYCOMO BRIDGE

Mr. Schanz spoke to the issue of the Taneycomo Bridge. Commissioner Pennel thanked Mr. Schanz for his time.

# TANEY COUNTY COMMISSION RECORD

## CHUCK PENNEL PLANNING & ZONING CODE/HEIGHT AMENDMENT

Commissioner Pennel stated that the Planning & Zoning Commission has made a recommendation to the County Commission to amend their code. Counselor Paulson commented that the recommendation was intended to replace the original height restriction amendment to the code. Commissioner Herschend stated that he had not been in any of the prior Planning & Zoning Commission meetings, but did state that the old code needed to be repealed and make sure that the correct height requirement is on the books. A general discussion ensued. Dan Nosalek, Planning & Zoning Division I Inspector, spoke about roof pitches and slopes to give the Commissioners a better understanding of the code.

Commissioner Herschend made a motion to table the issue, as the Commission needed to get a better understanding of the Height Amendment. Commissioner Herschend also asked that a work session be scheduled with the Commission, Frank Preston and the Planning Commission. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COMMISSIONER STRAHAN PERMANENT MINUTE BOOK & INDEXp

Commissioner Strahan stated that an issue surfaced in last weeks meeting as he was reading the regular minutes. Commissioner Strahan noted that all minutes are to be indexed for the public to view. Commissioner Strahan added that Commissioner Herschend requested, through a sunshine request, the 2007 minute book and index. Commissioner Herschend stated that the index book was not accurate past Spring of 2007 and read into record, statute 51.12 which reads:

Duties of every Clerk of the County Commission shall keep an accurate record of the orders, rules and proceedings of the County Commission and shall make a complete alphabetical index

Commissioner Herschend stated that the Commissions concern would be that by not keeping the minutes indexed could possibly lead to litigation.

A general discussion ensued. Clerk Neeley stated that they are complete, but that they are on the computer and her office is in the process of printing them off to go into the book. Clerk Neeley added that she appreciates the Commission's diligence to approve and taking a look at the minutes on a weekly basis.

## BOB PAULSON, COUNTY COUNSELOR RENEWAL & SUBSCRIPTION OF RESEARCH PROGRAM

Counselor Paulson stated that he needed to renew his West program for research and added that there is a training program he would like to subscribe to. Counselor Paulson added that the training program would give him his required credits, and would not required him to go out of town as much for his yearly training hours. The Commission concurred that this was a good idea and for Counselor Paulson to go ahead with it.

## BOB PAULSON STRATFORD DRIVE RESOLUTION

Counselor Paulson presented Stratford Drive Resolution. Stratford Drive is located in an unincorporated part of the county. A portion of this road is located in City of Hollister and the other portion is located in Taney County.

Commissioner Strahan made a motion to accept the resolution as Counselor Paulson has prepared. Commissioner Herschend seconded the motion for discussion. Counselor Paulson read the resolution into record:

**A Resolution relinquishing to the City of Hollister control over a public road known as Stratford Drive, a road dedicated to the public in the plat of the McGee Subdivision recorded in the Taney County Recorder's Office at Slide A, Page 627 and Page 706, said road located in an unincorporated area of Taney County, resolved herein for the purpose of supporting the annexation of said road by the City of Hollister.**

# TANEY COUNTY COMMISSION RECORD

**WHEREAS**, Stratford Drive is a road dedicated to the public by Plats of the McGee Subdivision recorded at the Office of the Recorder of Deeds of Taney County at Slide A, Page 627 and Page 706; and

**WHEREAS**, Stratford Drive is located in an unincorporated area of the county, and although not a part of the county maintenance system, Taney County is the only entity with control over the use and disposition of said road; and

**WHEREAS**, Stratford Drive adjoins and is contiguous and compact with the boundary of the City of Hollister; and

**WHEREAS**, the City of Hollister has annexed or wishes to annex said Stratford Drive into the municipal boundaries of the City of Hollister; and

**WHEREAS**, the property description of Stratford Drive that Hollister has annexed or wishes to annex is more particularly described as: All of Stratford Drive, a 40 foot wide platted road in McGee Subdivision running from Winston Lane on the East to East Avenue on the West as shown on Plats of McGee Subdivision recorded in the Taney County Recorder's Office, Slide A, Page 627 and Page 706, all in Taney County, Missouri; and

**WHEREAS**, there is no other person or entity with authority to give permission to the City of Hollister to voluntarily annex said Stratford Drive; and

**WHEREAS**, the Taney County Commission, on behalf of Taney County, Missouri supports the City of Hollister's annexation of Stratford Drive; and

**WHEREAS**, to the extent it is necessary for the City of Hollister to obtain the permission of the person or entity owning or controlling the above-described Stratford Drive, the Taney County Commission wishes this to serve as its consent for said annexation;

## **NOW THEREFORE, BE IT RESOLVED BY THE TANEY COUNTY COMMISSION, THE FOLLOWING:**

That the Taney County Commission on behalf of Taney County, to the extent it is necessary for the City of Hollister to obtain the permission of the person or entity owning or controlling the above-described Stratford Drive, the Taney County Commission hereby gives its permission and consents to the City of Hollister's annexation of all of Stratford Drive, a 40 foot wide platted road in McGee subdivision running from Winston Lane on the East to East Avenue on the West as shown on Plats of McGee Subdivision recorded in the Taney County Recorder's Office, Slide A, Pages 627 and 706 all in Taney County, Missouri, and hereby relinquishes control of said road to the City of Hollister.

A general discussion ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **TRESSA LUTTRELL FINANCIAL STATEMENT**

Tressa Luttrell, County Administrator, presented the 2007 financial statement for review and approval to the Commission. Ms. Luttrell stated that it must be published on or before the 1<sup>st</sup> Monday in March. A general discussion ensued. Commissioner Pennel made a motion to table this issue until this afternoon. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **TRESSA LUTTRELL JOURNAL ENTRY**

Ms. Luttrell presented a journal entry that had been previously overlooked. Ms. Luttrell noted that this is for Animal Control in the amount of \$19,823.78, which was for construction at the kennel, by Road & Bridge. The time frame is from July to September of 2007.

Commissioner Herschend made a motion to approve the journal entry. Commissioner Strahan seconded. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **TRESSA LUTTRELL ROAD SHARING TAX**

Ms. Luttrell stated that she had received the City of Hollister's application, for the 2008 road sharing monies and added that this has not approved yet. Ms. Luttrell described the proposed projects as placing a 18 inch curb and gutter and a 2 inch overlay to make Evergreen a 27 foot back to back. The estimated cost for this project is \$65,000.00.

## **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend made a motion for approval for up to \$50,000. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Luttrell stated that she also had the municipalities' Intergovernmental Agreements ready for signature. The Commission concurred to sign the agreements.

### **TRESSA LUTTRELL TERRORISM INSURANCE POLICY**

Ms. Luttrell stated that the bid for insurance contains in one section of the policy that terrorism insurance is included, but if you dig a little deeper into the policy, the bid states that this terrorism coverage is offered for a fee of \$2616.00. Counselor Paulson stated that the fire portion is mandatory at a rate of \$583.00, but the Commission could decline to pay the remaining of \$2033.00.

A general discussion ensued. Commissioner Herschend made a motion to table this issue for clarification for this afternoon. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RON HERSCEND PHONE CALL FROM CHAD ZICKEFOOSE, MoDOT PROJECT ENGINEER**

Commissioner Herschend stated that he spoke with Chad Zickefoose, MoDOT Project Engineer, on Friday, February 15<sup>th</sup> and after a review by his superiors, there was concern to the amount of funding the state could offer the county on the project. Commissioner Herschend added that Mr. Zickefoose would like to sit down again with the Commission to start discussions. A general discussion ensued as to scheduling a time to meet with MoDOT. The Commission concurred to meet with Mr. Zickefoose on Thursday, February 21<sup>st</sup>.

### **PUBLIC COMMENT PETER REA**

Mr. Rea spoke to the Commission about Mr. Schanz's letter that was read earlier in the meeting. Also he spoke to the Taneycomo Bridge issue. The Commission concurred that they were extremely disappointed in MoDOT's change to the cost share plan.

### **COMMISSIONER PENNEL TANEYCOMO BRIDGE SURVEY RESULTS**

Commissioner Pennel expressed that through the surveys, the citizens of Taney County indicated that there would be a severe impact on our county if the bridge were to close. Commissioner Pennel added there was a tabulation of the results in our office and noted that the press had been given a copy. Commissioner Pennel commented that he would like to put the information on our county website. The Commission concurred that was a great idea.

### **ACCOUNTS ALLOWED**

Commissioner Herschend made a motion to approve accounts payable warrants #302078-302161 and manual warrants #4788-4793. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **APPROVAL OF MINUTES**

Counselor Paulson requested that there be an amendment made to 6/4/07 minutes. Ms. Luttrell read the amendment into record, it was as follows:

Motion to accept Hillside Drive in the county road system as a Class VI at this time and county to make the appropriate improvements including the hammerhead turnaround. I make the motion contingent upon verification of

# TANEY COUNTY COMMISSION RECORD

the most recent application of the appropriate signatures to conform to state statutes and also contingent upon all necessary easements being obtained and a proper description of where the road is located

Commissioner Herschend made a motion to reflect the amended version that Ms. Luttrell had read and change previous motion to this version. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to approve minutes for 2/1/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve 2/4/08 minutes as corrected. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve minutes for 2/13/08 as presented. Commissioner Pennel seconded. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

10:46 am

Minutes taken and typed by Nikki Lawrence

## RECONVENE

11:15 a.m.

The County Commission reconvened in the Commission's Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and Ron Herschend, Western Commissioner via telephone.

## FINANCIAL STATEMENT

Commissioner Herschend made a motion to approve the 2007 Financial Statement as presented. Commissioner Strahan seconded the motion. The motion passed.

A lengthy discussion with the County Clerk regarding the financial statement was had.

## RECESS

12:10 p.m.

Minutes taken and typed by Tressa Luttrell.



## FEBRUARY 20, 2008 21<sup>ST</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission's Office at 9:00 a.m. pursuant to adjourn with Danny Strahan, Eastern Commissioner present and Chuck Pennel, Presiding via telephone and the following proceedings were had and made a matter of record.

## PAYROLL

Commissioner Pennel made a motion to approve the following payroll warrants:

General County Revenue - #103997 through #103998, #104028 through #104050

Road & Bridge - #104000 through #104021

Assessment Fund - #103999, #104022 through #104024

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Transfer Station - #104025 through #104027

Accounts Payable Warrants #302233 through #302248, manual warrants #4795 through #4796

Commissioner Strahan seconded the motion. The motion passed.

Minutes taken and typed by Tressa Luttrell.



## FEBRUARY 21, 2008 22<sup>ND</sup> DAY OF THE JANUARY ADJOURN TERM

The Taney County Commission met at the Hollister City Hall at 1:00 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### TANEYCOMO BRIDGE FUNDING

The County Commission met with representatives from MoDot, the City of Branson and the City of Hollister to discuss the recent information from MoDot noting that the local matching funds would again require the need to be higher as the Steering Committee has informed MoDot that there is too much of MoDot's money towards this project.

MoDot was requested to furnish those figures to the various entities for review and as well as submit the cost sharing application as previously agreed to.

### PARTNERS FOR PROGRESS

The County Commission attended the Partners for Progress meeting to discuss various road projects.

Minutes taken by Chuck Pennel and typed by Tressa Luttrell.



## FEBRUARY 25, 2008 23<sup>RD</sup> DAY OF THE JANUARY ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

### COMMISSIONER PENNEL REVIEW OF SOLICITING POLICY

Commission Pennel stated that there was an issue that surfaced last year regarding a citizen soliciting for a petition just inside the courthouse. Commissioner Pennel received a phone call from Sheila Wyatt, Taney County Collector, stating that she had received complaints from citizens about the soliciting. Commissioner Pennel contacted Commissioner Strahan then and asked what his thoughts were on the issue. Commissioner Pennel and Commissioner Strahan agreed that the citizen should be outside the door. Commissioner Pennel asked Ms. Luttrell, County Administrator, if there was any written policy in place that talked about soliciting, she replied, no.

Commissioner Pennel stated that the soliciting issue came up again last week when the Relay For Life team held a benefit soup dinner in the hallway by the Collector's Office. The

# TANEY COUNTY COMMISSION RECORD

same citizen called Commissioner Pennel and stated that it was unfair that the Commission was allowing the benefit and not allowing him to gain signatures on a petition. Commissioner Strahan noted he also received a phone call by the same citizen and added that he told the citizen to read the sign. For the record, the sign reads “No soliciting within 25 feet of this building, unless by appointment.” Commissioner Pennel assured the citizen that it would be brought before the entire Commission for discussion.

A general discussion ensued on whether or not to allow petitioning and/or campaigning in the halls of the courthouse. Counselor Paulson stated that legally there is a problem and that there needs to be an Ordinance/Resolution in place. Counselor Paulson also stated that we have a sign on the courthouse door with no authority or backing to put it up. Commissioner Herschend stated that he would work with Counselor Paulson on drafting a policy and bringing it before the Commission next Monday. The Commission concurred.

## COMMISSIONER PENNEL NUISANCE CASES

All three Commissioners reviewed several nuisance cases. Commissioner Pennel stated that he needed a vote to move forward with the nuisance process. Commissioner Herschend commented that he spoke with the landowner on Holyoke Drive who told Commissioner Herschend that she had gathered everything up, but was in need of some assistance of removal. Commissioner Pennel asked Commissioner Herschend if he would follow up with the nuisance since he had been in contact with the property owner. Commissioner Herschend stated that he would.

Commissioner Herschend made a motion for Counselor Paulson to go forward in litigation process with the Clark nuisance. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes). In addition to Commissioner Pennel’s second, approval is to include any filing fees.

Commissioner Pennel made a motion to send out letters on the Adkins and Jennings nuisance cases. Commissioner Herschend recommended that there should be a policy in place where if there are costs incurred, it is automatically included in the motion. Commissioner Herschend stated that he did not think there needed to be a motion because there are no costs incurred in letters. Commissioner Pennel withdrew his motion. Counselor Paulson stated that if two of the Commissioners concur they have to be in a meeting, it is not allowed to be done outside of a meeting. Commissioner Herschend commented that it is usually done in a work session. Commissioner Herschend also commented that it is administrative decision; it does not need a motion. Counselor Paulson stated that he is uncomfortable with the process and would like to look at it.

Commissioner Pennel restored his motion. Commissioner Herschend made a motion to table. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel commented that the Wallace nuisance has been active since 2004. Counselor Paulson was asked for his opinion on the case by Commissioner Pennel. Counselor Paulson stated that he had spoken with Ms. Wallace and her comment was that she does not own the property anymore as it’s under contract. Counselor Paulson noted that Ms. Wallace did record the Contract for Deed; however the property is still her responsibility.

Commissioner Herschend made a motion for Counselor Paulson to continue pursuing this case. Commissioner Herschend also added that it needs to have further action taken on the case. Commissioner Pennel seconded. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COMMISSIONER PENNEL MEETING DECORUM ORDINANCE

Commissioner Pennel stated that this issue surfaced while speaking with Rick Ziegenfuss, Hollister’s City Administrator and added that the City has an ordinance that pertains to meeting decorum and trespassing.

# **TANEY COUNTY COMMISSION RECORD**

Counselor Paulson presented a draft Decorum Ordinance and added that there was more work to be done on the ordinance. Commissioner Herschend questioned if we needed an ordinance for Commissioner Pennel to maintain order. Commissioner Pennel stated that if other municipalities have a policy then maybe we need to look at it too. Commissioner Pennel made a motion for Counselor Paulson to present an ordinance to the Commission by the end of April.

Commissioner Herschend made a motion to amend the agenda to hear a report from Tammy Hagler, 911 Administrator, on her trip to Jasper County Sheriff's Department. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **TAMMY HAGLER, 911 ADMINISTRATOR TRIP TO JASPER COUNTY SHERIFF'S DEPARTMENT**

Tammy Hagler, 911 Administrator, among others from Taney County, visited Jasper County Sheriff's Department, to view the system that Jasper County currently has in place and Taney County is seeking through appropriations.

Ms. Hagler made the following comments:

- Jasper County currently supplies laptops in all police vehicles, which frees up the airtime on radios. Officers can compile and complete their reports; while keeping the highest level of confidentiality. Jasper County also has tracking system to let dispatch know exactly where the officers are at all times.
- Data Radio gave a presentation and stated that Taney County has a similar operation of mapping equipment, but that Taney County is more advanced in this area.

Ms. Hagler stated that she was very appreciative to the Commission for allowing her department to attend, as it was beneficial to both her and Judie Gross.

## **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #302162-302232, #302249-302287 and Final UMB Reimbursement. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PRIOR MINUTES**

Commissioner Strahan made a motion to approve prior Commission minutes dated 2/20/08 and 2/21/08. Commissioner Herschend seconded. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

**9:53 a.m.**

Minutes taken and typed by Nikki Lawrence.

## **RECONVENE**

**1:24 P.M.**

## **FRANK PRESTON & TRESSA LUTTRELL WORK SESSION**

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss the following issues:

1. Road Issues: Mr. Preston updated the Commission on various road issues including Carlton Road, Warren Road and Zinne Lane.
2. Forsyth Walking Trail: Mr. Preston noted that the total costs for the Walking Trail came to \$353,000 and with all the reimbursements the County's cost was \$67,000.

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3. Scenic Overlook on 165: Mr. Preston presented a picture of the scenic overlook on 165 and inquired as to the maintenance of the property.

Commissioner Herschend noted that it was not county property. After a brief discussion additional research will need to be conducted prior to making any decisions.

## RECESS

1:52 P.M.

## RECONVENE

1:56 P.M.

## WORK SESSION CONT.

4. Planning & Zoning Stop Work Orders: Mr. Preston read an email regarding a stop work order on the Swearinger project in Ridgedale.

Commissioner Herschend made a motion to approve the request for the Stop Work Order immediately for the Swearinger project hearing that the appropriate permits are not in place.

Commissioner Herschend added that this is based on the fact that there is no permit and added that he didn't know anything about the project. Commissioner Pennel stated that he didn't disagree and asked if Mr. Crawford had contacted them and are they still continuing? Mr. Preston stated yes. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## EXECUTIVE SESSION

Commissioner Strahan made a motion to go into Executive Session pursuant to 610.021.3 as an emergency situation has arisen and therefore can not be posted for the required 24 hours. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of Executive Session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.



## FEBRUARY 26, 2008 24<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission's Office at 10:10 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## JUDICIAL FACILITY SIGNS

The County Commission met with Karen Oppliger, representing HMN Architects, Mike Smith and Ian Hagan, representing Septagon Construction, Audrey Girard, representing GROOMS and John Lavender, Maintenance Superintendent to discuss the interior and exterior signs for the new Judicial Facility.

The Commission had a lengthy discussion regarding the types of signs, mandatory placement versus the placement on everything in the building as well as what kind of exterior signage the Commission wanted.

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



**FEBRUARY 27, 2008 25<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The Taney County Commission met in the Commission's Office at 9:02 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **EXECUTIVE SESSION**

Commissioner Strahan made a motion to go into executive session pursuant to 610.021.3. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion directing Counselor Paulson to take two weeks of vacation immediately and that this Commission hires Mr. Paulson on a contract basis for two weeks.

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

## **FRANK PRESTON & TRESSA LUTTRELL WORK SESSION**

Frank Preston, Road & Bridge Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Road Standards: Mr. Preston requested as to if the Commission had any changes to be made.
2. Minutes: A general discussion regarding which office is responsible for sending out approved minutes was had. Commissioner Herschend made a motion to direct that the County Clerk send out the minutes rather than the Commission's Office as the Clerk is the keeper of the record. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
3. Calcium Chloride: Ms. Luttrell informed the Commission that road & bridge had requested to order some calcium chloride but that the bid had expired. Ms. Luttrell added that a bid would take two weeks and noted she was not sure about the weather.

Commissioner Herschend made a motion to approve the purchase of 8,000 gallons of calcium chloride as an emergency purchase due to the possibility of severe weather prior to being able to send out bids. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. Road Sharing Project: Ms. Luttrell noted that she was in receipt of the Village of Taneyville's application for the road sharing tax. Commissioner Herschend made a motion to give the Village thirty (30) days to define the roads within the application. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
5. Metal Building Bid: Ms. Luttrell presented the Commission with the bids for a 40x60 metal building for the road & bridge department. Ms. Luttrell added that the bids were sent to Mr. Preston for review and he has recommended awarding to Reliable Building Company in the amount of \$32,000.

Commissioner Strahan made a motion to award the bid to Reliable Building Company as per Mr. Preston's recommendation. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **TANEY COUNTY COMMISSION RECORD**

6. Precast Box Culvert Bid: Ms. Luttrell presented that Commission with the bids for precast box culverts and added that they were sent to Mr. Preston for review. Ms. Luttrell noted that Mr. Preston had recommended the bid to be awarded to Scurlock Industries in the amount of \$7,512.00.

Commissioner Strahan made a motion to award the bid to Scurlock Industries as per the recommendation of Mr. Preston. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

7. Board Appointments: Ms. Luttrell informed the Commission that board appointments were needed for the Transportation Committee, Planning and Zoning as well as Board of Adjustments. Commissioner Pennel made a motion to re-appoint Dave Clemenson to the Board of Adjustments. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RECESS**

Commissioner Herschend made a motion to recess and to let Ms. Luttrell finish her work session as soon as Board of Equalization was finished. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RECONVENE**

3:10 p.m.

### **TRESSA LUTTRELL WORK SESSION CONT.**

Ms. Luttrell continued the previously tabled work session with the Commission to discussion various issues.

1. Prior Minutes: Commissioner Herschend made a motion to approve prior Commission minutes dated 1/19/08 and 1/25/08 as corrected. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve prior Commission minutes dated 1/26/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Transfer Station: Commissioner Herschend brought a request to the Commission in that the customers at the Transfer Station be asked to separate their trash from any wood pieces and that these items would be chipped and hauled off at no cost to the county.

After a brief discussion Commissioner Herschend made a motion to test the procedure out...with a simple out clause...for sixty (60) days. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. Recycling Center: Commissioner Herschend noted that an individual had come in the office with great concern regarding the recycling facility at the mechanic's shed. Commissioner Herschend added that there were several concerns noting one being that the piles of recycled items could collapse on someone.

The County Commission agreed to discuss a resolution to this issue with Mr. Preston and to also send a letter canceling the service provided by the vendor.

4. Elevator Door: Commissioner Pennel made a motion to leave the wall open in front of the secured elevator at the Judicial Facility rather than closing it off. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that good signage will be in place.

### **RECESS**

4:45 p.m.

# TANEY COUNTY COMMISSION RECORD

Minutes taken and typed by Tressa Luttrell.



## MARCH 3, 2008 26<sup>th</sup> DAY OF THE JANUARY ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

### COMMISSIONER HERSCEND NO SOLICITING POLICY

Commissioner Herschend stated that he was under the impression that Commissioner Pennel was not going to be in attendance this morning, due to his giving testimony in Jefferson City for Senate Bill 1119. Commissioner Pennel commented that he will be leaving after the Commission meeting. Commissioner Herschend stated that he would bring a draft into the office in the morning for the Commission to review.

### COMMISSIONER PENNEL SB 1119

Commissioner Pennel stated that there will be a senate hearing in Jefferson City with the topic being Prisoner Per Diem; SB 1119, which he would be attending, which would bring more money to the county for the cost of housing state prisoners. Commissioner Pennel requested that Counselor Paulson research the bill to make sure the memo is correct in what it says. The memo reads as follows:

SB 1119 creates a \$10 court cost to be assessed in all civil and criminal cases. The money shall be deposited into the newly created "Prisoner Incarceration Reimbursement Fund." The Department of Corrections shall administer the fund, which shall be used only to reimburse counties for the cost of incarcerating state prisoners. The money in the fund shall be in addition to the amount appropriated by the General Assembly for such purposes.

### FRANK PRESTON CASEY ROAD UPDATE

Frank Preston, Road & Bridge Superintendent, gave an update on Casey Road. Mr. Preston stated that construction is well under way and currently our contractors are working on the sewer line portion of the project. Over the past week there have been several complaints such as; emergency vehicles not having proper access through the site and rude comments made from the workers to the traveling public. Mr. Preston commented that overall there was disobedience from Herion Construction while on the site.

Mr. Preston commented that he had met with contractors as well as a representative from Great Rivers Engineering. There will be a new programmable message board set up at the east end of Casey Road and on Hwy 160, both north and southbound. Mr. Preston commented that he would post two entry level employees on this project to help minimize congestion of traffic noted that the two employees, for the first several days, would be stopping each car and asking them where they were going. Should they be classified as cut-through traffic, our employees would then encourage them to take one of the detouring routes. Mr. Preston commented that this would also enable emergency vehicles to be aware of the ongoing and moving project.

### PUBLIC COMMENT BOB SCHANZ

Mr. Schanz asked about the No Soliciting Policy. Commissioner Herschend stated that he had been asked to gather and research information and compile it into a draft for the Commission to review.

# TANEY COUNTY COMMISSION RECORD

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #302288-303391, #302932-302397, #302398-302490 and warrants #4797-4799 which includes the two additions that were brought forward by Rick Findley, County Auditor. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission minutes dated 2/27/08. 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 emergency executive session pursuant to Section 610.021.1. Commissioner Strahan seconded. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

In executive session the emergency which necessitated taking up this matter on no notice was threats against the Commission made by a person thought to be unstable and needing to be held for an evaluation and treatment. The risk of harm to the Commissioners, staff and all families concerned the Commission.

## RECESS

9:32 a.m.

Minutes taken and typed by Nikki Lawrence.



## MARCH 4, 2008 27<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the Hollister City Hall at 1:30 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## SEWER DISTRICT MEETING

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates on the Bee Creek project, Bio-Solids as well as the Ozark Beach project. The Commission also heard financing options for future sewer projects presented by US Bank.

Minutes typed by Tressa Luttrell



## MARCH 5, 2008 28<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission's Office at 9:05 pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## PAYROLL

Commissioner Strahan made a motion to approve payroll warrants as follows:

General County Revenue #104080 through #104099

Road & Bridge #104051 through #104073

# **TANEY COUNTY COMMISSION RECORD**

Assessment Fund #104074 through #104076

Transfer Station #104077 through #104079

Accounts Payable warrants #302499 through #302511, manual warrants #4802 and #4803

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

## **TIM CONNELL COUNTY POLICIES**

The County Commission met with Tim Connell from Connell Insurers to go over the County's insurance policies.

It should be noted that Commissioner Herschend entered the meeting at 9:09 a.m.

Commissioner Strahan made a motion to approve the Agent of Record. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to decline the Terrorism coverage. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Mr. Connell noted that they would be going over the auto procedures with road & bridge as soon as they can connect with Randy Haes. Commissioner Herschend noted that he would be working with Frank Preston, Road Superintendent soon and would forward the contact information to him.

## **JUDICIAL FACILITY**

The County Commission met with representatives from HMN Architects, Septagon Construction, Butler Rosenbury and Judge Orr to discuss the layout of the new Courtrooms in the Judicial Facility.

### **RECESS**

Noon

### **RECONVENE**

1:20 p.m.

The County Commission reconvened with Commissioner Pennel and Commissioner Strahan present.

## **BOB PAULSON CONTRACT FOR SERVICES**

Commissioner Strahan made a motion to approve a contract for services with Bob Paulson in the amount of \$3,000.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **BOARD APPOINTMENT**

Commissioner Pennel made a motion to appoint Jack Johnston to the Board of Adjustments. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## MAS90

Commissioner Pennel noted that MAS90 was on the agenda for 3:30 today but that he wanted to talk about it administratively just to update what he had learned through a discussion with Sharon Siler, who the County contracts for MAS90 support.

**RECESS**  
2:26 p.m.

**RECONVENE**  
3:26 p.m.

## WHITE RIVER VALLEY HISTORICAL SOCIETY

Lisa Owen, Director for the White River Valley Historical Society met with the Commission to discuss the environmental testing of the old jail.

It should be noted that Commissioner Herschend entered the meeting at 3:35 p.m.

## MAS90

The County Commission again had a lengthy discussion regarding the placement of the MAS90 accounting system into the County Clerk's Office.

Commissioner Herschend made a motion to deny the expansion of the MAS90 system into the County Clerk's office as all the documents are available through email, that the Auditor had concerns...with the problems of Board of Equalization and the problems with the minutes...I wouldn't be in favor of spending the citizens money.

Clerk Neeley stated that her concern was that the Commission was not supporting her in accessing documentation that she believes she should access to do her job according to statutes. Commissioner Herschend stated that the statute does not state that it can't be filled through a request of the Auditor.

Commissioner Pennel requested Clerk Neeley to present exactly what she needs, in writing, so that he can take a look at it.

A discussion regarding the amount it would cost to fill the request ensued. The motion died for a lack of a second. Commissioner Pennel noted that Ms. Siler would be willing to come and speak to the Commission regarding the request.

**RECESS**  
4:12 p.m.

Minutes taken and typed by Tressa Luttrell.



**MARCH 6, 2008 29<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met in the Commission's Office at 11:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## STATE OF MISSOURI DEPARTMENT OF ECONOMIC DEVELOPMENT

Bob Donnelly, Business Development Manager and Michael Nichols, Project Manager from the Missouri State Department of Economic Development discussed how Chapter 100 Bonds could be utilized to entice data companies to the Underground in Branson.

# TANEY COUNTY COMMISSION RECORD

Minutes typed by Tressa Luttrell.

a present and the following proceedings were had and made a matter of record.

## TANEYCOMO BRIDGE

The County Commission attended a meeting with representatives from the City of Hollister and Branson, Representative Dennis Wood, Representative Ray Weter, Representative Maynard Wallace and Senator Jack Goodman to discuss issues with the Taneycomo Bridge.

Minutes typed by Tressa Luttrell



## MARCH 10, 2008 31st DAY OF THE JANUARY ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

## BOB SCHANZ TANEY COUNTY ANIMAL CONTROL

Bob Schanz claimed to have several documents and concerns from county residents that Commissioner Pennel may have committed nepotism by granting his wife authority to act on behalf of Taney County.

Mr. Schanz read the nepotism provision from Article VII, Section 6 of the Missouri Constitution and then asked several questions of Commissioner Pennel. County Counselor, Bob Paulson advised that a County Commission meeting was not the place for these allegations and noted that any concerns should be reported to the Missouri Ethics Commission for investigation.

Counselor Paulson also advised Commissioner Pennel that he shouldn't answer the questions because even if he had not committed nepotism a careless answer could give a wrong impression and be used against him later.

Despite counsel's advice, Mr. Pennel discussed an incident where his wife drove a puppy with parvo to Springfield where it was euthanized. Mr. Schanz did not provide the Commission with any of the supporting documents he claimed to have with him.

## COMMISSIONER PENNEL RELAY FOR LIFE BENEFIT

Commissioner Pennel informed the Commission that a county employee had contacted him in regards to putting on another Relay for Life benefit to be held on March 20<sup>th</sup>. Commissioner Pennel made a motion to schedule the benefit on March 20<sup>th</sup>. Commissioner Strahan seconded the motion.

Wayne Harding approached the Commission and stated that he felt he had been mistreated when he was asked to leave the courthouse while he was trying to collect signatures for a petition. Mr. Harding also asked the Commission to reconsider the solicitation ordinance. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COMMISSIONER PENNEL USE OF 139.031.005 RSMo

Commissioner Pennel brought up the issue of using statute number 139.031.005 in regards to the refund of taxes for up to three years after the mistake was made. Commissioner

# **TANEY COUNTY COMMISSION RECORD**

Pennel noted that he didn't bring the actual statute with him but noted that the Board of Equalization had voted that no refunds would be given for anything over a year old.

Commissioner Pennel commented that the county had had some problems in dealing with the Condo situation and stated that if this isn't a legal avenue then we need to reconsider those taxpayers that have gotten caught in this situation. Counselor Paulson recalled that 139.031.005 is for erroneous payment or situation and that the Collector can correct it for up to a year. Counselor Paulson added that the statute does not include erroneous assessment or classification errors.

Counselor Paulson noted that he would have to check to make sure since there was some questions as to whether the time frame was one year or three years. Commissioner Pennel stated that his goal was to find a solution for the taxpayers.

## **COMMISSIONER PENNEL VERIZON INVITATION TO COMMENT**

Commissioner Pennel brought a letter before the Commission from Teracon, a company looking at putting up a tower close to Highway 160, F Highway, and Highway 176. Counselor Paulson asked if Teracon went through Planning and Zoning. Commissioner Pennel stated that Teracon was just looking for any comments or objections with them placing the tower at those specific locations due to historic reasons.

A general discussion ensued. The Commission concurred to have Counselor Paulson review the document and then send it on to Planning and Zoning.

## **COMMISSIONER PENNEL CLEO, COUNCIL OF LOCAL ELECTED OFFICIALS**

Commissioner Pennel stated that he sat on the CLEO board for the County but had a conflict with his schedule and asked for assistance in representing him at that meeting.

## **COMMISSIONER HERSCHEND SOLICITATION ORDINANCE**

Commissioner Herschend presented the Commission and the public with a draft copy of the Solicitation Ordinance. Commissioner Pennel added that he had sent an email out to the Elected Officials with a draft copy for any feedback.

Assessor Strahan strongly voiced that the Commission needed to be extremely careful about the 1<sup>st</sup> Amendment Rights of the people. After discussion, Commissioner Pennel expressed that the County may not need an "ordinance" just continue with the soliciting by appointment like the county has always done. Sheriff Russell expressed concern as he frequently has vendors stop by the Sheriff's Department with important information or updates. Counselor Paulson stated that the Commission has the right to regulate but without an ordinance, the Commission does not have the authority to regulate. Auditor Findley expressed that the Commission does have the right to regulate and if something needs to be put in an ordinance book, for the record, then put the sign in the book.

Commissioner Pennel made a motion to direct Counselor Paulson write up a brief ordinance mirroring what Auditor Findley said. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS  
10:19a.m.**

**RECONVENE  
10:27 a.m.**

# **TANEY COUNTY COMMISSION RECORD**

## **COMMISSIONER HERSCEND IMPROVED SERVICE TO DISTRICT 1**

Commissioner Herschend asked the Commission for the approval to spend approximately \$4,000.00, during the months of April to December, to open a satellite office with limited hours in the Branson area. Commissioner Herschend stated that it would be a great benefit to the citizens in district 1. Commissioner Herschend made a motion to authorize the opening of a satellite office in Branson. Commissioner Pennel stated that it wasn't a bad idea in that he had previously thought about the idea.

A general discussion regarding the hours, staffing and information available ensued. Commissioner Pennel asked if there was room for two desks. Gary Morgan, IS Administrator discussed computer issues and added that Sheila Wyatt, Collector had even thought about having a satellite office for the taxpayers who didn't want to have to travel to Forsyth.

Commissioner Strahan stated that he had a real strong comment about the issue adding that he was not in favor...whatsoever...should we set one up in Bradleyville or Protem as they drive farther than on the west side. Commissioner Strahan added that this is a County Courthouse...when we were elected we knew where we would be residing and the public knows what their responsibilities are. Commissioner Strahan further stated that if a Commissioner wants to go and announce to people that they were going to be at a different location and have a meeting to discuss problems he had no problem...but to be out those dollars he was not for it.

Commissioner Pennel added that he hated to see something be started and not followed through...if you say your going to be there you need to be there. Ms. Luttrell expressed some concern with the possibility of two Commissioners being there at the same time as that would be a quorum. James Strahan, Assessor expressed great concern with the tools available to the public through the internet and noted that the Commission is not saving the taxpayers money...just changing the location of the decision making process.

Commissioner Pennel noted that both the City of Hollister and the City of Branson, who has been gracious in the past, the public could simply go in there to print off a form or we could use a conference room.

Commissioner Strahan added that he couldn't figure out why we were in this discussion...if Mr. Herschend wanted to go to the Taney County Airport where we are already paying the heat, where there is already computers...if he wanted to go and set up tables to meet the public from the west side then he has the right to...that gives him the right to get closer to the citizens...but to set up an expense account for something that we already have a location in the Branson/Hollister area then I am totally against spending any tax money.

The County Commission concurred and Commissioner Herschend noted that he would go speak with Mark Parent, Airport Manager.

## **COMMISSIONER HERSCEND LEGISLATIVE PARTNERSHIP IN MAY**

Commissioner Herschend questioned the Commission if they should attend the Legislative Partnership on May 13<sup>th</sup>-14<sup>th</sup> and inquired as to what issues would be discussed by the Partnership.

It was noted that this would be the last day the Legislature would be in session therefore would be of great importance to the County. Commissioner Strahan made a motion to table so the Commission could find out what topics were going to be discussed and to give the decision more thought. Commissioner Pennel seconded the motion. . The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **COMMISSIONER HERSCEND REPORT ON MOUNTAIN DATA CENTER**

Commissioner Herschend commented that the County is now backing up all data here locally, in Taney County, at the Mountain Data Center. Commissioner Herschend also stated

# **TANEY COUNTY COMMISSION RECORD**

that Gary Morgan, Information Systems Administrator and his staff had worked extremely hard in getting our equipment moved over with few problems. Commissioner Herschend did note that one of the problems in moving regarded the IP address given to the County which was on the "black list". Commissioner Herschend added that in working with Centurytel all the problems had been fixed. Commissioner Herschend had sense received a letter from CenturyTel and wanted to share it with the Commission:

"Century Tel has completed a root cause analysis on the factors that caused the Internet outage the week of February 18, 2008. From our review, we find that there were two main issues that lead to this outage:

- 1) Century Tel's failure to properly coordinate network maintenance with County personnel.
- 2) Invalid IP addresses.

Going forward, Century Tel will communicate all planned activities that will affect Taney County's network. As a VIP customer, we can coordinate these notifications via the VIP desk in LaCrosse or we can do them locally. Within the next week, we will set up a meeting with you and/or your designee to discuss the various options and get your input on what you prefer. A critical part of this is to coordinate far end testing of your services after any network upgrade or maintenance and at this meeting we can get your thoughts on how you want that coordination to flow as well.

As far as the IP addresses, Century Tel is implementing a practice to test all IP addresses we receive from ARIN before we release them to a customer.

Taney County is a very important customer to us and we regret the inconvenience this outage caused the County. Please accept our apologies and one month's credit for this service. Also, please don't hesitate to contact me if you have any issues or concerns with any Century Tel service in the future. I will follow up with you in the next two weeks to make sure this has been resolved to your satisfaction."

Commissioner Herschend expressed that Century Tel is working hard to make sure we are taken care.

## **COMMISSIONER HERSCHEMEND TANEYCOMO BRIDGE REPORT**

Commissioner Herschend reported that the Commission met with State Representative Weter, Wallace and Wood, along with Senator Jack Goodman to discuss the Taneycomo Bridge Issue. Commissioner Herschend also stated that our State Representatives and State Senator also had a meeting with the engineers and the conclusion of that meeting was that the bridge would not be closed prior to the county having something else in place.

Commissioner Herschend commented that the meeting was a success, even though no answers for the Taneycomo Bridge funding were not answered, the Commission was assured that a State Representative would be getting back to them.

## **COMMISSIONER HERSCHEMEND RECYCLING CENTER**

Commissioner Herschend brought up the issue of the Developmental Center of the Ozarks' contract and the need to get it canceled.

## **COMMISSIONER HERSCHEMEND CELEBRATION CLEAN-UP**

Commissioner Herschend reported that Rockaway Beach is putting on Celebration Clean-up, where they are going to be painting and cleaning up their city and they will also be serving food and providing entertainment. Commissioner Herschend further commented that anyone who would be willing to help with this community project would be greatly appreciated.

## **TRESSA LUTTRELL PROTECTIVE SUITS BID AWARD**

Tressa Luttrell, County Administrator, presented the Commission with bids for Protective Suits, which provides protection against chemical and biological terrorism, for our Emergency Management Department. Ms. Luttrell stated that this is the third time we have gone out for bid on the Protective Suits and that this is the only one that had been received. Ms. Luttrell

## **TANEY COUNTY COMMISSION RECORD**

commented that Christ Berndt, Emergency Management Coordinator, recommended that we buy the suits from Lion Apparel in the amount of \$1,995.00 per suit.

Ms. Luttrell further commented that the funding would come from the Homeland Security Grant for both funding years of 2007 and 2008. Ms. Luttrell commented that the total, after buying 20 suits, is \$39,900.

A general discussion ensued. Commissioner Herschend made a motion for approval, but to get an understanding of why we should purchase 20. Commissioner Strahan made a motion to table until 1 p.m. so that the Commission could meet with Mr. Berndt. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RON HOUSEMAN**

Ron Houseman commented that there is a great importance in attending the Legislative Partnership Meeting in May, as that is the last week of session and that is when bills are passed or killed.

Mr. Houseman also commented about the nepotism topic, which was discussed earlier in this meeting.

### **FRANK PRESTON**

Mr. Preston gave an update on the Casey Road project noting that the complaints had slowed down, due to having a weekly meeting and placing 3 message boards in the area. Mr. Preston also reported on the Transfer Station, in that they received a great inspection from DNR.

### **SHEILA WYATT COUNTY COLLECTOR**

Sheila Wyatt, County Collector, commented that SB 711 is very important and encouraged the Commission to stay abreast of it.

### **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #302491-302498, #302512-302599 and warrants #4800, 4801 and 4804. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PRIOR MINUTES**

Commissioner Strahan made a motion to approve prior Commission minutes dated 3/3/08, 3/4/08, 3/5/08 and 3/6/08 Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RECESS 11:46 a.m.**

Minutes taken and typed by Nikki Lawrence.

### **RECONVENE 1:05 p.m.**

### **FRANK PRESTON & TRESSA LUTTRELL WORK SESSION**

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Building Renovations: The Commission discussed the renovation of the Jail Annex which will house the Recorder's Office in the near future.

## TANEY COUNTY COMMISSION RECORD

2. Planning & Zoning: Mr. Preston informed the Commission that the staff was continuing to work on cleaning up the code book noting that it may be months away before the final product is produced. Some of the areas for discussion were a) clarifying the code so that the staff are all on the same page, b) context changes and c) identifying clarifications within the code.
3. Transportation Committee: Commissioner Pennel made a motion to appoint the following individuals to the Taney County Transportation Committee: Jim Youngblood, Dean Harmon, David Miller, Jack Baker and Bob Simmons. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
4. Recycling Center: Commissioner Strahan made a motion to discontinue the contract with the Developmental Center of the Ozarks for the recycling center in Kisse Mills. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
5. Protective Suit Bids: Commissioner Strahan made a motion to approve Lion Apparel as recommended by Chris Berndt. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
6. Dura-Kast: Mr. Preston and Ms. Luttrell discussed a recent complaint from Dura-Kast, a vendor who had not received the last three bids that they participated in. Mr. Preston noted that in all three instances the reasoning for the award was justified, however he would give Dura-Kast a call to speak with them.

Commissioner Pennel stated that he would like to be included on that phone call. Ms. Luttrell noted that she would like something in writing for the file.

7. Minimum Flow: Mr. Preston presented the Commission with some pictures of the recent flooding on Slough Hollow and noted that he would be going to take a look at Barker Hole as well.

Commissioner Strahan noted that the County would need to follow up with the Corps of Engineers and file for reimbursement to repair that road.

8. Presbyterian Church: Mr. Preston indicated that he had reviewed the Presbyterian Church parking lot and would be getting some figures together to bring back to the Commission for approval.
9. Diagnostic Scanner: Commissioner Strahan made a motion to approve the purchase of a diagnostic scanner for the mechanics at the Kisse Mills shop. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
3:52 p.m.

Minutes taken and typed by Tressa Luttrell



**MARCH 11, 2008 32<sup>ND</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met at the Taney County M. Graham Clark Airport at 9:30 a.m. with all members present and the following proceedings were had and made a matter of record.

### **AIRPORT BOARD MEETING**

The County Commission attended the monthly airport board meeting and discussed the funding proposals for the addition of hangars at the airport.

# TANEY COUNTY COMMISSION RECORD

## RECESS

## RECONVENE

1:00 p.m.

The County Commission reconvened in the Commission's Office with all members present.

## SEPTAGON MONTHLY UPDATE

The County Commission met with representatives from HMN Architects and Septagon Construction for the monthly update on the Judicial Facility.

Commissioner Pennel made a motion to approve RFI#311 which added six handicap sidewalk ramps to the project for the amount of an additional \$2,155.00. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny PR#40 to change the paint colors for rooms that have already been painted and would cost \$1,833.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that the Commission requested a refund from HMN Architects for the wrong paint being approved.

Commissioner Strahan made a motion to approve RFI#305 & #325 which changed the HVAC diffuser style in the laundry room for an additional \$534.00. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve PR#38 which supplied and installed a ladder and grating in order to reach the roof access door above the east pod for an additional \$6,141.00. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

2:30 p.m.

Minutes taken and typed by Tressa Luttrell



## MARCH 12, 2008 33<sup>RD</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission's Office at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 3/7/08 and 3/11/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021.3. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Frank Preston, Road Superintendent presented the Commission with recommendations for certain road department personnel wage increases. Mr. Preston noted that he had previously met with Commissioner Herschend who made some comments but was in support. Ms. Luttrell concurred that Commissioner Herschend had commented support of the raises.

Commissioner Pennel made a motion to make the following rate changes: Kathy Roberts receiving \$1.75 an hour increase, Jack Cole receiving .65 an hour increase, Randy Haes changing from Salary to Hourly at \$20.00 an hour, Jason Davidson receiving \$1.00 an hour increase and Harlan Collins receiving .55 an hour increase Brandi Sonnenfelt, Shawn McKinley, Jacqueline Rogers, Brent Giffin, Keith Crawford, Sara Case, Billy Guerin and Linda Gifford all receiving .50 an hour increase.

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## HANGAR FUNDING PROPOSALS

It should be noted that Commissioner Herschend was present via telephone.

Mark Parent, Airport Manager informed the Commission that all the questions raised at the recent airport meeting had been answered and the Airport Advisory Board were recommending the award to Regions Bank.

Commissioner Herschend made a motion to approve the funding for the hangar to Regions Bank and to finalize all documents. Commissioner Strahan seconded the motion. The motion passed.

Commissioner Herschend made a motion to authorize the airport to spend GCR funds for the first payment in that the County will be reimbursed for the full cost (including any interest) of said payment. Commissioner Pennel seconded the motion. Commissioner Herschend amended his motion to add: for a maximum expenditure of \$60,000.00. Commissioner Pennel amended his second. The motion passed.

## BUILDING HEIGHTS WORK SESSION

The County Commission met with Brian Wade, Attorney, Dan Nosalek and Eddie Coxie from the Planning & Zoning Department and Frank Preston, Road Superintendent to discuss the Building Height restrictions.

The following areas were discussed:

- Scoring
- Residential
- Relative Policy
- Economic Opportunities
- Board of Adjustment for variances
- More factors with positive scores
- View obstruction

It should be noted that Commissioner Herschend entered the meeting at 10:45 a.m.

Commissioner Pennel made a motion to instruct the staff to enforce the code as amended whether it is in print (in the Code Book) or not. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
11:38 a.m.

Minutes taken and typed by Tressa Luttrell

# TANEY COUNTY COMMISSION RECORD



**MARCH 17, 2008 34<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:02 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Helen Souttee followed by the pledge.

## **COST OF LIVING RAISES**

Commissioner Strahan presented the Commission with a printout noting a cost of living increase for employees ranging from .10 cents to .25 cents an hour. Commissioner Strahan added that with the cost of utilities going up 15% and the price of fuel let alone the cost of a gallon of milk...everything is rising.

Commissioner Strahan commented that with the savings of the county's insurance for the employees at around \$100,000...I worked with the Auditor's office to get the cost for a cost of living raise that would use the savings the county received.

Commissioner Strahan made a motion to give a .25 cent an hour increase for all employees except those that received a raise last week. Commissioner Pennel seconded the motion.

Commissioner Pennel asked the Auditor if he had researched what the cost would be towards the budget. Auditor Findley noted that that was what Commissioner Strahan had presented.

Commissioner Herschend made a motion to table, noting that he supports an across the board raise however he would like to see if .25 cents is enough. Commissioner Herschend stated that he would like to have a work session and then come back next week.

Auditor Findley pointed out that the Commission would need to keep in mind that there is another 10% that would cover the benefits such as lagers and added that he would really like for the county to have a policy regarding how and when raises are done. Commissioner Pennel asked Auditor Findley if he was comfortable with the .25 cents. Auditor Findley stated yes.

The table died for a lack of a second. Commissioner Strahan called for a vote. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Commissioner Pennel noted that he would like to have a work session with the elected officials to see if they have any other concerns with their budget. Commissioner Herschend stated that it seems like we have already made a decision why ask them after the fact. Commissioner Pennel stated then that he would withdraw his comment.

Commissioner Strahan made a motion to make the raise effective 3/17/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

## **TRANSPORTATION COMMITTEE**

Commissioner Strahan announced that the Commission had appointed the Transportation Committee to look a comprehensive look at the county. Commissioner Strahan noted that since he had been in office one of the biggest concerns has been safety and this Commission has taken steps to correct those issues.

# **TANEY COUNTY COMMISSION RECORD**

## **ROCKAWAY BEACH CLEANUP**

Commissioner Strahan noted that he had attended the citywide cleanup at Rockaway Beach and stated that he was very impressed to see the amount of people who volunteered from all over the country just to try and help a small community.

## **ECONOMIC DEVELOPMENT DIRECTOR**

Commissioner Pennel commented that the Commission has had the position of the Economic Development Director on the back burner and noted that the Interim Director has taken a position with the Branson Downtown Association. Commissioner Pennel stated that he would suggest that the Commission go out for the advertisement for this position. Commissioner Strahan stated that he thought it was a good idea.

Commissioner Herschend asked what the objective of the Commission was for this position...what tools will this person have. Commissioner Herschend added that he felt that the Commission should take a look at it.

Commissioner Pennel directed Tressa Luttrell, County Administrator to start the advertising for the position since two of the Commission was in favor.

## **NO PARKING ORDINANCE**

Commissioner Pennel brought forward the issue of a "No Parking Ordinance" distributing copies of the City of Hollister's and invited members of the public to speak on the issue.

Allen Nugget, President of the Home Owners Association for Spring Meadows expressed a lot of concern where cars are parked on both sides of the street. Mr. Nugget stated that if there was to be an emergency, the emergency crews could not get through and added that there are a lot of children running through the street.

Mr. Nugget further expressed concern with the building of a new subdivision being built behind them noting that now dump trucks are coming through the area.

Commissioner Herschend made a motion to proceed with amending this very ordinance and looking at the speed limits within the subdivisions. Commissioner Pennel asked if the Commission was in favor of having the public hearing the following Monday. Commissioner Herschend stated yes.

Commissioner Strahan asked what precautions the subdivision (Spring Meadows) had previously. JR Crawford, Secretary to the Association stated that they have covenants and restrictions however the developer covenants didn't address the parking so we are in the process of trying to change it.

Commissioner Herschend asked how the Association enforced the covenants if they were not followed. Mr. Crawford stated that they would put a lien on the property. Commissioner Herschend stated that the county has the policing powers to enforce...it makes sense where the county has stepped in...it's a tool that could be utilized where it makes sense.

The motion died for a lack of a second. Frank Preston, Road Superintendent stated that most subdivisions don't have adequate road widths of 31' to have parking on the road. Mr. Preston added that the new road standards would make it mandatory at 31' from curb to curb. Mr. Preston further commented that he would like to take a look at the nuisance type of vehicles, which are the ones that impede the sight.

## **RESPONSE TO NEPOTISM COMPLAINT**

Commissioner Pennel read the following response to the recent nepotism complaint.

"Last Monday, Mr. Bob Schanz addressed the Commission after he had asked to be on the agenda concerning Animal Control. It actually appears his issue was not Animal Control but to suggest that I might be guilty of nepotism and his apparent goal is to see me removed from

## TANEY COUNTY COMMISSION RECORD

office. It is unfortunate that he has tried to use what I have done with the volunteer help of my wife Renee' on weekends and after regular business hours to assist the Sheriffs Office with calls they receive on injured, abandoned, stray and vicious animals since we do not pay our animal control staff to be on call 24/7.

Mr. Schanz asked 13 questions about my actions while responding to those county calls. He did not give me a copy of the questions he asked or of the numerous documents that he said indicated that I may have committed nepotism. Later in the meeting during the public comment section Mr. Ron Houseman addressed the Commission about the issue and did hand me a folder containing a copy of those questions. Mr. Houseman commented that there were other documents that he had seen but that Mr. Schanz did not want me to see them. Mr. Houseman said that "those documents without mentioning any names are very egregious in nature".

Our county attorney strongly and repeatedly recommended that I be very careful of how I answer the questions since there could be criminal charges. Commissioner Herschend and Mr. Houseman also made similar statements to me. After looking back at the proceedings I wish I would not have followed their advice. By not insisting on receiving a copy of the questions from Mr. Schanz and answering them right then his apparent attempt at a smear campaign may have been partially effective. A good friend of mine after hearing the sound bites on the radio understood that the county had paid Renee' to take a sick dog to the vet which was not the case at all.

My wife has never driven a county vehicle and after talking with her we cannot remember of her ever being in one. She has used our personal vehicles to voluntarily pick up animals at my request. She has helped me clean, feed and water at the shelter more than once when staff was not available on a weekend or holiday. She has never been compensated directly or indirectly for any volunteer help she has given. She has never worked as an employee only as a volunteer like many others in our county do. She has used our personal vehicles without any compensation to respond at my request to a Sheriffs call when I was not available. The only benefit that Renee' has received is the satisfaction of helping animals in need and me her husband.

I have attached a copy of Mr. Schanz's questions and my answers to each. I intend to send copies of all these documents and copies of the recordings of these two meetings to the Prosecuting Attorney, Attorney General and the Missouri Ethics Commission. My hope is that they will make a thorough investigation of the information and a judgment of the concerns of Mr. Schanz and Mr. Houseman."

Commissioner Herschend asked Commissioner Pennel if he had over the weekend sent Renee' to respond on a call. Commissioner Pennel stated yes. Commissioner Herschend stated that he would ask Commissioner Pennel not to do that any more until we have had time as a Commission to look at the issue so we aren't seen as approving this. Commissioner Herschend noted that the Commission should look at what our role of Animal Control is...do we pick up the injured?

Commissioner Pennel expressed frustration noting that he needed two Commissioner's to change what has been being done for the past four years. Commissioner Strahan commented that although he sees where Commissioner Herschend is coming from...I see that it's not in your best interest to continue doing it.

Commissioner Pennel again noted that he needed it to be real clear. Commissioner Strahan added that the facts are that this has been sent to the authorities and my statement is that I think for your own protection...until this has been answered.

James Stevenson, a past employee, stated that Commissioner Pennel has been penny wise and pound foolish with how the kennel is ran. Stevenson added that while working at the kennel he had given Commissioner Pennel several issues that needed to be attended to but Commissioner Pennel would just roll his eyes. Mr. Stevenson commented that Commissioner Pennel should either shut it down or operate it.

Commissioner Pennel noted that if these issues needed to be talked about why didn't Mr. Stevenson come before the three Commissioners noting that many of Mr. Stevenson's statements

# TANEY COUNTY COMMISSION RECORD

were false and gaveled him out of order. Mr. Preston commented that road & bridge has employees on call all the time they would just need the proper tools.

Mr. Schanz approached the podium to speak about the issue. Commissioner Pennel commented that he understood that Mr. Schanz wasn't going to say anything on this issue.... Commissioner Herschend stated "point of order"...you have gaveled to shut him off and then wanted to ask him questions.

## JOURNAL ENTRY

Commissioner Herschend made a motion to approve a journal entry in the amount of \$3,767.42 for work that road and bridge had done for the sewer department. Commissioner Strahan seconded the motion.

A discussion regarding journal entries ensued noting that the requests should be done on a quarterly basis. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECORD RETENTION

Auditor Findley presented the Commission with a listing of records that per the Secretary of State's record retention could be destroyed by his office. After a general discussion, Clerk Neeley is to receive the documents for review and once they are truly ready for destruction, Clerk Neeley shall be the one to present to the Commission.

Clerk Neeley did request that Counselor Paulson check the list for any pending lawsuits.

## RECESS

10:53 a.m.

## RECONVENE

11:02 a.m.

## RECORD RETENTION CONT.

Commissioner Herschend made a motion to table the record retention request until Clerk Neeley has the chance to review. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 3/10/08 with a correction. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

Commissioner Strahan made a motion to table 3/12/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PUBLIC COMMENT

Commissioner Herschend noted that he would be working on the April 15<sup>th</sup> date for a satellite office and would be announcing the hours of operation soon. Ms. Luttrell asked for verification regarding costs. Commissioner Herschend noted that there would be none.

Commissioner Strahan clarified that he was not in favor the satellite office only that the airport wouldn't cost the county anything.

Commissioner Strahan noted that Jerry Gideon, a former Commissioner, had passed away adding that the service would be 3/20 at 2 p.m.

The Commission announced that the Spring Cleanup is scheduled for April 11<sup>th</sup> and 12<sup>th</sup>.

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel announced that Gilley's Theatre would be putting on another benefit on April 1<sup>st</sup> and 2<sup>nd</sup> for both the Animal Control facility and the Taney County Human Society.

Commissioner Pennel announced that there has been a Parvo outbreak at the kennel therefore they would not be taking any animals at this time. The Commission explained how the outbreak happened with a recent break-in at the kennel.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #302602 through #302721, manual warrant #4808. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

11:20 a.m.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021.12.

Commissioner Herschend made a motion to approve the contract for the lease of the Commission's Office between Taney County and Mary Owen. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to approve the Tower Lease Agreement between Taney County and EBC Harrison Inc. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

## RECONVENE

2:50 p.m.

## SEPTAGON CONSTRUCTION BLACK BASE PROPOSAL

Commissioner Strahan made a motion to go ahead with the new black base proposal, which includes the concrete in the dip for the Judicial Facility. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

3:23 p.m.

Minutes taken and typed by Tressa Luttrell.



**MARCH 18, 2008 35<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met at the Hollister City Hall at 1:15 p.m. with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## SEWER DISTRICT MEETING

Commissioner Pennel and Commissioner Strahan sat in on the pre-meeting for the Taney County Regional Sewer District and agreed for road & bridge to put a culvert in for Marsha Lay contingent upon an agreement being written by Counselor Paulson and signed.

## LEGISLATIVE VISIT TO THE BRANSON UNDERGROUND

Commissioner Pennel and Commissioner Herschend met with Legislators at the Branson Underground.

Minutes taken by Chuck Pennel and typed by Tressa Luttrell



## MARCH 19, 2008 36<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission's Office at 9:06 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### PAYROLL

Commissioner Strahan made a motion to approve the following payroll warrants:

General County Revenue #104100 through #104101, #104131 through #104150

Road & Bridge #104103 through #104124

Assessment Fund #104102, #104125 through #104127

Transfer Station #104128 through #104130

Accounts Payable Warrants #302741 through #302755, manual warrants #4809, #4810

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

### PRIOR MINUTES

Commissioner Strahan made a motion to amend the previous motion and approve prior Commission Minutes dated 3/10/08 with some additional changes being made as well as the approval of 3/12/08 and 3/18/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### COST OF LIVING RAISES

Commissioner Strahan made a motion to approve the .25 cent increase for all county employees, hourly and salary with the exception of elected officials. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### TIM CONNELL WORKERS' COMPENSATION

Tim Connell representing Connell Insurers met with the Commission to discuss ways of being proactive in regards to workers' compensation.

Mr. Connell discussed the following: 1) a contract with St. Johns has been completed as the primary workers' comp care provider which will reduce the county's costs 2) would ask that

## **TANEY COUNTY COMMISSION RECORD**

the Commission adopt a modified light duty work program and would request for 6 – 12 months reporting back to the Commission on the progress.

Commissioner Strahan asked if there was a suspicion of fraud would Connell provide the investigation. Mr. Connell noted yes.

Commissioner Pennel made a motion to implement the modified light duty work program into the county policy. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **911 MAP BID**

Tressa Luttrell, County Administrator presented the Commission with the bid for the 911 maps. Ms. Luttrell stated that there had only been one bidder and had spoken with Tammy Hagler the 911 Administrator who noted that this company was the only bidder previously.

Ms. Luttrell indicated that Ms. Hagler was comfortable with the company and the bid. Commissioner Pennel made a motion to approve the bid for Riley Marketing. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **ROAD & BRIDGE TAX SHARING VILLAGE OF TANEYVILLE**

Ms. Luttrell stated that the Commission had previously given the Village of Taneyville 30 days to complete the listing for their 2008 project for the tax sharing program, which has been submitted, therefore Ms. Luttrell noted that she was looking for an approval.

Commissioner Pennel made a motion to approve the project for up to \$50,000. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **ANIMAL CONTROL TRAINING**

Ms. Luttrell commented that a couple of the employees at Animal Control were requesting to go to training, however the deadline for the tranquilizer training was on 3/21/08. Commissioner Pennel noted that in light of all the concerns with animal control and the recent journal entries he was wondering where the animal control budget currently was. Commissioner Pennel noted that he was not comfortable with out looking at the budget.

Commissioner Strahan made a motion to table this issue until later this afternoon. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **COURTROOM CHANGES**

Ms. Luttrell noted that Mike Smith from Septagon Construction had recently given her a new version of the courtroom layout where the Commission had requested some possible changes. Ms. Luttrell commented that it was Mr. Smith's estimation that the changes would be approximately \$20,000.

It should be noted that Commissioner Herschend entered the meeting at 10:38 p.m.

Commissioner Herschend stated that he would spend \$20,000 for the addition of seating. Commissioner Pennel noted that he was ok with the change however he asked that the benches be extended to the wall.

### **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021.17. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

It should be noted that no motions were made and no votes were taken.

## TRI-LAKES AREA BIO-SOLIDS PARTNERSHIP MEETING

Commissioner Pennel and Commissioner Herschend attended the Tri-Lakes Area Bio-Solids Partnership Meeting at the Town Hall in Hollister, Missouri. They heard and discussed facts of the Preliminary Design Study prepared by Great Rivers Engineering.

Minutes taken and typed by Tressa Luttrell.



## MARCH 20, 2008 37<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the Forsyth City Hall at 8:30 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### TRANSPORTATION ISSUES CONGRESSWOMAN EMERSON

The County Commission attended a roundtable discussion regarding the transportation issues in Taney County spearheaded by Congresswoman Emerson.

Congresswoman Emerson noted the importance of transportation along State Hwy 160, the Taneycomo Bridge as well as the East/West Corridor that the Commission was working towards.

- The State Hwy 160 project stems from 65 to the eastern Taney County line
- The Taneycomo Bridge project would instill that the bridge would not close
- The East/West Corridor project will provide traffic relief to State Hwy 76 and provide the citizens with a better route to the west side of the county

Commissioner Strahan commented that it was very important for the county to receive federal or state funds for the bridge, which would free up the county's money for the East/West Corridor.

A general discussion ensued and Congresswoman Emerson stated that the State Hwy 160 project had been sent to appropriations wherein Mr. Steve McIntosh, a representative of Congressman Blunt's office stated that the bridge funding had been submitted for appropriations as well.

### RECESS

The County Commission reconvened at 1:00 p.m. with Chuck Pennel, Presiding via telephone and Danny Strahan, Eastern Commissioner present.

### TRASH CLEAN UP RESULTING FROM THE RECENT FLOOD

Commissioner Pennel made a motion to have an emergency meeting as the 24 hour notice could not be given...due to the recent flooding, citizens need to be advised of what they can do with the debris left from the flood. Commissioner Strahan seconded the motion. The motion passed.

Commissioner Pennel made a motion to announce that the citizens would be allowed to dump the debris from the flood at the Transfer Station on 3/22 and 3/29 free of charge. Commissioner Strahan seconded the motion. The motion passed.

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## MARCH 21, 2008 38<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the Tri-Lakes Board of Realtor's Office at 8:30 a.m. with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

### JOINT LEGISLATIVE AFFAIRS COMMITTEE

The County Commission attended the Joint Legislative Affairs Committee meeting.

Minutes typed by Tressa Luttrell.



## MARCH 24, 2008 39<sup>TH</sup> DAY OF THE JANUARY ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

### JAMES STEPHENSON ONGOING PROBLEMS WITH THE ANIMAL CONTROL FACILITY >PRACTICES & MANAGEMENT

James Stephenson addressed the Commission with the following concerns:

- No Security System
- Parvo Outbreaks
- Vaccination Against Rabies For Employees
- Manner of Operation
- Euthanasia Policy
- Veterinarian Services
- Transportation of Animals
- Additional Staff
- Nepotism

Commissioner Herschend and Commissioner Strahan commented that the Commission would discuss the security system. Commissioner Strahan also stated that the Animal Control facility is not a shelter. Commissioner Pennel stated that he appreciated Commissioner Strahan auditing the facility from time to time.

### SHEILA WYATT, COUNTY COLLECTOR YEAR END SETTLEMENT & DELINQUENT TAX BOOK

Collector Wyatt presented the following Annual Settlement for 2007.

#### Annual Settlement of Sheila Wyatt Collector of Taney County

For Year Ended

February 29, 2008

<u>Summary of Charges</u>	<u>Amount</u>	<u>Summary of Credits</u>
Total Current *	41,859,362.60	Total Collections of Taxes
Total Back and Protested	6,967,014.00	Total Delinquents
Total Other	1,302,035.19	Total Abatements
		Total Protested

# TANEY COUNTY COMMISSION RECORD

Total Charges	50,128,411.79	Total Credits	50,128,411.77
Tax Book Difference	(0.02)		
<b>Grand Total Charges</b>	<b>50,128,411.77</b>	<b>Grand Total Credits</b>	<b>50,128,411.77</b>

\* Total Surtax in this Amount if not shown as separate Distribution  
(March 2007- Feb 2008) 549,837.30

<u>Distributions</u>	<u>Amount</u>		
TIF Branson Landing 1	658,393.25		
TIF Branson Hills	261,909.56		
State	274,804.48		
General Revenue	13,104.22		
Health Center	1,199,660.17		
Schools	34,995,093.43		
Cities	2,689,887.41		
Ambulance	16,703.97		
Handicap	778,566.19		
Fire Districts	1,378,245.81	* Assessment	382,497.87
Retirement	227,130.11	Commissions: County	623,686.62
Tax Sale Surplus	75,406.23	Collector TMF	109,433.49
PIA Interest	3,730.63		
		Subtotal	1,115,617.98
			<b>1,115,617.98</b>
Subtotal	42,572,635.46	<b>Total Distributions</b>	<b>43,688,253.44</b>

I, Donna Neeley, Clerk of the County Commission of Taney County hereby certify the above and the attached to be a copy of the Annual Settlement of the **County Collector** with the County Commission on the 24th day of March, 2008, for the year ending February 29, 2008 as the same appears of record in my office. In Testimony Whereof, I have hereunto set my hand and affixed the Seal of the County Commission of Taney County. Done at my office in Forsyth, Missouri this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Donna Neeley, Clerk of County Commission

Charges		Credits	
<u>Current</u>	<u>Amount</u>	<u>Current</u>	<u>Amount</u>
<b>2007 LAND TAX BOOK</b>		<b>2007 LAND TAX BOOK</b>	
From Tax Book	31,700,008.65	By Collections	28,445,191.68
From TIF Branson Land #1	689,521.24	By Collections TIF Branson Land #1	669,436.34
From TIF Branson Hills #1	269,761.62	By Collections TIF Branson Hills #1	265,780.96
Protested Taxes	(1,098,243.87)	By Delinquent	1,954,689.55
From Additions	647,800.84	By Abatements	878,665.61
Missouri Dept of Conserv.	4,915.66		
<b>TOTAL</b>	<b>32,213,764.14</b>	<b>TOTAL</b>	<b>32,213,764.14</b>
<b>2007 PERSONAL TAX BOOK</b>		<b>2007 PERSONAL TAX BOOK</b>	
From Tax Book	6,474,851.88	By Collections	5,836,268.60
From Additions	326,534.94	By Delinquent	721,309.42

# TANEY COUNTY COMMISSION RECORD

Protested Taxes (81,336.39) By Abatement

**TOTAL** **6,720,050.43** **TOTAL**

**2007 RAILROAD & UTILITY TAX BOOK**

From Tax Book	State	1,017,899.05
From Tax Book	Local	151,455.59
Private Car Trust Fund		17,965.78
Protest		0.00
<b>TOTAL</b>		<b>1,187,320.42</b>

**2007 RAILROAD & UTILITY TAX BOOK**

By Collections
By Delinquent
By Abatement
<b>TOTAL</b>

**PROTESTED TAXES**

**2007 & Prior Protest**

From Tax Book		1,212,127.99
From Tax Book 2006		33,730.67
From Tax Book		0.00
From Tax Book		0.00
Protested Taxes		0.00
TIF		
<b>TOTAL</b>		<b>1,245,858.66</b>

**PROTESTED TAXES**

**2007 & Prior Protest**

By Collections	
By Protest	2006 & 2007
By Protest	2007 surtax
By Protest	2006 surtax
By Protest	
By Abatement	
<b>TOTAL</b>	

**2007 SURTAX**

From Tax Book		488,499.17
ADD-ON		13,655.30
Railroad & Utilities		22,762.21
Add-on Railroad & Utilities		0.00
Protested		(32,547.73)
<b>TOTAL</b>		<b>492,368.95</b>

**2007 SURTAX**

By Collections
By Delinquent
By Abatement
By Abatement Railroad
<b>TOTAL</b>

<b>TOTAL</b>		<b>492,368.95</b>
<b>Total Current Charges</b>		<b>41,859,362.60</b>

<b>TOTAL</b>
<b>Total Current Credits</b>

Charges
---------

<u>Back Taxes</u>	<u>Amount</u>
<b>2006 &amp; Prior Land Tax Book</b>	
From Tax Book	2,561,629.67
From Additions	0 11,182.96
From Additions	
Protest 2001	
TIF	
<b>TOTAL</b>	<b>2,572,812.63</b>

<b>2006 &amp; Prior Personal Tax Book</b>	
From Tax Book	1,046,988.75
From Additions 2006 & 2005	0 243,621.23
From Additions 2003 & 2004	7,101.28
From Additions 2002	505.10
From Additions	0.00
<b>TOTAL</b>	<b>1,298,216.36</b>

**2006 & Prior Railroad Tax Book**

From Tax Book

Credits
---------

<u>Back Taxes</u>	
<b>2006 &amp; Prior Land Tax Book</b>	
By Collections	
By Delinquent	
By Abatement	
<b>TOTAL</b>	

<b>2006 &amp; Prior Personal Tax Book</b>	
By Collections	
By Delinquent	
By Abatement	
By Outlaw	2003 & 2004
<b>TOTAL</b>	

**2006 & Prior Railroad Tax Book**

By Collections

# TANEY COUNTY COMMISSION RECORD

From Additions		By Delinquent	
		By Abatements	
<b>TOTAL</b>	<b>0.00</b>	<b>TOTAL</b>	<b>0.00</b>
<b>2006 &amp; Prior Surtax</b>		<b>2006 &amp; Prior Surtax</b>	
From Tax Book	57,226.90	By Collections	47,967.29
Run-On	0 241.54	By Delinquent	9,051.45
Protested		By Abatement	449.62
<b>TOTAL</b>	<b>57,468.44</b>	<b>TOTAL</b>	<b>57,468.36</b>
<b>ALL CITIES</b>		<b>ALL CITIES</b>	
From Tax Book	2,767,650.22	By Collections	2,681,843.11
Branson TIF	324,908.24	By Collections	0.00
From Additions	78,890.21	By Delinquent	271,009.10
From Additions	railroad 0.00	By Abatement	67,733.42
(Protested Taxes)	(132,932.10)	By Outlaw	17,931.00
<b>TOTAL</b>	<b>3,038,516.57</b>	<b>TOTAL</b>	<b>3,038,516.63</b>
<b>Total Back and Protested</b>		<b>Total Back and Protested</b>	
	<b>6,967,014.00</b>		<b>6,967,013.98</b>
<b>Other:</b>		<b>Other:</b>	
Delinquent Interest on Taxes	621,711.81	By Collections	Interest on Taxes 621,711.81
From Penalties (2% Penalty, all fees, etc.)	109,511.03	By Collections	Penalties, fees 109,511.03
From Interest on Investments	114,625.74	By Collections	Interest on Invest 114,625.74
From Interest on late fee	829.59	By Collections	Interest on late fee 829.59
From Licenses	auctioneer 343.00	By Collections	Auctioneer 343.00
From Licenses	Merch Lic 19,600.00	By Collections	Licenses - Merch 19,600.00
From Licenses	liquor lic 54,813.37	By Collections	liquor license 54,813.37
From Duplicate Receipts	1,292.00	By Collections	Duplicate Receipts 1,292.00
From Publication Fees	8,450.00	By Collections	Tax Sale Pub Fee 8,450.00
From Tax Sale Surplus	75,406.23	By Collections	Tax Sale Surplus Paid 75,406.23
Retirement Fund	183,713.04	By Collections	Retirement fund 183,713.04
From Collect-TMF	108,008.75	By Collections	Collect TMF 108,008.75
PIA Interest	1,674.10	PIA Interest	1,674.10
PIA Interest	2,056.53	PIA Interest	2,056.53
<b>TOTAL</b>	<b>1,302,035.19</b>	<b>TOTAL</b>	<b>1,302,035.19</b>

Collector Wyatt added that she delivered the delinquent tax books to the Commission Office at the end of last week for the Commission to review and stated that the book was prepared according to Chapter 140.030 RSMo. Commissioner Pennel stated he was satisfied with the books as presented. The Delinquent Tax Books will remain in the Commission Office until Friday, March 28<sup>th</sup>, at which time they will be turned over to the County Clerk.

## COMMISSIONER PENNEL BADD ROAD GRAVEL MINING REQUEST

Commissioner Pennel stated the Department of Natural Resources requires that the applicant to send notification to the governing body and to adjacent land owners.

A general discussion ensued. Frank Preston, Road & Bridge Superintendent, stated he had not received any complaints against the operation.

## COMMISSIONER PENNEL NO PARKING ORDINANCE

Commissioner Pennel communicated that the Commission needed to set up a work session to discuss the ordinance. He also stated that the Commission would discuss it this afternoon when the Commission meets with Frank Preston, Road and Bridge Superintendent and Tressa Luttrell, County Administrator.

# **TANEY COUNTY COMMISSION RECORD**

## **COMMISSIONER PENNEL OPINION REQUEST ON PROPERTY TAX REFUND**

Commissioner Pennel stated that the Commission has a responsibility to the taxpayers in keeping them from paying additional taxes. Commissioner Pennel stated his first thought was to get an opinion from the State Tax Commission, as to whether under Chapter 139.031.5 RSMo. it is the duty of the County Collector to refund taxpayers. Counselor Paulson concurred that it is the Duty of the Collector to refund in cases of mistaken payments and erroneous levies.

A general discussion ensued. Commissioner Strahan commented that this is for the Board of Equalization meeting. Commissioner Herschend made a motion to table this discussion. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (absent), Strahan (yes).

### **JAMES STRAHAN COUNTY ASSESSOR**

Assessor Strahan commented on assessments and property tax refunds. He also stated that all should adhere to law as it is written.

### **FRANK PRESTON FLOODING**

Frank Preston, Road Superintendent, reported to the Commission that during the flooding there were 20-30 roads that were closed and that Road and Bridge responded to the Bull Creek area as soon as they could. Mr. Preston stated that it is a fluctuation situation and that Bull Creek is rising approximately ½" to ¾" per hour and it is expected to crest on Saturday, at an additional 11 feet. His crews are extremely busy and trying to stay on top of all of the flooded areas.

### **RON HERSCHEND STONE COUNTY**

Commissioner Herschend stated that Stone County did not fair as well as Taney County during the flooding period. Commissioner Herschend commented that with the Commission's concurrence, Taney County could take a crew over and help Stone County. He also stated that if they requested our help with power and equipment, we would make it readily available to them and made such motion. Counselor Paulson commented that if the Commission was going to do that, an Intergovernmental Agreement should be in place. Commissioner Herschend stated his belief that one was already in place with Stone County's EOP (Emergency Operation Procedures). Counselor Paulson will check to make sure that an Agreement is in place. Commissioner Strahan commented that the Commission needed to take care of Taney County first before helping out any other counties. The motion died for a lack of a second.

### **DANNY STRAHAN TRANSPORTATION ISSUES**

Commissioner Strahan reported that the meeting with Congresswoman Emerson was very positive. Governor Blunt's Office has filed an appropriations bill at the federal level for the two major traffic issues in Taney County, which are the widening of Hwy 160 through Forsyth and a new bridge over Lake Taneycomo in Branson, Missouri.

### **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #302722-302740, #302756-302841 and #302842-302844. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission minutes dated 3/17/08, 3/19/08, 3/20/08 and 3/21/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
**10:38 a.m.**

Minutes taken and typed by Nikki Lawrence.

## RECONVENE

The County Commission reconvened at 11:05 a.m. in the Commission's Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

## BULL CREEK BRIDGE

Rick Gregg and Attorney Brian Wade met with the Commission to discuss the Bull Creek Bridge. Mr. Wade stated they were before the Commission to offer to build the bridge then turn it over to the county to be placed on the county maintenance system. Mr. Wade added that the Commission would approve the design and would request that the Commission enter into a Development Agreement similar to agreements entered into by the City of Republic, Greene County and Christian County.

Commissioner Herschend entered the meeting at 11:12 a.m.

A general discussion ensued. Commissioner Herschend asked if the Commission was being asked to vacate the current structure. Mr. Wade stated that they would ask that the current structure be deconstructed. Mr. Gregg noted that they had an area that could be utilized by the public. Commissioner Pennel expressed his concern noting that he wanted to be careful and not create a liability.

Commissioner Herschend stated that he would like to come to an agreement on the financing. Counselor Paulson noted that the prevailing wage and bid laws would need to be followed. Mr. Wade asked why that would be necessary. Counselor Paulson commented that inevitably the bridge would be county property.

Commissioner Herschend made a motion to agree to move forward with an agreement with the county making a one-time payment for ½ the cost of the bridge up to a maximum amount of \$400,000.

Commissioner Strahan asked how they could approve something without knowing all the details. Both Commissioner Pennel and Commissioner Herschend stated that it is just the concept. That by approving to move forward lets us get the details completed but that they could then go forward to start with the permitting process.

Mr. Gregg suggested that they just built the bridge and hand it over to the county so that prevailing wage would not have to be followed. Commissioner Herschend concurred. Ms. Luttrell noted that that would just be skirting the law, everyone is going to know because of all the discussions, and then the county has the bridge without paying prevailing wage.

Commissioner Pennel seconded the motion to move forward with the concept. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
**11:55 a.m.**

**RECONVENE**  
**1:05 p.m.**

# TANEY COUNTY COMMISSION RECORD

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Issues with the flooding: A discussion regarding flooded roads, barricades and the rebuilding of Slough Hollow was had.
2. Scenic Lookout: Mr. Preston reported to the Commission that he had previously discussed the improvements to the Scenic Lookout on 165; however 90% of the property belongs to someone else so the county will continue to just maintain the portion of the pull-off that belongs to the county.
3. Road Projects: Mr. Preston informed the Commission about a fuel tank that had been ruptured on a vehicle traveling on Casey Road. Mr. Preston noted that he didn't find any evidence of where the incident took place.

Commissioner Herschend stated that he had spoken with the individual and was sure there was no intention of taking advantage of the county. Mr. Preston commented that Great River Engineering had stated that they would pay ½ the cost with the contractor. Commissioner Herschend added that he thought the county should share the cost and made such motion. The motion died for a lack of a second. The Commission agreed to send it back to the contractor to work out.

Commissioner Strahan made a motion to approve change order #1 for the Casey Road project in the amount of \$15,767.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Buchanan Road: Mr. Preston stated that he had conducted a traffic study on Buchanan Road due to some complaints regarding traffic when school let out. Mr. Preston noted that he would recommend talking with the school to keep those picking up school children on the school's property and not out on the road.

Marsha Lay property: Mr. Preston presented the estimate to conduct work on the Marsha Lay property to fix a problem perceived to be caused by the sewer construction. Mr. Preston noted that the estimate is \$1,445. The Commission directed Mr. Preston to take the estimate to John Souttee, Sewer Administrator.

Hampton Road: Mr. Preston stated that a petition from the residents along Hampton Road has been received requesting that the road be widened for approximately 1.2 miles. Mr. Preston noted that there are approximately 30 homes located there currently and three school buses running that route. The Commission directed Mr. Preston to contact the petitioner to discuss the potential of acquiring additional right of way.

Berry Johnson: Mr. Preston informed the Commission that the road that continues from Sycamore Log Church road goes through a private ranch and they have expressed that they would like to see the county vacate that portion of the road due to individuals driving back to the dead end portion at all hours of the night.

Moore Bend: A discussion regarding a blind corner and a blind area was had.

4. Presbyterian Church: Mr. Preston presented estimates for the Presbyterian Church parking lot ranging from \$2,650 to \$15,000. No decision was made; Mr. Preston will continue to speak with the Pastor.
5. Journal Entry: Ms. Luttrell presented the Commission with a journal entry for 50% of the material used to pave the roads on the Bee Creek project to date.

Commissioner Herschend made a motion to approve the journal entry in the amount of \$124,233.89. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

6. Animal Control Facility: Commissioner Pennel expressed his desire to work out the call outs on the weekends. The Commission agreed to set up a work session.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021.3. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## WORK SESSION CONT.

7. Lakeshore Drive: Commissioner Herschend stated that Kanakuk Camps has purchased some property and would like to shift the road over at their expense and was asking that Mr. Preston take a look at the issue with him.

Low Road: Commissioner Herschend stated that Low Road is in the worse shape he has ever seen. Noting that vehicles had been through there making big pot holes due to the softness of the ground.

## RECESS

4:10 p.m.

Minutes taken and typed by Tressa Luttrell.



## MARCH 25, 2008 40<sup>TH</sup> DAY OF THE JANUARY ADJOURNED TERM

The County Commission met at the Septagon Construction Office at approximately 11:00 a.m. with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## JUDICIAL SIGNS

The County Commission attended a portion of the construction meeting with Septagon Construction to discuss the design and locations of signage for the new Judicial Facility.

## RECESS

12:55 a.m.

## ECONOMIC DEVELOPMENT TOOLS

Commissioners Chuck Pennel, Presiding and Ron Herschend, Western attended a presentation on Chapter 100 bonds at the Branson School 3<sup>rd</sup> and 4<sup>th</sup> grade building.

Minutes typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## MARCH 26, 2008 41<sup>ST</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at 10:30 a.m. in the County Commission Office pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

### **TELEPHONE SYSTEM JUDICIAL FACILITY**

Representatives from Centurytel met with the Commission to discuss the upgrading of the current telephone system for the Judicial Facility. A proposal of \$108,242.57 was submitted along with optional maintenance plans for an additional year and an additional three years.

Commissioner Herschend made a motion to accept the \$108,242.57 for the package but ask for 30 days to make a decision on the maintenance agreement. The motion died for a lack of a second.

Commissioner Herschend made a motion to agree to enter in negotiations on a contract with Centurytel for the upgrade/move of the telephone system. Commissioner Pennel seconded the motion.. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### **DE-ICING MATERIAL BID**

Commissioner Herschend made a motion to approve the de-icing material bid as recommended to Scotwood Industries for Calcium Chloride and Bingham for Rock Salt. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### **ROAD SIGN BID**

Commissioner Herschend made a motion to table said bids and to ask Mr. Preston, Road Superintendent why the County wouldn't split the bid out and save money. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### **FOOD SERVICE BID**

Commissioner Pennel made a motion to approve the bid as offered by ABL to provide the food service for the new Judicial Facility. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### **ANIMAL CONTROL DOG BITE**

Commissioner Strahan joined the discussion via the telephone.

Commissioner Pennel stated the Health Department has released a dog that has bitten and asked if the County wanted to release the animal to the owner. Commissioner Pennel noted that according to Stephanie at the Animal Control Facility, she had been contacted by the victims husband who is requesting that the County not release the animal. The County should have a process for when the Health Department releases animals.

A general discussion regarding the current Animal Control Ordinance ensued.

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## MARCH 27, 2008 42<sup>ND</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the Hollister City Hall at 2:30 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### PARTNERS FOR PROGRESS

The County Commission attended the monthly Partners for Progress meeting to discuss transportation issues within Taney County.

### RECONVENE

The County Commission reconvened at 6:30 p.m. at the Merriam Woods Community Center.

### RIBBON CUTTING PARK BOARD

The County Commission attended the ribbon cutting for the Merriam Woods Community Park.

Minutes typed by Tressa Luttrell



## MARCH 28, 2008 43<sup>RD</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the County Commission Office at 1:45 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### FLOOD CLEANUP

Commissioner Herschend made a motion to ratify allowing Chris Hansen to dump on Friday instead of Saturday due to a work conflict. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes) Herschend (yes) Strahan (yes)

Commissioner Herschend made a motion to extend free trash dumping of flood damaged items to include 04/05/2008 and allow any municipality to come any day through 04/12/2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes) Herschend (yes) Strahan (yes)

### ANIMAL CONTROL

Discussion was held on how to define a vicious dog and whether or not it is a criteria to determine.

### RECESS

Minutes taken by Ron Herschend, typed by Christy Teel.



## MARCH 31, 2008 44<sup>TH</sup> DAY OF THE JANUARY ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

# **TANEY COUNTY COMMISSION RECORD**

Prayer was led by Commissioner Pennel followed by the pledge.

## **NUISANCE CASES**

Commissioner Pennel addressed the Commission by saying that there were several nuisance cases that needed to be reviewed. The Commission reviewed six nuisance cases.

On case #04-376, Commissioner Herschend made a motion to send a letter to the Respondent. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

On case #04-399, Commissioner Herschend made a motion to send a letter to the Respondent. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

On case #04-395, Commissioner Pennel made a motion to send a first letter to the Respondent. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

On case #04-398, Commissioner Herschend made a motion to send a letter to the Respondent. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

A general discussion was held regarding the other two cases. Commissioner Herschend stated that he would visit the property located at 447 Sandpiper and take pictures. Commissioner Pennel stated that he would visit the property located in Cedar Creek.

## **TANEY COUNTY PARK BOARD UPDATE**

Commissioner Strahan commented that the Taney County Park Board was in full swing noting that the Bull Creek pavilion was completed. Commissioner Strahan stated that picnic tables were on order for a couple of projects.

Commissioner Strahan stated that a ribbon cutting ceremony was held at Merriam Woods last week and that it was very successful.

Commissioner Strahan addressed the Commission in reference to Shadow Rock Park being under water and that many events were scheduled at that location. He also commented that he had received a couple of calls from individuals asking to move their event to another location. Commissioner Strahan noted that both the Taneyville and Mincy had received interest in using their facilities, but that they would need to finish the restrooms.

Commissioner Strahan made a motion to move \$7,500 out of the contingency fund to the Park Board budget for the improvement of these facilities that are used by the citizens of Taney County. Commissioner Pennel asked for an itemized list. Commissioner Strahan stated that Taneyville needed \$4500 to finish their bathrooms and Mincy Park needed approximately \$500 which would finish their bathrooms. Commissioner Herschend respectfully requested not to take action on this today as he would like to see a detailed breakdown of what is actually needed and additional information before the Commission made a decision. The motion died for lack of a second.

Commissioner Herschend made a motion to table this issue and schedule a work session for this afternoon at 1:00 p.m. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **SURPLUS PROPERTY**

Commissioner Strahan commented that he was contacted by a Rockaway Beach Board Member that stated their Economic Development area was in need of a couple of computers. Commissioner Strahan stated that after speaking with Gary Morgan, Information Systems Administrator, he understood that Taney County had computers that were not in use and could not be used by the county. Mr. Morgan commented that there are two computers that are

# **TANEY COUNTY COMMISSION RECORD**

available. Counselor Paulson stated that there were not any legal issues in donating the computers as long as Taney County had no use for them.

Commissioner Herschend made a motion to donate two computers to Rockaway Beach. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **CASEY ROAD**

Commissioner Strahan asked Frank Preston, Road and Bridge Superintendent, to give an update on the Casey Road project. Mr. Preston stated that there is a weekly update meeting that is held in the Commission Office and that Randy Haes, Road and Bridge Coordinator, or himself is in attendance. Commissioner Strahan stated that he had complaints of a broken water line, which has been corrected, and questioned as to whether there is a mud ring in the line. He also commented that the Taney County Sewer Department conducts a test of water to make sure that it is safe and free of any bacteria. Mr. Preston stated that he would follow through.

Mr. Preston stated that he drives Casey Road up to twice a day and is very aware of the issues that are taking place on the project. Mr. Preston also stated that it is not uncommon to find a ring of mud in the pipes adding that the typical maintenance procedure would be for the private water company to flush the lines on a regular basis. Commissioner Strahan noted that Mr. Preston was doing a great job diverting calls from the Commission Office. According to Mr. Preston, he was told by Herion Construction that the Casey Road project was still ahead of schedule, even through all the unpredictable weather.

## **DESTRUCTION OF RECORDS & LOCATION FOR RETENTION OF OVERFLOW RECORDS**

Donna Neeley, County Clerk, introduced Karen Yust, County Clerk employee, who has been placed over record retention in her office. Ms. Neeley stated that Ms. Yust has been diligently researching retention and that there are only three items that are ready for destruction. The following items were read into the record:

2001-2002 Time Sheets  
2002 Requisitions  
2001-2002 Receipts

A general discussion ensued about what items are to be left in the Auditor's vault and what items are to be left in the Clerk's vault. Clerk Neeley stated that her office does not have sufficient space to go through the records and asked Commissioner Pennel if she could use the Commission Conference Room to perform the task. Commissioner Pennel responded by saying that would be fine but she would have to schedule it with the Commission Office personnel.

## **RICK FINDLEY COUNTY AUDITOR**

Rick Findley, County Auditor, commented that the Sewer Department had some water damage to their copier. Mr. Findley commented that the total spent was \$911.48 out of their budget line, which they did not expect to spend. John Souttee, Sewer Department Administrator, requested, through Mr. Findley, that amount that was spent on the damages to be placed back into the Sewer Departments budget.

Commissioner Herschend made a motion that the Commission acknowledges the cost and allows the Sewer Department to go over in that line item for \$911.48. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **FRANK PRESTON ROAD AND BRIDGE SUPERINTENDENT**

Frank Preston, Road and Bridge Superintendent, stated that the lake levels are up as everyone is aware and will not be able to give an accurate damage assessment report until the water starts to recede. Mr. Preston stated that he would like to meet with the Commission this afternoon to further discuss the Casey Road project as he was under the impression that he was

# **TANEY COUNTY COMMISSION RECORD**

scheduled for a meeting with the Commission. Mr. Preston stated that he had some change orders that needed to be addressed.

Mr. Preston gave a closing statement that all departments within our county need to work together to accomplish one common goal.

## **CASEY ROAD**

Helen Souttee, County Treasurer, stated that her mother-in-law lives on Casey Road and is very elderly. She commented that there have been issues with mail service and meals on wheels getting through on Casey Road. Mr. Preston appreciated being informed of issues on Casey Road and stated that he needed to be informed of special needs cases, like Ms. Souttees, and that he would be glad to take care of the issue that she brought forth.

## **COMMISSIONER PENNEL**

Commissioner Pennel stated that he had received a call from Buddy Roberts and asked the Commission to announce the Smoking Sensation Meeting that will be held at the Health Department which is located on the corner of Bee Creek Road and Rhinehart Road in Branson, on Thursday, April 3, 2008.

## **FLOOD CLEANUP EXTENSION**

Commissioner Herschend announced that the Commission will be extending service for our county's flood victims to bring items to our Transfer Station on April 5<sup>th</sup>, which is located at 274 Buchanan Road in Branson. Commissioner Herschend commented that our Spring Clean-up is scheduled for April 11<sup>th</sup> & 12<sup>th</sup>.

## **PUBLIC COMMENT**

Art Beck commented on the phosphorus that he has seen going down Lake Taneycomo.

Bob Schanz commented on rabies vaccinations and asked the Commission to review it. The Commission concurred.

## **ACCOUNTS ALLOWED**

Commissioner Herschend made a motion to approve accounts payable warrants #302845-302926 and warrants #4811-4812. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PRIOR MINUTES**

Commissioner Pennel made a motion to table prior Commission minutes dated 3/24/08 and 3/25/08 until Wednesday, April 2, 2008 at 9:00 a.m. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into Executive Session for employee issues per Section 610.021.3. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to raise Angie Brusca's pay rate to \$10.75 effective 3/31/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion to reinstate 112 hours of vacation from 2007 back to John Soutee, Sewer District Administrator. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to pay Robert Stirewalt 30 hours of compensatory time as requested by the Sheriff. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECONVENE

1:10 p.m.

## FRANK PRESTON AND TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

### Road Issues:

- A. Mr. Preston informed the Commission that Boyce Excavation has caused some water problems on Sycamore Log Church Road just past the church.
- B. Mr. Preston stated Blansit Road has washed out twice in the past few weeks and has been fixed both times. Commissioner Strahan noted that he wouldn't make any attempt to keep fixing at this point but to bring it back up in June or July and then fix it.

Commissioner Herschend commented that it is a heavily used road in the summer time and we may want to re-route the road for a more long term fix because of the recreational use.

- C. Mr. Preston commented on the water levels at Slough Hollow and added that Great River Engineering will be working on engineering the road so that it would not go under water in the future.
- D. Mr. Preston stated that the Sheriff's Department had called and requested that Blue Ridge Road be fixed at a section that has not been maintained by the county. Mr. Preston added that Journagan had recently fixed that portion but has since washed out again.

Commissioner Strahan stated there are some instances where the property owners are responsible for their road. Commissioner Herschend noted that it was not a county road. Commissioner Pennel suggested that the county do an official letter stating the reasons it is not maintained by the county.

- E. Mr. Preston commented that Keith Crawford, a Planning & Zoning employee had reported that because of the culvert washed out his driveway and a couple of piers on his trailer. Mr. Preston added that in the process of trying to clean out the culvert he strained his back or leg.

Mr. Preston stated that he had questioned Mr. Crawford as to why he didn't contact road & bridge as they were out all weekend; Mr. Crawford stated that he didn't know who to contact. Mr. Preston inquired as to if the county was responsible for damage to personal property. Commissioner Herschend stated that it was an act of God. Commissioner Strahan concurred noting that if the county had put in a 12" where a 24" should be that would be a different story, adding that the county is not allowed by state statute to perform work on private property unless damage is caused by Taney County.

Commissioner Herschend commented that the county should create a form for road & bridge to fill out that would be submitted to the Commission where work would be done on private property, noting why, and give a copy to the property owner as well. Commissioner Pennel added even those who are in 60 feet of the work. Ms. Luttrell asked for a point of

## TANEY COUNTY COMMISSION RECORD

clarification, would this form be submitted after the work or prior to. The Commission concurred that it should be prior and approved on a case by case basis.

- F. Mr. Preston informed the Commission that due to the project, a yard drain was blocked which in turn put 2-3" of water in a house. Had the construction not go through, the drain would have worked. Mr. Preston added that the claim would be going through the contractor.
- G. Mr. Preston advised the Commission that Randy Haes, Road Coordinator was currently working on the Wilson property to get those residents a way out at "K" Highway due to the flooding.

Mr. Preston commented that he was going to close this meeting the same way he did at the earlier Commission meeting in that he was going to go look at a project no matter what Commissioner asks him to. Mr. Preston noted that he doesn't look at whether it's an eastern road or a western road...we are all looking at them for the same reasons. This has turned into a bad situation.

Commissioner Strahan commented where we get into a problem is when the people start calling me raising issues wanting to know why the Western Commissioner is working on the East side. Commissioner Herschend stated that he would like to share where the line is not distinct. The west side crew has been asked to do work on the east side, so they have.

Commissioner Strahan pointed out that when the west side is doing work on the east side it should be at the same quality as if done on the west which is not being done. Commissioner Herschend stated again that he only goes on the east side when his guys have been asked to do so.

Counselor Paulson asked why they are east and west they are still county employees. Mr. Preston noted that his intention was not for the Commission to argue. Commissioner Strahan stated that he was the one who was getting the phone calls. When those boys work on the east side they are no longer your boys. Commissioner Strahan further stated that it gets negative when Commissioner Herschend takes Sam Yarnell to do a job that is on the east and leaves it...it is Frank's job. A heated discussion ensued.

### PARK BOARD

Commissioner Strahan noted that Taneyville would be having a meeting tonight to discuss the restrooms and they want to be ready. Commissioner Strahan stated that the park board didn't know what the new pavilions were going to cost because of the rise in costs. Lonnie Combs has requested, from the park board, that Bradleyville's pavilion receive a little extra since Southern Construction had done so much volunteer work on the previous pavilions.

Commissioner Herschend stated that that would be up to the park board but would still like to see something in writing from the park board for the additional request. Commissioner Strahan commented that Taneyville would like to know something because of the request made by the White River Historical Society. Commissioner Herschend stated that by taking any action before seeing it in writing is premature. Commissioner Pennel concurred noting that he was a little uncomfortable until he could see what the money was going for.

### ANIMAL CONTROL

Commissioner Pennel stated that he needed to know who will be responsible for taking calls after hours and on weekends. Commissioner Herschend suggested that one of the animal control staff be on call. Counselor Paulson asked if possibly the Branson Animal Control Officer could respond. Commissioner Pennel stated that to his knowledge Branson doesn't have anyone on call on the weekend.

Commissioner Strahan commented that he agreed with Commissioner Herschend in that it would take the pressure off of Commissioner Pennel noting that if it's just a dog barking then it's a dog barking. Counselor Paulson indicated that that would be disturbing the peace.

## TANEY COUNTY COMMISSION RECORD

Commissioner Pennel clarified that they had set a trap for a vicious dog and the dog was in the trap and would not stop barking, the other call was regarding a rottweiler that had wrapped his chain around a tree and couldn't get loose.

Commissioner Herschend noted that he wanted the Commission to do what our job is. My understanding is that we are an animal control facility, and felt that an injured dog on the state highway is not our job. Commissioner Herschend added that should it be on a county road and we feel that it might become vicious then yes the county can address it, but somewhere the owner of the animal should have to take some responsibility. Commissioner Herschend added that if the county was a human society then maybe, but we should direct our folks to do what our responsibility is.

Commissioner Pennel asked if the county wanted to respond to injured dogs. Commissioner Strahan commented that he didn't see that it was the county's job to respond, the county would then be liable for the medical treatment.

Donna Clevenger, from the Branson Daily News asked if the county had tried to make an agreement with the human society to do those types of things. Commissioner Herschend stated that the human society doesn't have the facility or the resources but would agree with Commissioner Strahan that the county shouldn't pick up injured animals unless it's endangering the public.

Commissioner Pennel asked if this decision was for both business hours and weekends. Commissioner Strahan stated that the county shouldn't respond unless there is a public threat. Commissioner Herschend added that there could be thousands of dollars spent on an injured animal only to then send it to Carthage after the ten day period to be euthanized. Commissioner Herschend further added that he didn't think it was good use of the citizens' money.

Commissioner Pennel clarified that the other Commissioners did not want the staff to respond to injured animals. Commissioner Herschend said not unless there is a safety issue.

Commissioner Pennel noted that he thought that the county should offer rabies shots to the staff which is estimated at \$270 each but even with those shots should you get bit; there is an additional two shots that must be received.

Commissioner Strahan made a motion to offer rabies shots to the staff at animal control, but should they choose not to have the shots, they must sign a form noting that they chose not to have the shots. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan stated that he would like to get back to the weekend discussion. Commissioner Herschend added nights too. Commissioner Strahan commented that by being on call that would mean time off or rotating schedules and should it be a man to go out and handle the calls due to the size of some of the animals. Counselor Paulson questioned training of the staff. Commissioner Pennel noted that Rick was trained and Susan wanted to be. Counselor Paulson noted the county's liability by sending out an employee that is not trained.

Bob Schanz commented that shouldn't the ones getting the rabies shots be the ones going out on the calls. Commissioner Pennel stated that now you have changed the \$3,000 issue to a \$6,000 issue.

A general discussion regarding the scheduling of "on call" ensued. The "on call" staff member will receive an extra \$40.00 per week for being on call and time and a half for any hours called out.

Commissioner Herschend asked if the staff would be going out after hours for strays or just vicious dogs. Commissioner Pennel noted that the majority of the calls after hours are not for strays.

Commissioner Herschend made a motion to approve an expenditure overrun for animal control to accommodate the decisions made today. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021.1 as a threatened lawsuit regarding animal control has just come to light and therefore the requirement of the 24 hour notice could not be had. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deem animal #6046A vicious because the dog bit someone and that it qualifies under #11 of the Animal Control Ordinance which states "No person shall own, keep, harbor or allow to be in or upon his premises any dog of a cross, dangerous, vicious, or ferocious disposition, or which habitually snaps at or bites or manifests a disposition to bite or attack persons or animals or pets, unless such dog is securely confined upon such premises" Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.



## APRIL 1, 2008 45<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met at the College of the Ozarks at 10:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### 2008 COMMUNITY MARKETING PRESENTATION

The Commission attended the 2008 Community Marketing Presentation which has held in the Keeter Center at the College of the Ozarks.

### SEWER BOARD MEETING

The Commission attended the Taney County Regional Sewer District Meeting to discuss updates on the Bee Creek Project, the Ozark Beach Project and updates on Bio-Solids.

Minutes typed by Tressa Luttrell.



## APRIL 2, 2008 46<sup>TH</sup> DAY OF THE JANUARY ADJOURN TERM

The County Commission met in the Commission Office at 9:01 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### PAYROLL

Commissioner Strahan made a motion to approve payroll warrants:

General County Revenue warrants #104179 through #104200

Road & Bridge warrants #104151 through #104172

Assessment Fund warrants #104173 through #104175

Transfer Station warrants #104176 through #104178

Accounts Payable warrants #302945 through #302957, manual warrants #4813 through #4814

# TANEY COUNTY COMMISSION RECORD

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

Commissioner Herschend entered the meeting.

## PRIOR MINUTES

Commissioner Herschend made a motion to table minutes until after the meeting with Cintas. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## CINTAS UNIFORM RENTAL

The County Commission met with representatives from Cintas Uniform Rental to discuss the ongoing problems with employees' uniforms.

## CASEY ROAD COMPLAINT

Harold Saltsman, who lives on Casey Road, met with the Commission and Frank Preston, Road Superintendent to discuss his concerns with the ongoing construction of Casey Road.

## EQUIPMENT TRAILER BID

Commissioner Strahan made a motion to approve the bid as offered by Southwest Trailers in the amount of \$17,398.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## SIGN BID

Commissioner Strahan made a motion to approve the bid as offered by Hall Signs for the purchase of road signs as recommended. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 3/27/08 and 3/28/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan made a motion to approve prior Commission Minutes dated 3/24/08 with corrections. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to approve prior Commission Minutes dated 3/25/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Herschend entered the meeting.

## TIRE FEE

Commissioner Pennel stated that he had received a request for the tire fee to be waived at the Spring Cleanup by Mr. Flowers and Rockaway Beach. Commissioner Herschend noted that he would be in support if the tires were from the municipalities and would request that a letter be presented from that municipality noting that they are bringing in tires on behalf of that entity.

Minutes taken and typed by Tressa Luttrell.



# **TANEY COUNTY COMMISSION RECORD**

**APRIL 4, 2008 47<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

The County Commission met in the Commission Office at 9:05 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## **DIANE MAY SMACOG**

The County Commission met with Diane May representing SMACOG (Southwest Missouri Area Council of Governments) to discuss planning & zoning issues. Commissioner Pennel started the discussion asking if Taney County wanted to have every square inch around the lake occupied. Commissioner Pennel added that he was thinking of developing a geographic line that could zone the county for that particular area which would leave the remainder of the County how we currently are zoned.

Commissioner Herschend entered the meeting at 9:23 a.m.

A lengthy discussion about traffic flow, traditional zoning, district zoning and planned development ensued.

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## APRIL 7, 2008 1<sup>ST</sup> DAY OF THE REGULAR APRIL ADJOURN TERM

The County Commission met in the Associate Circuit II Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Helen Soutee led the prayer followed by the pledge.

### TERESE MANSELL TANEY COUNTY HUMANE SOCIETY

Terese Mansell, President of the Taney County Humane Society met with the Commission regarding the recent decision to not pick up injured and sick animals. Ms. Mansell stated they had organized a petition and currently has 487 signatures in her possession today. Ms. Mansell stated they would like clarification regarding the recent decision and how we can come up with a solution.

Commissioner Herschend stated that the county did not change policy but because of what has happened over the last few months the procedures had been changed. Commissioner Herschend stated that the Commission had scheduled a work session on this issue and no one attended from your organization. Commissioner Herschend noted that it saddens him that the Commission had a public hearing on this very ordinance four years ago and the human society didn't come forward then.

Commissioner Herschend further added that when Mr. Pennel was accused, no one came forward but when the county changes their practice you now come forward. Commissioner Herschend added that not only did you organize a petition drive but you put an ad in the paper which appears to rally the public to intimidate the Commission to do what you want. You didn't call the Commission and ask to set down; you didn't call and say you want to partner up. Commissioner Herschend commented that he would love to set down and have a work session.

Commissioner Herschend added that the Commission has been made out to be heartless, but in fact we spent twice as much on animals than we did on the Public Administrator who tends to those that can't tend to themselves, we spent more than two times as much on animals than we did the Industrial Development who works to bring more economy and jobs to the county or to the University Extension who trains citizens for jobs. Commissioner Herschend made a motion to table the issue and offer the human society a work session to set down and talk with the Commission.

Ms. Mansell stated that four years ago there was not a human society in Taney County and noted that she regretted that the ad was viewed as a method of intimidation as that was not the intention. Ms. Mansell stated that Mr. Herschend indicated that the county had not changed the ordinance, however she was not aware that injured animals was not a part of the ordinance and that a workable solution needed to be found. Ms. Mansell noted that the human society has had discussions with Commissioner Pennel and that invitations had been sent to the Commission to meet the board, but Commissioner Pennel was the only attendee.

Commissioner Strahan asked Ms. Mansell who was responsible for the ad. Ms. Mansell stated that the decision to place the ad was that of a vote of the board of directors. Commissioner Strahan questioned if one wouldn't take that ad as aggressive and added as a Commission the number one priority is public safety for the citizens whether it be with road and bridge personnel, intersections or along roads. When we changed the way we handle the animals we do have part of the responsibility, but the owners need to take responsibility of there animal. Commissioner Strahan shared the number of adoptions that had come through the animal control facility and asked what the number of adoptions the human society had. Commissioner Strahan further stated that when the county puts an employee out at 3:00 a.m. with a flashlight to look for a barking dog, you have to place some common sense.

## **TANEY COUNTY COMMISSION RECORD**

Commissioner Strahan stated that he didn't remember mentioning sick animals and thought the meeting was mainly about the safety of the staff. We send our staff our numbers of times to pick up the same dog, but if it is on private property we are not allowed to pick the animal up. Commissioner Strahan noted that the animal control facility was functioning well and added that he had received a phone call from Mickey Gilley who commented that there were four people in the lobby with clipboards and petitions. Mr. Gilley was concerned with what was stated but after visiting with him, Mr. Gilley thought that the Commission was making the right decision, so someone had to inform the human society before you even came to the County Commission. Commissioner Strahan seconded the motion to table.

Commissioner Herschend asked where did you, if any, give credit to the Commission. Commissioner Herschend pointed out that the human society only picked a couple of points and asked if Ms. Mansell had read the county ordinance. Ms. Mansell stated yes. Commissioner Herschend asked if the county was to go out for a barking dog what are we suppose to do. Ms. Mansell noted that she couldn't answer that. Commissioner Herschend stated that the county can not respond to private property, we can if it is on your property. Commissioner Herschend stated that when Commissioner Strahan and he want to get the county back to where we are suppose to be...I am not going to violate the law no matter what. Commissioner Herschend called the question. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

### **PEBBLE DRIVE VACATION**

Attorney, Carie Wilden submitted an order to finalize the vacation of Pebble Drive. Commissioner Herschend made a motion to approve said vacation. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

The replat will be filed as soon as the order is signed and returned.

### **CLEARWATER ACRES VACATION**

Commissioner Pennel made a motion to table said vacation as Attorney, Tom Motley was unavailable. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **HOLIDAY AVENUE VACATION**

Commissioner Pennel made a motion to table said vacation until sometime between Wednesday and Friday. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **QUEBEC ROAD VACATION**

Counselor Paulson noted that he had made several attempts to contact the petitions but had been unsuccessful. Commissioner Herschend made a motion to table said vacation until sometime between Wednesday and Friday. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **HOMESTEAD ESTATES PETITION**

Commissioner Pennel made a motion to table said petition until the road standards are accepted. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **OLD GLORY ROAD PETITION**

Frank Preston, Road Superintendent presented the necessary documents to the Commission. Commissioner Strahan made a motion to approve the petition as a Class 6 and to let Mr. Preston deem any changes. Commissioner Herschend seconded the motion. Motion and second was amended to a class 5. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## FOX TRAIL PETITION

Mr. Preston noted that the estimated cost to bring the road to standard was approximately \$30,000. Commissioner Pennel made a motion to table said petition. Mr. Preston added that the entire road would need to be dug up and re-done. Commissioner Strahan seconded the motion.

Commissioner Herschend requested that Mr. Preston detail a time line and what the county would be willing to do within a letter. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ROUND HILL, SHADOW LAKE, SHADOW VIEW & MESQUITE PETITION

Commissioner Pennel made a motion to table said petition and request Mr. Preston to send a letter to the petitioners regarding the issues. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## BEE CREEK SEWER

Commissioner Herschend announced that the asphalt had started last week and is progressing. Commissioner Herschend noted that Journagan has asked to work on Saturdays to finish up the job and would ask that the citizens be patient.

## DONALD MASON

Commissioner Herschend stated that he would like to recognize Airport employee Donald Mason as he recently competed locally and won the Outstanding Older Worker Award. Mark Parent, Airport Manager noted that Mr. Mason competed against 7 others and now will be going to Jefferson City for a chance to go to Washington D.C.

Commissioner Herschend made a motion to approve the cost of going to Jefferson City. Commissioner Strahan seconded the motion. Commissioner Pennel inquired as to the costs. Mr. Parent stated that it was just for travel, a meal and a hotel stay. Commissioner Pennel stated that although he was very pleased, but this Commission had personally paid for plaques in recognition of employees and not the county budget.

Commissioner Strahan commented that he differed as when the Commission paid for the plaques, it was because the county was recognizing the employee, this is an outside group recognizing our employee. Commissioner Pennel requested that the Commission handle this situation the same as the others. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

## JOHN LAVENDER

Commissioner Herschend stated that he would also like to recognize John Lavender for the work he does volunteering outside his county responsibilities.

## CASEY ROAD

Mr. Preston commented that he had requested that this issue be on the afternoon agenda and not the morning agenda. Commissioner Herschend made a motion to table until the afternoon. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## CHUCK PENNEL ANIMAL CONTROL

Commissioner Pennel stated that he wished the Commission would have allowed him to comment earlier but that he supported the action of the human society and added that he had not seen the ad but would like to clarify what was said. Commissioner Pennel noted that his understanding was that Animal Control would not respond to injured animals but that the

# TANEY COUNTY COMMISSION RECORD

Commission did agree to fund staff \$40.00 a week to be on call as well as be paid time and a half for the calls they do get.

Commissioner Pennel noted that Commissioner Herschend stated that the public hearing on the ordinance was four years ago, but that the ordinance was active prior to Commissioner Pennel being elected. Commissioner Herschend apologized; it was the nuisance hearing he was remembering. Commissioner Pennel further stated that he wished the Commission would have allowed anyone a chance to respond before tabling the issue.

Commissioner Strahan stated that Commission Pennel had left out the most important part when he said that the county wouldn't respond to injured dogs. The one thing that was mentioned was that the county would respond if there was a matter of public safety and asked if Renee Pennel was a member of the human society. Commissioner Pennel commented that Renee had gone to some meetings but that she is real careful of what she says. Commissioner Strahan added that he did think the attack was unnecessary and there were other things on the agenda so we needed to move on.

Commissioner Herschend commented that their discussion about injured animals revolved around costs but to not address the medical needs would be inhuman. In fact the county would take the animal to the veterinary and pay hundreds of dollars only to then take the animal to Carthage seems a waste and thought that the Commission had clarified that last week.

Commissioner Pennel pointed out that in 2006 the county only spent \$1,184.50 in vet bills and in 2007 it was a little over \$1,600.00. Commissioner Pennel stated that he would guess that 1/2 or 1/3 of that was related to the treatment of animals. Commissioner Pennel added that both the Commissioners mention safety but the issue is if there is an injured dog, that's the case not the safety issue.

Sheriff Russell stated that from a law enforcement standpoint our only option if a veterinary wouldn't come out was to shot the animal or have the person shot the animal. Sheriff Russell added that they appreciated the facility as it helps but as far as injured animals on the road, he felt that it was a safety issue. Should the animal not be viscous it could be if it is hurt. Commissioner Herschend noted that they specifically addressed the issue if it was on the road, if it is on someone else's property or otherwise...that is our question.

Commissioner Pennel asked how the Sheriff would handle these issues if the county continues as it is today. Sheriff Russell stated that if a vet doesn't come out it will be up to the land owner. Commissioner Herschend stated that the calls should still be referred to animal control that should make the decision according to the ordinance.

## TRAFFIC ON BRIDGE

Sheriff Russell commented that Rueben Sanchez with MoDot was upset with the amount of traffic that the Sheriff's Department was sending through the bridge. Sheriff Russell stated that he just wanted the Commission to know but that his department would still continue to relieve the traffic.

## MONTHLY BUDGET REPORT

Auditor Findley presented the Commission with the monthly budget report ending March 31, 2008 which also ends the first quarter.

FUNDBALANCE 03/31/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL
GENERAL COUNTY REVENUE		
BEGINNING BALANCE	\$0.00	\$18,628,344.77
REVENUES	1,328,280.64	4,558,775.08

# TANEY COUNTY COMMISSION RECORD

TOTAL REVENUES GCR	-	-	23,187,119.85
	1,328,280.64		
TOTAL GCR EXPENDITURES	-	-	5,795,890.17
	2,227,498.04		
TOTAL GCR FUND BALANCE	=	=	17,391,229.68
	(899,217.40)		
ROAD & BRIDGE			
BEGINNING BALANCE	0.00		7,004,998.91
REVENUES	94,748.03		410,092.77
	-	-	
TOTAL RB REVENUES	94,748.03		7,415,091.68
	-	-	
EXPENDITURES	207,714.80		661,247.13
	=	=	
TOTAL RB FUND BALANCE	(112,966.77)		6,753,844.55
ROAD & BRIDGE TRUST			
BEGINNING BALANCE	0.00		3,693,493.95
REVENUES	504,573.02		1,853,961.00
	-	-	
TOTAL RBT REVENUES	504,573.02		5,547,454.95
	-	-	
EXPENDITURES	268,524.79		1,959,425.15
	=	=	
TOTAL RBT FUND BALANCE	236,048.23		3,588,029.80
ASSESSMENT FUND			
BEGINNING BALANCE	0.00		3,099.75
REVENUES	10,087.97		300,954.97
	-	-	
TOTAL AF REVENUES	10,087.97		304,054.72
	-	-	
EXPENDITURES	43,705.70		186,023.31
	=	=	
TOTAL ASSEMENT FUND BALANCE	(33,617.73)		118,031.41
ELECTION FUND			
BEGINNING BALANCE	0.00		31,698.41
REVENUES	271.54		627.65
	-	-	
TOTAL ELECTION REVENUES	271.54		32,326.06
	-	-	
EXPENDITURES	495.09		1,578.81
	=	=	
TOTAL ELECTION FUND BALANCE	(223.55)		30,747.25
TRANSFER STATION FUND			
BEGINNING BALANCE	0.00		747,493.99
REVENUES	80,272.72		240,984.61
	-	-	
TOTAL TS REVENUES	80,272.72		988,478.60
	-	-	
EXPENDITURES	59,087.95		255,092.09
	=	=	
TOTAL TS FUND BALANCE	21,184.77		733,386.51

FUNDBALANCE  
03/31/08

TANEY COUNTY  
BUDGET  
FUND BALANCES

PERIOD TO      YEAR TO

# TANEY COUNTY COMMISSION RECORD

	DATE ACTUAL	DATE ACTUAL
LEPC FUND		
BEGINNING BALANCE	\$0.00	\$11,839.45
REVENUES	8.35	99.75
-	-	
TOTAL LEPC REVENUES	8.35	11,939.20
-	-	
EXPENDITURES	0.00	3,936.56
=	=	
TOTAL LEPC FUND BALANCE	8.35	8,002.64
LAW ENFORCEMENT TRAINING FUND		
BEGINNING BALANCE	0.00	3,608.14
REVENUES	175.15	1,222.01
-	-	
TOTAL LET REVENUES	175.15	4,830.15
-	-	
EXPENDITURES	90.80	2,235.31
=	=	
TOTAL LET FUND BALANCE	84.35	2,594.84
PROSECUTING ATTORNEY TRAINING FUND		
BEGINNING BALANCE	0.00	6,364.77
REVENUES	50.09	358.71
-	-	
TOTAL PAT REVENUES	50.09	6,723.48
-	-	
EXPENDITURES	123.27	298.27
=	=	
TOTAL PAT FUND BALANCE	(73.18)	6,425.21
COUNTY INSURED FUND		
BEGINNING BALANCE	0.00	96,313.14
REVENUES	195.03	1,166.62
-	-	
TOTAL COUNTY INSURED REVENUES	195.03	97,479.76
-	-	
EXPENDITURES	9,498.48	22,262.08
=	=	
TOTAL COUNTY INSURED FUND BALANCE	(9,303.45)	75,217.68
911 FUND		
BEGINNING BALANCE	0.00	1,099,556.88
REVENUES	4,174.96	98,229.18
-	-	
TOTAL 911 REVENUES	4,174.96	1,197,786.06
-	-	
EXPENDITURES	12,939.84	54,117.84
=	=	
TOTAL 911 FUND BALANCE	(8,764.88)	1,143,668.22
USE TAX		
FUNDBALANCE 03/31/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL

# TANEY COUNTY COMMISSION RECORD

SEWER FUND		
BEGINNING BALANCE	\$0.00	\$23,082,218.45
REVENUES	1,012,614.39	4,680,566.85
	-	-
TOTAL SEWER REVENUES	1,012,614.39	27,762,785.30
	-	-
EXPENDITURES	678,759.29	2,461,956.62
	=	=
TOTAL SEWER FUND BALANCE	333,855.10	25,300,828.68

SEWER DESIGNATED FUND  
EXPENDITURES

	=	=
TOTAL ALL SEWER FUNDS	333,855.10	25,300,828.68
	=	=

SHERIFF CIVIL FUND		
BEGINNING BALANCE	0.00	97,171.17
REVENUES	9,675.82	27,107.15
	-	-
TOTAL SHERIFF CIVIL REVENUES	9,675.82	124,278.32
	-	-
EXPENDITURES	35,919.17	37,933.46
	=	=
TOTAL SHERIFF CIVIL FUND BALANCE	(26,243.35)	86,344.86

TAX MAINTENANCE FUND		
BEGINNING BALANCE	0.00	111,445.25
REVENUES	22,691.56	41,951.61
	-	-
TOTAL MAINTENANCE FUND REVENUES	22,691.56	153,396.86
	-	-
EXPENDITURES	72,074.61	72,169.24
	=	=
TOTAL MAINTENANCE FUND BALANCE	(49,383.05)	81,227.62

### CHRIS BERNDT FLOODING UPDATE

Chris Berndt, Emergency Management Director gave the Commission an update regarding the recent meeting with the Corps of Engineers on the amount of water in the White River Basin.

Mr. Berndt also stated that FEMA had approved personal assistance as of last week and has recently approved for public assistance for Taney County.

Mr. Berndt commented that the Corps are not releasing any water out of Norfolk or Bull Shoals noting that Bull Shoals is only 68% full so they would be filling it up more; Tablerock will stay fairly where its at; Taneycomo and Bull Shoals residents need to be aware.

Sheriff Russell noted that should there be an .8/10 of a wide spread rain it would fill Tablerock.

### ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #302927 through #302944, #302958 through #303054, manual warrants #4815 through #4817. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## PRIOR MINUTES

Commissioner Herschend made a motion to table the minutes until Wednesday. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

10:55 a.m.

## RECONVENE

1:05

The County Commission reconvened in the Commission Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Casey Road: Jack Kinkade, resident on Casey Road met with the Commission to discuss the previous agreement regarding a water line. Randy Haes, Road Coordinator gave a brief update of issue.

Mr. Kinkade noted that he was still struggling with a 20 foot wall on his property as it has to depreciate it. Commissioner Strahan asked what agreement the county had made to Mr. Kinkade. Mr. Kinkade stated that the county would put a water line to my property so that I could hook up to city water or develop the land.

Mr. Haes noted that the engineer is the one that made the decision to go on the North side of the road because of the wall. Commissioner Strahan asked if there were any added costs. Mr. Haes indicated no.

Commissioner Herschend entered the meeting at 1:18 p.m.

Mr. Kinkade stated that he would like to see what they agreed to happen and expressed that there was no specific time line, it could be this fall.

Commissioner Strahan made a motion to put in up to a 2" pipe with a valve. Commissioner Pennel seconded the motion noting that the county should coordinate with the City of Forsyth on what type of valve and if they are interested in any upgrade. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Recycling Center: Jack Cole, Road Employee presented the Commission with pictures that he had taken at 12:30 before coming to this meeting. Mr. Cole indicated that there was nothing at the site this morning.

Commissioner Pennel made a motion to look for a 9-1 at \$10.00 an hour person with no benefits to take care of the recycling center. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. Road Standards: Mr. Preston inquired as to where the Commission was on the road standards and just wanted to remind them to get them back to him to prepare the final document.
4. Flooding: Mr. Preston informed the Commission that FEMA has currently identified \$440,000 worth of damages to county roads and bridges; however that is only those that can be viewed at this time. FEMA will send the county a copy of the report.
5. Slough Hollow: Mr. Preston informed the Commission that Great River Engineering was currently working on re-designing Slough Hollow road. Commissioner Strahan noted

# TANEY COUNTY COMMISSION RECORD

that he would like to see it designed for all weather if we are going to do it. Commissioner Herschend commented that raising it to above 695 should get it out of the flooding level.

6. No parking ordinance: The County Commission worked on the No Parking Ordinance and will have it ready for the agenda on the 14<sup>th</sup>.

Minutes taken and typed by Tressa Luttrell.



## APRIL 8, 2008 2<sup>nd</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met at the Taney County M. Graham Clark Airport at 9:30 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern District present and the following proceedings were had and made a matter of record.

### AIRPORT MEETING

The Commission attended the monthly Airport Board Meeting.

### RECONVENE 1:00 p.m.

The County Commission reconvened at the Commission Office with all members present.

### SEPTAGON CONSTRUCTION MONTHLY UPDATE

Commissioner Herschend made a motion to approve PR#41 which allows changes to Courtroom #3 to allow for more attorney and public seating, removal of the walls separating Courtroom #3 from Conference Room 267 and Closet 268; chamfering the corners on the casework at the clerk's desk in Courtrooms #3 and #4 outside of the holding room doors; moving the 2-hour rated fire wall; relocating the bar wall; providing a soffit between the new section and the existing section of Courtroom #3; removing and revising the ceiling grid in the new section of Courtroom #3; and providing additional bench seating and revising the power, data and lighting layout in the new section of Courtroom #3 in the amount of \$20,773.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve RFI#329 which will provide 450 sf of concrete paving at \$6.70 sf for a total of \$3,015.00 at the entrance to the existing parking garage structure where the entrance gate will be. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel left the meeting to attend an emergency meeting at the Corps of Engineers Office regarding the flooding but continued with speaker phone.

Commissioner Herschend made a motion to approve:

PR#44 which provides building a partial height metal stud wall on top of the freezer and cooler in the kitchen that will serve as a closure panel between the tops of the freezer and cooler and the ceiling in the amount of \$1,022.00.

PR#42 which requested a credit for the elimination of the wall mounted and countertop mounted soap dispensers from the project in the amount of \$1,138.00.

RFI#328 which added a receptacle in both the coffee room and the jury assembly room and relocating one in the jury assembly room in the amount of \$1,622.00. Commissioner Strahan seconded the motion. The motion passed.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion to approve the change of asphalt detail to a 4" rock base, 3" asphalt base and a 2" asphalt top which will increase APAC's contract from \$65,781.00 to around \$122,000.00. Commissioner Strahan seconded the motion. The motion passed.

Commissioner Herschend made a motion to approve changing the following areas from asphalt to concrete: a) 90x10 drive south of sallyport b) 100x11.5 east drive corner and c) 15x55 in front of the loading dock for an increase of \$15,808.00. Commissioner Strahan seconded the motion. The motion passed.

## TEMPORARY PRESIDING

Clerk Neeley appointed Danny Strahan, Eastern Commissioner as temporary Presiding Commissioner in the absence of Commissioner Pennel to continue with the monthly meeting.

Minutes taken and typed by Tressa Luttrell.



## APRIL 9, 2008 3<sup>RD</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met at the Tower Club in Springfield at 10:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## COUNTY COMMISSIONERS MEETING

The County Commission attended the Southwest County Commissions quarterly meeting in Springfield to discuss various issues.

Minutes typed by Tressa Luttrell.



## APRIL 11, 2008 4<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission Office at 2:00 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## HEIGHT RESTRICTION WORK SESSION

The County Commission held a work session on the proposed Height Restriction amendment for Planning & Zoning. Eddie Coxie and Dan Nosalek from Planning and Zoning and Frank Preston, Road Superintendent attended the work session.

Counselor Paulson presented copies of the proposed amendment for discussion. Discussions regarding definitions, scoring grids and base plane ensued. Commissioner Strahan commented that he had changed his mind regarding height restrictions noting that he can see how they can be beneficial. Commissioner Strahan shared his experience of being on top of the Hammons Tower and being able to actually see the area that was being discussed.

Mr. Coxie stated he didn't feel that tall buildings were what drew people to the Ozarks. Commissioner Strahan stated basically he was against height restrictions. Commissioner Pennel asked how he would feel if there was a subdivision right next to it. Mr. Preston noted that there is compatible use language that would be used. Mr. Coxie added that they needed to be consistent across the board.

Mr. Preston asked if the county could accomplish what they expected without height restrictions. Mr. Coxie stated yes, through lawsuits. Commissioner Pennel asked if the County

# TANEY COUNTY COMMISSION RECORD

could approve this and let the staff come up with some guidelines. Counselor Paulson commented he would rather have it all done at the same time.

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021.3. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

Minutes taken and typed by Tressa Luttrell.



## APRIL 14, 2008 5<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 8:59 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

## COMMISSIONER PENNEL NUISANCE CASES

Commissioner Pennel stated that he would like to schedule a work session with the Commission to discuss nuisance cases and the possibility of utilizing the Planning and Zoning staff in the process.

## DAWN ERICKSON, INTERIM ECONOMIC DEVELOPMENT DIRECTOR COUNTY WIDE MARKETING UPDATE

Dawn Erickson presented a marketing update to the Commission and added that the Division of Tourism had changed the rules on how Destination Marketing Organizations could apply for cooperative funding, which cut out two entities here in Taney County. Ms. Erickson stated that the Branson/Lakes Area Chamber of Commerce is in the process of posting links of area businesses within Taney County on their website. She also commented that this would be a free service with a current membership. Ms. Erickson asked the Commission for assistance and furnish her with a current list of contacts for existing businesses noting there are a lot of businesses within Taney County that are not known to tourists.

## CHRIS BERNDT, EMERGENCY MANAGEMENT DIRECTOR FLOODING UPDATE

Chris Berndt, Emergency Management Director, presented an update on flooding conditions within Taney County. He stated that it has been a busy week and that it went as well as expected. Mr. Berndt commented that there was an increase in the water flow and in turn the residents of Taney County were able to have a pre-warning of what was to come. He also stated that there was an increase flow in Lake Taneycomo, Table Rock Lake also became an issue at ½ foot above flood pool level, Bull Shoals Lake is almost at flood pool level and there is expected to be more rain toward the end of this week.

Mr. Berndt commented that Graham Clark Road is closed with a detour through Big Cedar to get to the housing division. He also stated that Clevenger Cove and Big Bear became more of an issue, as traffic was going through Emerald Point on Ms. Oliver's yard, which tied it back into Clevenger Cove. Mr. Berndt commented that it was basically a one way lane, where

## **TANEY COUNTY COMMISSION RECORD**

no school buses or emergency vehicles could get through. On Sunday, April 13<sup>th</sup> there was a new road built so that traffic was able to go both ways. He also commented that the road will remain there and gates will soon be installed so that when the water goes back down they can be locked.

Commissioner Pennel gave thanks to Emergency Management staff and Road & Bridge staff in all their efforts during the flooding. Mr. Berndt stated that Taney County had been declared for assistance by FEMA in the initial flood and have now extended the time frame for individual and public assistance. He also commented that area residents need to call FEMA's 800 number to make sure they are in the system, so that when FEMA is ready to disburse money, our residents don't miss out on the opportunity. Mr. Berndt stated that there is not a local FEMA office set up yet. Commissioner Strahan encouraged Mr. Berndt to contact Mark Parent, Taney County Airport Manager, to check availability of space for FEMA to set up a local office. Commissioner Strahan also stated that he encourages the public to contact FEMA, as they will have many upcoming issues to face.

### **COMMISSIONER PENNEL RELAY FOR LIFE FUNDRAISER**

Commissioner Pennel made a motion to approve Relay for Life fundraiser dinner that will be held in the courthouse hallway on Thursday. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **PUBLIC COMMENT**

Bob Schanz addressed the Commission with concerns of the Taneycomo Bridge and the flooding issue.

Jack Harrison came before the Commission in support of all Parks & Recreation functions in Taney County, with some concerns. Mr. Harrison stated that all of the parks on the east side are flooded noting everyone in the county needed to get their heads together and find a solution for a county park that is above flood level. He also stated the importance of having a place for kids to go instead of running the streets. Commissioner Strahan commented that it should be the responsibility of the Park Board, Taney County, City of Forsyth and public donations to build a county park above the flood zone. Mr. Harrison stated that it is a very large need in the county. Commissioner Pennel agreed with everything that was said.

Administrator Luttrell stated that there is a lot of grant money out there; someone just needs to go after it. Commissioner Strahan commented that we needed to be more proactive. Commissioner Pennel thanked Mr. Harrison for coming forward.

Cheryl Altis, Forsyth Alderwoman addressed the Commission with concerns of the April Election. Ms. Altis added she had spoke with Donna Neeley and was searching for count in Ward I & Ward II. Ms. Altis was told that she would never be able to find out that information and that it was not possible for her to know that; "if I were to find out that information then I would be able to figure out how everyone voted". She also commented that it was not her intent to find out how anyone voted, but only to get a tally for each Ward for the election. Ms. Altis also requested information for how many votes were cast in the municipal election not counting the out lying school board. She was told by Clerk Neeley that the information was not available. Ms. Altis reported that Clerk Neeley stated she would not have certified election results until Tuesday, April 15<sup>th</sup>.

Commissioner Pennel stated that he had received other complaints on the election. He also commented that the Commission would help if they could, but that the Commission has no authority over the clerk. Counselor Paulson commented that he would look into it and see why or why not and if there was a substantial legal reason for her actions. Commissioner Strahan stated that there are many questions that need to be answered and that this is very concerning to the Commission.

Gary Groman commented that he applauded the efforts of this Commission for working with other government entities within the county and added that the recent actions of the County Clerk in not certifying the City of Branson's election appears to be a departure from the historical practices of three County Clerks including herself. Groman continued stating Mayor

# TANEY COUNTY COMMISSION RECORD

Raeanne Presley was quoted saying that it was an inconvenience and otherwise smooth transition of recognizing outgoing aldermen and the swearing in of newly elected alderman. Mr. Groman went on to say that the City of Branson has cancelled its regularly scheduled meeting and rescheduled it for Wednesday, April 15<sup>th</sup>. Mr. Groman encouraged the Commissioners to issue a statement regarding the decision that was made and that it was made independently, by a separately elected county official, the County Clerk, in which the Commission has no control over.

Mr. Groman then expressed his concerns regarding Acacia Club Road and requested that a complete investigation be done as to the roads failure with a written report issued precisely pointing out what caused the failure, the individuals or companies, governmental or otherwise, who contributed to the failure, specific recommendations as to what can be done to prevent another recurrence, there or anywhere else in the county, and what, if any, action will be taken to get reimbursement from those responsible for the roads failure.

Commissioner Pennel called on Eddie Coxie, Planning & Zoning Assistant Administrator, to explain the process. Mr. Coxie stated the general procedure for Land Disturbance Permit noting of course the county code book states that anything less than one acre requires no permit from Planning and Zoning. Mr. Coxie had been in touch with Mr. Eades, who owns property on Acacia Club Road, approximately 6.11 acres adding that the property owner, within our time constraints, did follow procedure. Taney County also has a requirement that a Land Disturbance Permit be accompanied by a bond. Mr. Coxie continued to say that the property owner pushed rocks into the creek bed and that he revisited the property owner to have the rock pulled back out. Mr. Coxie stated there was nothing that Planning and Zoning saw that would have contributed to Acacia Clubs Road failure.

Commissioner Pennel stated that the Commission needed to take a look at the process of the Land Disturbance Permit and if there was anything that could have been done to prevent the disaster. Counselor Paulson questioned what actions occurred to have caused the problem in that the creek may have backed up. Commissioner Pennel stated that there was a large log lodged in the concrete culvert and the assumption is that that was the cause for the road failure. Counselor Paulson questioned if this was something that could be covered by FEMA.

Commissioner Pennel stated that the Commissioners attended their quarterly Southwest County Commissioners Meeting stating that he wanted to bring to the publics attention SB2026, which addresses adult book stores.

## ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #303055-303166 and warrants #4818-4819. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission minutes dated 4/1/08, 4/4/08, 4/7/08, 4/8/08 and 4/9/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## RECESS

**10:15 a.m.**

Minutes taken and typed by Nikki Lawrence.

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021.(1)(12). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

It should be noted that no motions were made and no votes taken.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Water Truck: Ms. Luttrell presented the bids for a water truck and noted that Mr. Preston had recommended purchasing the truck from Jenkins Diesel in the amount of \$120,866.00.

Commissioner Strahan made a motion to approve said bid as recommended. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

2. ID Cards: Ms. Luttrell presented the Commission with a sample of an ID Card for the County employees to use as a form of identification for the public as previously discussed. Ms. Luttrell added that Gary Morgan, IS Administrator had spoken with the Auditor who would be handling the issuance as part of the employee entrance review. Ms. Luttrell further added that when the employees move to the new Judicial Facility, they will be required to turn in their ID to the Sheriff who would then issue a new security coded card.

Commissioner Pennel inquired as to what the other Elected Officials would say. Ms. Luttrell commented that she was bringing the initial information to the Commission and should they approve of the format, she would then put the issue on the Elected Officials and Department Heads meeting that would be scheduled soon. Commissioner Pennel noted that he would like to see a majority of the Elected Officials in favor of this before making it final.

3. Board Appointments: Ms. Luttrell inquired as to if the Commission had made the contacts for the still vacant board positions on Board of Adjustments and Planning & Zoning. The Commission noted that they had not.

Commissioner Strahan added that he would still like to see Buddy Roberts appointed to the County's transportation board as Mr. Roberts currently sits on the SMACOG transportation board. After a general discussion the Commission agreed to put the issue on the next Wednesday's agenda.

4. Acacia Club Issues: The Commission discussed the issue of Acacia Club being washed out noting that Gary Groman had requested some investigation of what really happened. Commissioner Strahan stated he would like to see every concern be responded to.

Mr. Preston indicated that the county was going to design a box type structure which should help. Because the water is 2 feet higher than the pipes we are not sure of when the county can work on it and asked if the Commission would like for them to go in and back fill. Commissioner Strahan commented that that looked like the problem, it should be filled with possibly some 6-12"

5. Interviews: Mr. Preston informed the Commission that road & bridge would be conducting interviews for four positions; 2 full time and 2 part time.
6. Casey Road: Mr. Preston stated that he met with Spencer Jones and King Coltrin both with Great River Engineering regarding Casey Road. Mr. Preston stated that there is both a project manager and inspector on site as well as county forces flagging. Mr. Preston noted that his intentions were to put Herion on severe notice as the project was getting a little bit out of hand and try to get the county forces back as it is in Herion's contract to flag.

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan commented that White River District Electric employees were trying to relocate an electric pole for the construction company when the project manager for Herion went right under the guide wire with a loader and cut the ditch out, knowing that White River was setting there with the clamps on the pole. The White River crew contacted their boss who told them to load up, if that was the way they wanted to act, and left. Commissioner Strahan noted that Herion was not very community friendly.

Commissioner Strahan added that he had driven the road and noticed that there were some 2 to 1 slopes on the driveways.

7. Fox Trail Road: Mr. Preston presented the Commission with a follow up letter. Commissioner Strahan noted that there had been a "dig-out" done on the road. Mr. Preston noted that once the Commission sees the road they will see it meets all the criteria. Commissioner Pennel noted that if Mr. Preston was ready to make a recommendation then it should just be placed on the agenda.

Minutes taken and typed by Tressa Luttrell.



## **APRIL 15, 2008 6<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at approximately 10:30 a.m. pursuant to adjourn with Chuck Pennel, Presiding Commissioner and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

### **SHOP TALK**

The County Commission attended the weekly shop talk to discuss various road & bridge issues.

### **ACACIA CLUB ROAD EMERGENCY REPAIR**

Due to the fact that tremendous flooding has caused a portion of Acacia Club Road to fall in; and that because of the safety of the citizens and risk of liability to the County; Commissioner Herschend made an emergency motion to order today either the concrete culverts from Kansas City Concrete Pipe Co. or the option of an 8' metal culvert from Viebrock with the 4' culvert the county already has to repair Acacia Club Road. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### **SEWER DISTRICT MEETING**

The County Commission attended the Taney County Regional Sewer District Meeting at the Hollister City Hall to hear updates on both the Bee Creek and the Ozark Beach sewer projects.

Minutes typed by Tressa Luttrell.



## **APRIL 16, 2008 7<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at 9:01 a.m. with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## PAYROLL

Commissioner Strahan made a motion to approve the following payroll warrants:

General County Revenue #104201 through #104202, #104231 through #104260

Road & Bridge #104204 through #104224

Assessment Fund #104203, #104225 through #104227

Transfer Station #104228 through #104230

Accounts Payable warrants #303241 through #303258, manual warrants #4820 through #4821. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## FLOOD DEBRIS DUMPING

Commissioner Pennel stated that Cities were setting dumpsters up for people to dispose of their flood debris adding that maybe it would be a possible FEMA reimbursable expense. Commissioner Pennel further stated that Commissioner Herschend had been handing out a form that indicated the transfer station would accept flood debris for free as long as the form was presented, however the form states that a decision was made on the 15<sup>th</sup>, but there wasn't one.

Commissioner Strahan noted that anyone that has flood damage should fill out a form. Ms. Luttrell noted that Karen at the transfer station should keep those forms with the weight written down so that they could be submitted to FEMA. Commissioner Pennel made a motion to ratify the decision to accept flood victims debris at no cost as long as the approved form was presented and that the date of expiration should be May 17<sup>th</sup>. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Herschend entered the meeting.

Commissioner Herschend stated that he would like to continue the discussion regarding the flood debris at the transfer station, asking that the date be changed to June 1<sup>st</sup> as some of the residents haven't even returned home for the summer. The Commission agreed to change the date.

Commissioner Herschend noted that he did want an original signature on each form as that is what he has instructed his staff to look for. Commissioner Pennel stated the most important thing is that the flood victim signs the form. Commissioner Pennel went on to say that he would go along with a County or City signing the form but would like for a drivers license to be copied on the form. Commissioner Herschend stated that there is no harm in that but it would slow down the staff. Commissioner Pennel disagreed.

Commissioner Strahan commented that he didn't care either way he just wanted to take care of the citizens and possibly try to recoup some of the costs. Commissioner Pennel felt that it would be a good deterrent for someone who might try to abuse the policy. Commissioner Herschend commented that the transfer station gets their license plate now and added that he would also like to address roll offs.

Commissioner Strahan noted that the only place it would create a problem is at the transfer station, if they pick the forms up elsewhere they can simply copy the driver's license and attach it. Commissioner Herschend commented that most of the forms he gave out yesterday were for neighbors and added that there will be issues with sandbags later. Commissioner Pennel stated that he was giving in on the driver's license but still thought it should be done.

## NUISANCE CASES PROCESS

Commissioner Pennel stated that he had a different angle regarding the nuisance cases noting what if the Commission turned over the process of what our staff has been doing to

# **TANEY COUNTY COMMISSION RECORD**

Planning & Zoning. They will take the complaints, fill out the paperwork, take the pictures and write up the recommendation for the Commission. The Commission then would view the complaints and vote on each case. Commissioner Pennel stated that his motive was to save the Commission some time but did not want to approve any without first looking at them, as you know pictures doesn't always do justice. Commissioner Pennel further noted that the staff should be reminded that it is only handled on a complaint basis, not driving around looking for nuisances.

Commissioner Strahan noted that it is unbelievable what can be seen from the air and commented on his recent helicopter ride to view the flood damage with Mr. Preston. Commissioner Pennel stated he saw the point but the ordinance states that you have to view the nuisance from a county road. Commissioner Herschend added that it would be more cost efficient viewing from the road than a helicopter. Ms. Luttrell suggested speaking to Mr. Preston prior to contacting the Planning & Zoning staff directly. The Commission concurred.

## **FLOOD RESPONSE THANK YOU'S**

Commissioner Herschend noted that he would like to have some proclamations of thanks to the College of the Ozarks students and to Gary Snadon for their recent volunteering and generosity towards the flood victims. The Commission then added to the discussion the additional law enforcement presence, road & bridge staff, Tablerock Asphalt, Emergency Management, the municipalities etc. commenting that something should be done to recognize the outstanding help received during this time of need.

## **CASEY ROAD**

Commissioner Herschend updated the Commission regarding the shop talk discussion on Casey Road noting that Herion Construction had discovered soft spots and had to dig down to fix them wherein Great River Engineering had instructed them to proceed and when they hit the next spot told the contractor to go ahead, and the next spot told the contractor to go ahead. Commissioner Herschend went on stating that Mr. Preston was informed at the weekly meeting that they had incurred costs of \$50,000 without a change order and have since continued to now being a \$200,000 additional costs.

Commissioner Strahan commented that he didn't know what the Commission was going to do but that that was not going to work. Counselor Paulson noted that you have to do it right but at the same time should come through with a change order. Commissioner Strahan added that he could have put 0-6" through the whole stretch for \$250,000. That is extremely high and without the county's approval; it's too high no matter what the cost is.

Commissioner Herschend added that the discussion yesterday was that the fact the Commission hadn't had the opportunity to review or even look at other options. Ms. Luttrell referred back to the contract construction meeting where the contractor was specifically told that any change order above \$500.00 had to be reviewed and approved by the County Commission. Commissioner Strahan stated that he didn't feel that the county has incurred those costs.

Commissioner Pennel asked Commissioner Herschend if he mentioned that the Engineer as well as Mr. Preston was taking responsibility. Commissioner Herschend added that Mr. Preston new about the \$50,000 and has met with the Commission twice without notifying us. Commissioner Strahan noted that this was totally unreasonable and added that this was a 1/8 of the project costs just on one item. Commissioner Strahan added that the Commission needs to meet with Great River immediately.

Counselor Paulson posed several statements; that the contractor has continued without any changes orders, what has the road administrator agreed too, do we have options, do we delay the project, is it the county's responsibility or not, do we issue a stop work order. Commissioner Herschend added that he saw an APAC truck on site this morning and the County's agent, Engineer, told the construction company to proceed. Commissioner Strahan pointed out that he has a definite problem with the county spending money that we don't know about.

# TANEY COUNTY COMMISSION RECORD

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021 (1)(3)(12). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to move Eddie Coxie into the role of the Planning & Zoning Administrator upon Mr. Preston's recommendation at a rate of \$33,000.00. Commissioner Pennel seconded the motion.

Commissioner Herschend recommended \$33,280 which is \$16.00 even and give Mr. Coxie the option of hourly or salary. Commissioner Pennel noted that he would like it kept to 40 hours a week if it is hourly. Commissioner Strahan didn't know how you can administer in only 40 hours. Mr. Preston commented that it is about 6 hours of overtime for that slot.

Motion and second was amended to reflect the \$33,280 or \$16.00. Commissioner Herschend requested that the vote be broken down into salary/hourly and appointment of Administrator. Both motion and second was withdrawn.

Commissioner Pennel made a motion to offer the position of Planning & Zoning Administrator to Eddie Coxie. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Commissioner Pennel made a motion to increase Eddie Coxie's rate to either \$33,280 salary or \$16.00 hourly. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## TANEY COUNTY HUMANE SOCIETY

The Taney County Humane Society met with the Commission to discuss the recent change in procedures regarding sick and injured animals at the Animal Control Facility. Terese Mansell stated that the change with sick or injured dogs, from the humane society's standpoint, is a bad route to take as it's already a big problem. If the feeling that an injured or sick animal is not a threat to the public, I would disagree.

Commissioner Pennel added that he is in agreement that the county should continue to take the sick and injured, however we did not discuss sick animals. Commissioner Pennel further added that his argument is that the county hasn't spent \$500 a year on veterinary services for the injured or sick, the cost is a small amount to pay. Commissioner Strahan reported that on the news that the City of Springfield had 2700 dogs euthanized and that the costs was taking a toll on them, they are asking the humane society to pitch in because they will no longer be able to supply the services. Commissioner Strahan noted that if Taney County was to apply those kinds of funds it would be out of budget range.

Commissioner Strahan asked what the humane society was willing to do, noting that he had asked for them to bring their adoption numbers with them. Commissioner Strahan pointed out that Taney County is an animal control facility not a humane society. Ms. Mansell noted that before the work session, if there was an injured animal, the citizen could just call animal control and they would make a determination but at this point it will not even be addressed unless it's a threat to the public.

Commissioner Strahan stated that if an animal is hit by a car the county has incurred those costs not the owner. Commissioner Herschend asked what if it was a stray animal hit by a car and it was determined that it needed a hip replacement the county could incur a \$1,500 cost.

Commissioner Herschend noted that what the Commission tried to do was get back to the ordinance, there are no laws where the county is responsible except for the cruelty of animals and that is under the Sheriff and Prosecutor. Commissioner Herschend added that there is nothing the Commission can do, we have gotten away from the ordinance.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend added that there are costs for the staff to pick up that animal and this Commission has said we would pay for the staff to do that so we are incurring additional expense.

Robert Huels asked how the county would determine if there is a safety issue. Commissioner Herschend stated that the public would call in, should it be snarling etc, yes but if it's not it is not our issue. Mr. Huels noted that if it is along the side of the road and a school bus pulls up, it's then too late. Commissioner Herschend stated that they would do the best that they can, it's a judgment call.

Commissioner Strahan again asked for the humane society's numbers to see how they could work together with the county, what are the humane society's duties and how can the county complement their programs. Ms. Mansell stated that their goal was to build a facility to have more options, they had started a foster program but pointed out that if their volunteers were to respond to an injured animal they could be charged with theft.

A discussion regarding membership, programs and suggestions ensued. Commissioner Pennel noted that the issue with the change is on the injured animals. Commissioner Strahan asked what change. Commissioner Herschend stated that the change was in the procedure not the policy. Commissioner Pennel stated that since he had been responsible for the facility, when the calls come from the sheriff's department we have gone out. Commissioner Pennel stated that he would step up to the plate and personally pay the \$500.00 to continue to take the injured animals which was then matched by Barbara Figaro, Teresa Mansell and Noleen Davis. Commissioner Pennel further stated that he would go after donations if needed. Commissioner Strahan pointed out that if everyone was willing to put in the money, then they could have a facility to start with and noted that he would even donate. Ms. Figaro asked if the county would then pick up the injured. Commissioner Strahan answered no.

Commissioner Herschend stated that their job is to follow state statute, how does a dog hit by a car fit that description. Commissioner Herschend did add that he would be willing to take the suggestion to the County Counselor and should he say yes, we would pursue it. Commissioner Pennel questioned, so you would be willing. Commissioner Herschend reiterated that if they, individuals, were all committed to the supplying the funds and Counsel says yes.

## RECESS

2:45 p.m.

Minutes taken and typed by Tressa Luttrell.



## APRIL 17, 2008 8<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021.(1)(12). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes taken.

## RECONVENE

2:30 p.m.

# TANEY COUNTY COMMISSION RECORD

The County Commission reconvened at the Hollister City Hall pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present.

## PARTNERS FOR PROGRESS

The County Commission attended the monthly Partners for Progress meeting to discuss transportation issues in Taney County.

## POVERTY POINT LINE

The County Commission met in partnership with the City of Hollister and the Taney County Regional Sewer District for a work session on the Poverty Point line. Commissioner Herschend made a motion to approve to move forward with the concept for the Sanctuary, Tablerock Canyon and Emerald Pointe sewer systems. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes typed by Tressa Luttrell.



## APRIL 18, 2008 9<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission's Office at 1:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## BUILDING HEIGHT REGULATIONS WORK SESSION

The County Commission along with members of the Planning & Zoning staff worked through the proposed Building Height Regulations. Commissioner Pennel made a motion to approve the regulations as amended. Commissioner Herschend seconded the motion contingent upon the Planning & Zoning Commission's approval.

Commissioner Pennel amended his motion to include sending the regulations back to the Planning & Zoning Commission for approval Monday night and the County Commission post to approve on Tuesday for the final vote. Commissioner Herschend amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## RECESS

3:40 p.m.

Minutes taken and typed by Tressa Luttrell



## APRIL 21, 2008 10<sup>TH</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 9:03 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

## COLLEEN APPLEBY FEMA

Colleen Appleby, FEMA Representative, reported to the Commission that Taney County has individual assistance as well as public assistance. She also stated that the DRC (Disaster Recovery Center) would be opening on Tuesday, April 22<sup>nd</sup> at 1 p.m. and that it would be open

## **TANEY COUNTY COMMISSION RECORD**

Wednesday through Saturday from 8:00 a.m. to 7:00 p.m. She also stated that the location of this local office will be housed at the Taney County Airport. Ms. Appleby encouraged individuals to register with FEMA by calling 800-621-FEMA and once that is done, individuals can go to the DRC with any additional questions. She also commented that SBA, Small Business Administration, will be present to assist with low interest loans to those who qualify.

Ms. Appleby commented that there will be a Public Assistance Applicants Briefing Meeting held in Christian County on April 25<sup>th</sup> at 9:00 a.m. She also stated that this meeting is only for Cities, Counties and Municipalities and not for individuals seeking assistance.

Commissioner Strahan inquired about those affected who had agricultural lands and contracts. Ms. Appleby stated that those individuals would have to call Local Farm Service Bureau, USDA. Commissioner Herschend questioned where the retail restaurants should turn. Ms. Appleby stated that retail restaurants would also benefit from going to talk to SBA and utilize what tools they have available.

Ms. Appleby stated that the maximum amount to receive back from FEMA is \$28,800. She also encouraged residents to keep all receipts of any work done due to the flood damage.

Commissioner Pennel thanked Ms. Appleby for her time and how much the Commission appreciated making herself available to our county.

### **CLEARWATER ACRES VACATION**

Tom Motley, Attorney for Petitioner, appeared before the Commission regarding the Clearwater Acres Vacation. Mr. Motley stated a signed copy of the replat was submitted to the Commission Office, as well as Planning & Zoning. He also commented that his concern was that Planning & Zoning would not approve the replat until the Commission approved the vacation. The Commission concurred that they agreed with the replat. Counselor Paulson stated that he had already looked at the replat and had no objections other than making this order contingent on the replat being recorded.

Commissioner Pennel made a motion to approve Clearwater Acres Vacate contingent on the replat being recorded, as Counselor Paulson discussed. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PARKING ORDINANCE**

Commissioner Pennel questioned Counselor Paulson about the Parking Ordinance. Counselor Paulson stated that he had given a draft copy to each of the Commissioners for review and was waiting on direction. He also commented that the Ordinance was based on information obtained from the City of Hollister and prior discussions with the Commission.

A general discussion ensued. Commissioner Herschend made a motion to table the Parking Ordinance issue until next Monday for discussion. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **USE OF 139.031 FOR TAX REFUNDS**

Commissioner Pennel stated that he would like to get the legislature to clarify the statute on issuing refunds. He referred back to a memo that was written on November 5<sup>th</sup> by Counselor Paulson which stated "I am not saying it cannot be done". Commissioner Pennel commented it is his belief the legislature has written this statute to provide tax payers relief when they are not taxed correctly. He also stated that in 2006 the statute stated that the time frame was changed from one year to three years regarding the opportunity to seek a refund.

Commissioner Pennel asked Counselor Paulson, "Is it your opinion that it is not legal to refund the overpayment of taxes?" Counselor Paulson responded by saying that in some circumstances it is legal to give a refund when someone has already paid their taxes or paid under protest, but there is no legal authority in the statutes to give a refund. Commissioner Herschend interjected; point of order and asked why this particular discussion was taking place in a Commission Meeting as it should be with the Board of Equalization. Commissioner Pennel responded by stating that he called Maynard Wallace, State Representative, and visited about the

# **TANEY COUNTY COMMISSION RECORD**

tax refund issue and Representative Wallace told Commissioner Pennel that if he received help with the language that he might be able to offer an amendment. Commissioner Pennel then stated that he contacted the State Tax Commission about language questions in efforts to save everyone in Jefferson City some time and had received a response back from the State Tax Commission as follows:

The application of the mistaken erroneous assessment provisions of 139.031,5 is a matter for determination for the Collector and the County Commission.

Counselor Paulson stated that was correct according to 139.031.5 which states it is the Collector's duties to refund when it is an erroneous payment or levy.

Commissioner Herschend made a motion to not address a change to the current standing as voted by BOE. Commissioner Strahan seconded the motion for discussion. Assessor Strahan commented on the assessment process. Counselor Paulson stated that according to 139.031.5, does not include the Assessor. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **MAINTAINANCE ISSUES**

Clerk Neeley was requesting assistance, from the Maintenance Department, with her polling equipment. She stated some of the polling booths needed replacement lights installed and some may even need to have entire units installed. John Lavender, Maintenance Supervisor, commented that there are 170 polling booths and are stored at a location that does not have electricity, therefore all machines would have to be moved to a new location which could take approximately 32 hours of work.

A general discussion ensued. Commissioner Herschend made a motion for Mr. Lavender to train Clerk Neeley and her staff on the maintenance of the polling equipment. Commissioner Strahan seconded the motion for discussion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PUBLIC COMMENT**

Commissioner Strahan stated that on Friday, April 18<sup>th</sup>, he was ill and was unable to attend Planning & Zoning Height Amendment Meeting. He is requesting the Commission to revisit, if there was a motion made, or rescind the motion on the Height Restriction issue until he has an opportunity to investigate the legalities of it. Administrator Luttrell commented that Commissioner Herschend and Commissioner Pennel made a motion, during the Height Restriction Amendment Meeting, to send it to Planning & Zoning for approval. She also stated that once the Planning Commission brings it back to the Commission, it will then be posted. A general discussion ensued.

Commissioner Herschend commented on Acacia Club Road and that both the Commission and the Road & Bridge Department have worked really hard to get this road accessible, which will be completed as a two-way gravel road, by Friday evening.

Commissioner Strahan encourages the public to write a letter to the Corp of Engineers requesting that they open up sites that they have closed down.

## **FRANK PRESTON ROAD & BRIDGE SUPERINTENDENT**

Frank Preston, Road & Bridge Superintendent, commented on the fly over that Commissioner Strahan and Mr. Preston had taken. He also stated that it was extremely beneficial in that they were able see future roads and bridge locations. Mr. Preston stated that Casey Road was presentable and in neat/tidy shape during the construction process.

## **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #303167-303175, 303176-303240, 303254-303271, 303272-303369, manual warrant #4822.

# TANEY COUNTY COMMISSION RECORD

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

## ISSUES TABLED

Commissioner Herschend made a motion to table Commission minutes and executive session until 2:00 p.m. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## RECESS

10:36 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE

2:00 p.m.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(1)(12). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve change order #3 for Herion Construction on the Casey Road Project in the amount of \$18,990.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny change order #2 and send it back to Herion for a review of quantities and costs, noting that the county is requesting a complete cost. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 3/26/08, 3/31/08, 4/2/08, 4/11/08, 4/14/08, 4/15/08, 4/16/08 and 4/17/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## REFUND ABATEMENT

A general discussion regarding a personal property issue where an individual had paid on the vehicle she was trying to license however when the license bureau checked the DMV, she didn't own that vehicle on the 1<sup>st</sup> of January. She then went back to the Assessor's Office and paid again, but on the vehicle that was listed at the license bureau.

Commissioner Herschend made a motion to table this issue for the Board of Equalization. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve manual warrant #4823. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Tandem Dump Truck Bids: Ms. Luttrell presented the Commission with the bids for three 13' tandem dump trucks noting that the bids had been reviewed by Mr. Preston. Ms. Luttrell added that the recommendation was to purchase the trucks from Jenkins Diesel. Mr. Preston noted that the lowest bidder did not send a complete bid.

Commissioner Strahan made a motion to approve the bid as recommended in the amount of \$431,757.00. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Luttrell presented the Commission with the bids for two 15' tandem dump trucks noting the same comments as the previous tandems. Commissioner Strahan made a motion to approve the bid as recommended in the amount of \$268,938.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Newspaper Service Bids: Ms. Luttrell presented the Commission with the annual bid for newspaper services adding that the bids were the same amount as the previous year and would recommend that Taney County Times be the primary vendor at \$6.00 per column inch and Branson Daily News as the secondary vendor at \$8.00 per column inch.

Commissioner Strahan made a motion to approve the bid as recommended. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. Body Armor Bid: Ms. Luttrell presented the Commission with a bid for body armor for the Sheriff's Department that will be reimbursed through a grant. Ms. Luttrell stated that the Sheriff had recommended award to Southern Uniform Equipment in the amount of \$17,525.12.

Commissioner Strahan made a motion to approve the bid as recommended. Commissioner Pennel seconded the motion. Commissioner Herschend noted that he would like to see the motion contingent upon the receipt of the grant money. The motion and second was amended on the grant being approved. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. Stehle Bridge Materials Bid: Ms. Luttrell informed the Commission that she had received the bids on the Stehle Bridge Materials and wanted to make sure they understood that one of the bids had an "only good through" date because of the high costs of steel.

Commissioner Strahan made motion to reject all bids as he wasn't sure the county needed a bridge there that box culverts would work. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### RECESS

4:52 p.m.

Minutes taken and typed by Tressa Luttrell.



**APRIL 23, 2008 11<sup>TH</sup> DAY OF  
THE APRIL ADJOURN TERM**

The County Commission met at the College of the Ozarks at 8:30 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## POVERTY SUMMIT

The Commission attended the Poverty Summit at the College of the Ozarks Keeter Center for a workshop on The Hidden Rules of Class at Work.

## RECONVENE

The County Commission reconvened at the Commission Office at 4:08 p.m. with all members present.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(1)(12). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve the change order issued today for the additional 500 cubic yards of fill for the Casey Road Project. Commissioner Herschend seconded the motion.

Commissioner Herschend made a motion to table until Monday. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.



## APRIL 24, 2008 12<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission Office at 5:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## PARK BOARD WORK SESSION

The Commission met with members of the park board as well as Dave Oliphant, Forsyth Mayor to discuss issues with parks and fairgrounds in regards to what is needed, funding, participation and locations.

Minutes typed by Tressa Luttrell.



## APRIL 25, 2008 13<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met at the Branson Schools Cedar Ridge Campus at 8:30 a.m. pursuant to adjourn with Ron Herschend, Western Commissioner and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## INFORMATIONAL MEETING WITH BRANSON SCHOOL BOARD

On Friday, April 25, 2008, Commissioner Danny Strahan and Commissioner Ron Herschend attended an informational executive session of the Finance Committee of the Branson School Board held at the Branson Superintendent's Offices at the Cedar Ridge Campus of the Branson Schools. The session began at 8:30 a.m. The purpose of the meeting was for the Branson School Board obtain additional information concerning the Ozark Mountain Underground and the possible use of Chapter 100 Bonds.

The Branson School Board Finance Committee voted to go into closed session for the informational meeting. Present from the Branson School Board were Peter Marcellus, Rick Tallon, Ryan Pock, Mike Booth and Patty Loyd. Superintendent Doug Hayter was also present. Gal Henshaw from the Ozark Mountain Underground Storage, Danny Strahan and Ron Herschend were also present. Taney County Counselor Bob Paulson entered the meeting just as it began and Jack Dillingham of Piper Jaffrey arrived at 8:42 a.m.

Commissioner Herschend and Jack Dillingham made a presentation to those school board members present regarding the Ozark Mountain Underground and the possible use of Chapter 100 Bonds and the related consequences of any such use. Gail Henshaw also answered a couple of questions addressed to him by Mr. Herschend and by the School Board members present.

Commissioner Strahan did not participate in the presentation, however, once the presentation he was asked his feelings concerning the use of the Chapter 100 Bonds. Strahan indicated that he had some concerns and wanted to make sure that any financial incentives used did not adversely effect the Branson Schools. Commissioner Herschend added that he would not agree to anything that he believed would adversely affect the schools. Neither County Commissioner addressed the other during the meeting, no motions were made, and no votes were taken.

Minutes composed by Bob Paulson.



## APRIL 28, 2008 14<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Associate Circuit II Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Treasurer Souttee followed by the pledge.

### DIANE MALL NEPOTISM

Commissioner Pennel noted that Ms. Mall telephoned the Commission Office and that she had to cancel, but she would address the Commission next Monday, May 5<sup>th</sup>.

### COMMISSIONER HERSCHEMEND

Commissioner Herschend stated that he was proud to announce the opening of Acacia Club Road, as of Friday, April 25<sup>th</sup> at approximately 8:30 pm. He also complimented the crew who stayed late until the project was completed.

Commissioner Herschend publicly thanked the Sheriff's Department and its Deputies for running extra patrol and doing such a great job in notifying residents during the time of the floods.

# **TANEY COUNTY COMMISSION RECORD**

## **COMMISSIONER STRAHAN**

Commissioner Strahan noted the greatness of the Park Board Meeting. He also stated that there were many citizens in attendance and that there were interested in lake & water activities having to be rescheduled. Commissioner Strahan also commented on Casey Road and how it has greatly improved.

## **CHRIS BERNDT, EMERGENCY MANAGEMENT DIRECTOR UPDATE**

Mr. Berndt gave an update to the Commission. He stated that he attended the Public Assistance Briefing Meeting that was put on by FEMA, which was held in the City of Ozark. Mr. Berndt requested to become the contact representative for FEMA, which would enable him to sign the proper paperwork. The Commission concurred that it was a good idea.

Mr. Berndt also commented on the lake levels and that if Taney County received further rains then there would be releasing additional water, but without causing any more flooding. He stated that there are 104 residents that were registered as flood victims and the Disaster Recovery Center has visits from 47 residents.

Commissioner Strahan & Mr. Berndt complimented the Road & Bridge Department, as they have put forth a tremendous effort and even gone above and beyond their call of duty.

## **PUBLIC COMMENT**

Mr. John Logan stated that Taney County was losing its culture and traditions; becoming slick and neony, plastic and urban. He also stated that the state of Missouri is working across the state this year to focusing on bringing back some of the show-me traditions of our state. Mr. Logan asked the Commission to consider passing a resolution recognizing Harold Bell Wright for the month of May. He noted that Harold Bell Wright was a leading author of his era, influenced Ronald Regan and was a great screen writer. Mr. Logan also commented that he felt like as Taney County is growing, we as residents are losing appreciation for our surroundings.

The Commission discussed the importance of this proclamation for Taney County. They concurred to discuss this on Wednesday, April 30<sup>th</sup>.

Mr. Art Beck commented on the flow of traffic on the bridge at the intersection of Hwy 76 & Hwy 160.

## **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #303370-303476 and warrant #4824. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PRIOR MINUTES**

Commissioner Pennel made a motion to approve prior Commission minutes dated 4/18/08, 4/21/08 and 4/23/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into Executive Session pursuant to RSMo 610.021.1. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

Minutes taken and typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Electrical Upgrades & Generators: Mr. Preston informed the Commission that he had turned over the research of wiring the west barn for three phase as well as providing a generator for emergency outages.

John Lavender, Maintenance Supervisor presented a proposal from K&R for the west barn. Ms. Luttrell asked if this was a sole source provider per statute. Mr. Lavender stated yes. Ms. Luttrell read the statute noting the specifics regarding a sole source, noting that the law had changed in that posting or advertising requirements were now required even if a sole source. Mr. Preston noted that they would get the information to Ms. Luttrell for required posting.

Commissioner Herschend asked Mr. Preston to take a real look at the need and evaluate the proposal first.

2. Roads: Ms. Luttrell presented various outstanding road petitions and vacations for review.

Fox Trail: Mr. Preston will revisit the issue and asked if the Commission was willing to approve with a minimum amount of work. Commissioner Herschend stated he was concerned about spending approximately \$6,000 per house. Mr. Preston commented that if they ripped up the chip seal, grade it and add some base it would cost approximately \$10,000.

Commissioner Strahan made a motion to do so at a not to exceed cost of \$10,000. Commissioner Pennel seconded the motion. Commissioner Pennel asked for it to be contingent upon touching base with the petitioners and letting them know that the road will be gravel for a certain amount of time. Commissioner Herschend asked that all landowners are contacted. Commissioner Strahan added that if Mr. Preston was to get approval from all land owners he would proceed. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Round Hill, Shadow Lake, Mesquite and Shadow View: Commissioner Strahan made a motion to table until proper response is received. Commissioner Herschend made a motion to deny the petition the letter has pretty much said the county wouldn't take the road in.

Commissioner Pennel seconded the motion to table and asked for the petition to be brought up in 30 days. Should there not be a response, then deny. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Quebec Road Vacation: Commissioner Pennel made a motion to table until Mr. Paulson has another chance to review. Commissioner Strahan seconded the motion. Mr. Paulson noted that he would need a week and a half. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Holiday Avenue Vacation: Commissioner Pennel made a motion to table until Commissioner Strahan has a chance to take a look at the road. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. Jail Food Bid: Ms. Luttrell presented the bids for the prisoner food that was to get us through move in date. It was given to the Sheriff for review and has recommended the approval of Springfield Grocer and Save A Lot. Ms. Luttrell added that the Sheriff commented that the other bidder, US Foodservice had an added fuel charge that brought their bid higher.

Commissioner Strahan made a motion to approve the bids of Springfield Grocer and Save A Lot as recommended by the Sheriff. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

4. Janitorial Supply Bid: Ms. Luttrell presented the bids for the annual janitorial supplies. Ms. Luttrell noted that she would recommend the Commission award to all vendors and work with John Lavender and Renee Brusca to get the best value from the bids.

Commissioner Strahan made a motion to award the bid to all vendors: Pippet Supply, White Castle Janitorial Supply, Unipak Corporation and Hillyard as recommended. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

5. Culvert Bid: Ms. Luttrell presented the Commission with a bid for culverts as requested by road & bridge. The only bidder was Metal Culverts. Commissioner Strahan noted that he thought we had purchased all the culverts already and asked Mr. Preston to check on it prior to making a decision.



## APRIL 29, 2008 15<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission Office at 10:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

### SHOP TALK

The Commission attended the weekly road & bridge shop talk to discuss various road issues.

Minutes typed by Tressa Luttrell.



## APRIL 30, 2008 16<sup>TH</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Commissioner Herschend made a motion to go into Executive Session pursuant to RSMo 610.021(1)(12). Motion died for lack of being seconded.

### HAROLD BELL WRIGHT PROCLAMATION

Commissioner Pennel made a motion to approve the Harold Bell Wright Proclamation and also noted that a copy needed to be sent to the Commission Office for our records. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PAYROLL

Commissioner Strahan made a motion to approve payroll warrants:

General County Revenue warrants #104290 through #104314

Road & Bridge warrants #104261 through #104283

Assessment Fund warrants #104284 through #104286

Transfer Station warrants #104287 through #104289

Accounts Payable warrants #303488 through #303504, manual warrants #4825, #4826

# **TANEY COUNTY COMMISSION RECORD**

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

Commissioner Herschend made a motion to recess Executive Session at 11:30 a.m. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel called the meeting back to order at 12:30. Commissioner Herschend made a motion to go out of Executive Session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel called the meeting to order.

## **ANIMAL CONTROL BUDGET**

Commissioner Pennel stated that the Commission was going to be unable to meet today on the Animal Control Budget Issues but there needed to be some amendments to the budget to cover the shots and other things.

## **TRANSFER STATION SCRAP METAL**

Commissioner Pennel stated that he had received a telephone call from an individual who was requesting to haul off the scrap metal at the Transfer Station. Commissioner Herschend commented that the Commission needed to schedule a Work Session and discuss the issue.

Commissioner Strahan made a motion to table the discussion regarding the scrap metal at the Transfer Station. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go back into Executive Session pursuant to RSMo 610.021(1)(12). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of Executive Session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel called the meeting back to order. Commissioner Herschend commented on not letting everyone on the agenda. Let it be noted that there were no motions and no votes taken.

Commissioner Herschend made a motion to go back into Executive Session pursuant to RSMo 610.021(1)(12). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of Executive Session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

# TANEY COUNTY COMMISSION RECORD

## ASSESSMENT MAINTENANCE PLAN

Commissioner Pennel contacted Commissioner Herschend and Commissioner Strahan via telephone to discuss the Assessment Maintenance Plan.

Commissioner Pennel made a motion to approve the filing of a petition, allowing the county or the assessor to petition the Administrative Hearing Commission to decide all matters in dispute regarding the Assessment Maintenance Plan. Commissioner Herschend seconded the motion. The motion passed.

## RECESS

Minutes taken by Donna Neeley and typed by Nikki Lawrence.



## MAY 02, 2008 17<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Commission Office at 1:15 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### TRANSFER STATION VEHICLE DAMAGE

Commissioner Herschend stated that while the Transfer Station was opened to the flood victims for disposal of their items, there was a vehicle that was damaged while unloading a couch. He also commented that the individual would not have transportation while his vehicle was being fixed and would like to discuss the possibility of compensation for the individuals' vehicle damage, as well as for a rental vehicle. Commissioner Herschend requested that the county pay for the damages that incurred at the Transfer Station, as well as a rental vehicle for the individual.

Commissioner Strahan commented that he was not in favor of compensating the individual for a rental vehicle, but he made a motion to pay \$642.53 for the damages that occurred to the vehicle. Commissioner Herschend seconded the motion and stated that he was present during the time of the accident. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to deny payment for the rental vehicle. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### VARIANCE PROCEDURE

Commissioner Pennel called the meeting back to order at 2:42 p.m. Commissioner Herschend stated that Mr. Tim Barth had purchased multiple properties from the bank. He also commented that there was a discrepancy in the set back and that Mr. Barth could not close due to the fact that he could not be on the next Board of Adjustment hearing.

Counselor Paulson stated that the home was originally built on the setback and the bank took the property back and then sold it to Mr. Barth noting that he inherited the problem.

Commissioner Strahan commented that Mr. Barth is the third person down the line and didn't believe that he should have to take responsibility for the problem as he did not create it. Commissioner Herschend noted that this problem was reported the day after the deadline for the Board of Adjustment Hearing.

Counselor Paulson stated the variance procedure is stated in the Planning & Zoning Code, which basically says an individual must file the appeal at least 30 days in advance of the hearing due to the fact that a regular mailed notice must go out no later than 15 days prior to the hearing. Counselor Paulson commented that the home was built in violation of the law; Mr. Barth got it from the bank who got it from the other person, who violated the law. Mr. Paulson went on to say that the home was built within the setback but Mr. Barth could be faced with

# TANEY COUNTY COMMISSION RECORD

having to tear it down. Counselor Paulson added that in order to sell the home, Mr. Barth has to hope that he can get a variance from the Board of Adjustment but there is no guarantee that the variance will be passed. Counselor Paulson stated that there is a time limit in appealing to the Board of Adjustment

A general discussion ensued. Commissioner Strahan made a motion to change the time limit on an appeal from 30 days to 15 days. Commissioner Herschend seconded the motion for discussion. Commissioner Herschend withdrew his second. Commissioner Strahan withdrew his motion.

## EXECUTIVE SESSION

Commissioner Strahan made a motion to go into Executive Session pursuant to RSMo 610.021.1. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of Executive Session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes taken.

## COMMISSIONER HERSCHEMUND MONDAY'S AGENDA

Commissioner Herschend made a motion that starting immediately that the Commission require a paragraph stating the topic/question, issue or action item to be placed on the Monday Agenda. He also included in his motion that anything that would require the Commission to take action on will be submitted prior to Thursday at 3 pm and that the Commission will meet prior to Friday at 9 am to approve items for Monday's Agenda that will be taken up for action. Commissioner Herschend commented that all other items can be aired during Public Comment.

Commissioner Strahan commented that he does not have a problem with the motion, but would like to see it shortened. The motion died for lack of being seconded.

Commissioner Herschend made a motion to clear the agenda for Monday. The motion died for lack of being seconded.

Commissioner Herschend restated his original motion. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

**RECESS**  
**4:55 p.m.**

Minutes taken by Karen Yust and typed by Nikki Lawrence.



**MAY 05, 2008 18<sup>th</sup> DAY OF  
THE APRIL ADJOURNED TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

# TANEY COUNTY COMMISSION RECORD

## ANGELA LEIST PARK BOARD RECOMMENDATIONS

Ms. Angela Leist approached the Commission with a few Park Board Recommendations. She stated the Park Board had been discussing where their monies would best be used within the county. Ms. Leist requested to use funds for the Village of Taneyville, so that they may finish their bathrooms, and Mincy Park, as they are in the Phase I Proposal, which would include finishing bathrooms, building a basketball court and adding barbeque grills and various picnic areas. She also noted that the Village of Taneyville would require \$4500.00 and Mincy Park would require \$8400.00. Ms. Leist commented that she had been in touch with Rockaway Beach, but they are still in the design phase, thus requesting to be placed third on the list.

Ms. Leist stated that the Park Board is requesting approval to proceed with the projects at Taneyville and Mincy Park and for Counselor Paulson to offer assistance with the Intergovernmental Agreements. Commissioner Pennel commented on the Park Board budget. A general discussion ensued as to whether or not there was enough funds to support the projects discussed.

Commissioner Strahan made a motion to approve the request that was presented to the Commission. Commissioner Pennel seconded the motion. Commissioner Herschend called point of order and commented that when we had budgeted these funds in the past, as long as the spending is within their budget, have we approved individual projects? Commissioner Strahan answered by saying that on previous occasions Ms. Leist, Park Board Secretary, had come before the Commission to gain approval of other projects. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## DIANE MALL NEPOTISM

Commissioner Pennel stated that he had a statement that he wanted to read to Ms. Diane Mall regarding Nepotism.

Several weeks ago Mr. Bob Schanz and Mr. Ron Houseman spoke to this Commission about their concerns that I might be guilty of Nepotism. They both reported that they had seen documents that indicated that that might be the case. For some reason that information was not given to the Commission or myself. Mr. Schanz asked 13 questions which I answered the following week.

To my understanding the documents they spoke of are in the hands of Prosecuting Attorney Ron Cleek of Christian County. Recently I heard that he had turned that information over to the Highway Patrol for them to investigate the allegations. After their investigation is complete, I assume he will then decide if charges will be filed against me over this issue.

Friday afternoon at the request of Commissioner Herschend, the Commission had a work session about changing the procedure by which the public may get on the agenda.

It was voted by Commissioner Herschend and Commissioner Strahan to change how the Commission allows the public put a topic on the agenda. The decision made does not limit the public from speaking to the Commission in the public comment section of the agenda.

Diane I have said all this to suggest that you put in writing any information you have concerning this issue and turn it over to the Prosecutor's Office in Christian County. Also knowing that the Commission will be very limited to what we can say about this issue. Because of the investigation, I would ask if you want to make any comments to us that you hold them until the public comment portion of the agenda.

Ms. Mall stated that her reasoning for coming before the Commission lies more in the area of Animal Control and only had a couple of comments to say about Nepotism. She also questioned what the legal definition of Nepotism is. Counselor Paulson stated that the definition is found in Article 7, Section 6 and reads as follows:

Penalty for Nepotism any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the 4<sup>th</sup> degree by consanguinity or affinity shall thereby forfeit his office or employment.

Ms. Mall stated that she has a couple of things to say under the issue of Nepotism, but that most of her concerns pertain to the Animal Control issue, which she will address under the Public Comment section. Commissioner Herschend stated that this is the exact reason that the Commission decided to change policy on Monday's Agendas adding that there are citizens that

## **TANEY COUNTY COMMISSION RECORD**

come before the Commission that want answers or want the Commission to take action on a certain issues, but the Commission is unable to prepare and inform the public on what the Commission would actually be taking action on.

Ms. Mall questioned why the Commission never answered any of her statements on December 5, 2007. She commented that all her ideas and concerns on the Animal Control shelter were never addressed.

### **COMMISSIONER HERSCHEMUND LENHART ROAD UPDATE**

Commissioner Herschendum requested an update on the Lenhart Road Petition. He stated that approximately four weeks ago an individual petitioned to have Lenhart Road taken into the county system. Commissioner Herschendum also commented that there was a letter sent back to this individual stating that the road in question is not contiguous with county or state highways, as there is a private road between the proposed county road and us. He noted that the previous petitioner had been in to discuss making this a county road and at that time the petitioner was told that there would need to be several thousands of dollars worth of improvement that needed to be completed before the Commission would take a second look.

Counselor Paulson stated that he is unsure as to whether the current petition on file is even valid. He also commented that there is one remonstrance in the file. Counselor Paulson sent this individual a letter stating that there were several issues that needed to be addressed before the Commission would consider reviewing the petition. Mr. Paulson noted that a couple weeks after sending the letter, this individual came to see him and asked what the issues were. Counselor Paulson stated there was a sidewalk issue, a curb and gutter issue and that there are additional issues that would have to be addressed with neighboring roads.

### **LISA OWEN WHITE RIVER VALLEY HISTORICAL SOCIETY**

Ms. Lisa Owen thanked the Commission for the support letter they wrote in reference to the Parnell House, which has now been placed on the National Registry in the Historical Preservation. She also stated that this is the first project in over ten years where Taney County has been placed on the register.

Ms. Owen reminded the Commission of the upcoming events. She stated that on Wednesday, May 15<sup>th</sup>, there will be a Tour of the Historical Sites at 1:00 pm, which will end at the Parnell House, with a reception to follow that will be held at the Branson Convention Center at 5:30 and on Thursday, May 16<sup>th</sup> the Quarterly Meeting will be held in the Bee Creek Room at the Branson Convention Center.

### **COMMISSIONER STRAHAN**

Commissioner Strahan commented that the Commission will not ever deny anyone the right to speak at any Commission Meeting. He also stated that the Commission's first priority is to conduct county business.

### **PUBLIC COMMENT**

Mr. Art Beck commented on Swan Creek and the possibility of raising the grade of the road.

Mr. Bobby Clay commented on the issue of Nepotism and how the courthouse used to be full of family members, but that it is much better now.

Ms. Diane Mall commented on the December 5<sup>th</sup> meeting she had with the Commission and that they have not addressed her concerns. She also stated that she has concerns about the way the Animal Control Facility is managed.

Assessor Strahan noted the danger of JJ Highway and commented that it is due to the construction of the Airport. He also stated that the laws are the same as they have always been in regards to the issue of Nepotism.

# TANEY COUNTY COMMISSION RECORD

## ACCOUNTS ALLOWED

Commissioner Herschend made a motion to approve accounts payable warrants #303477-303487, #303505-303605 and manual warrant #4827. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Strahan made a motion to table prior Commission minutes dated 4/21/08, 4/23/08, 4/24/08 and 4/25/08 till Wednesday. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

10:02 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE

1:00 p.m.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. West Barn Electrical: John Lavender, Maintenance Supervisor gave an update regarding the placement of underground electric and the installation of a generator at the West Barn. Commissioner Herschend asked if Mr. Preston has looked at what that location really needed. Mr. Preston noted that he still had a concern that it is still too much generator.
2. Acacia Club: Mr. Preston gave an update on the Acacia Club road repairs noting that they are currently working on the upstream pour but will be pulling the concrete crew off for a few days to finish the concrete slab at the Kissee Mills barn where the new building will be located.
3. Temporary Access Road: Mr. Preston commented that he was asking for permission to place a new tin horn and 1-2 loads of base on a road down "Y" Highway where residents could have access during flooding. Commissioner Herschend asked if Mr. Preston had looked at any other alternatives. Mr. Preston stated he had Randy Haes and John Rider take a look at the road and alternatives and noted that Empire Electric was in agreement with the arrangement.

Commissioner Strahan made a motion to expend county dollars on said road in order to provide the citizens with an access during the flooding. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## NUISANCE CASES

Commissioner Herschend made a motion to deny the complaint on Bookout Road as it does not go against the ordinance. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to deny the complaint on 447 Sandpiper as Spring Meadows Subdivision has a home owners association to take care of this. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny the complaint on 427 Sandpiper. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion to take the complaint on Field Road to the next level; whether it's the second letter or to Counsel. Motion died for a lack of a second. Commissioner Strahan to go look at this as well as Circle Drive as the pictures do not show enough detail.

Commissioner Pennel made a motion to deny the complaint on Lakewood Road as per the recommendation of Keith Crawford. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to move forward on the complaint on Scenic Drive. The motion died for a lack of a second. Commissioner Herschend made a motion to deny based upon the photos. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to deny the complaint on Oakmont Hills. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.



## MAY 7, 2008 19<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission's Office at 9:30 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

### MOTION TO TABLE

Commissioner Herschend made a motion to amend the agenda and move the approval of minutes and bid awards for culverts to the 3:00 p.m. meeting. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes taken by Donna Neeley.

### RECONVENE

The County Commission met in the Commission's Office at 2:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

Commissioner Herschend entered the meeting at 2:13 p.m.

### ELECTED OFFICIALS / DEPARTMENT HEADS MEETING

The County Commission met with Elected Officials and Department Heads to discuss the various issues:

- ID Cards: It was agreed that all Elected Officials and Department Heads would be issued Identification Cards.
- Employee Recognition: The employee picnic will be set for sometime in September.
- FEMA Reimbursements: A reminder that those that will get FEMA reimbursements should get their paperwork started. The Auditor's Office will provide any assistance needed.
- Fuel Costs: A discussion of what the county could do to provide some relief to the employees because of the high cost of fuel.
- Judicial Facility: An update on the new judicial facility as well as updating the remodeling of the existing building to accommodate the various offices moving back into the facility.

# TANEY COUNTY COMMISSION RECORD

## BOE SCHEDULING

Clerk Neeley informed the Commission that a new scheduled date would be needed for the Board of Equalization due to members not being available. The Commission set the fourth Thursday at 9:30 a.m.

## CULVERT BID

Commissioner Strahan made a motion to approve the bid as submitted by Metal Culverts in the amount of \$8,862.30. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated April 24, April 28 and April 29, 2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to table prior Commission Minutes dated April 25, 2008. Commissioner Strahan 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). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.



## MAY 12, 2008 20<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:00 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

Commissioner Herschend entered the meeting at 9:04 a.m.

## CEDAR SPRINGS ROAD PETITION

Commissioner Pennel read the following petition into record:

Petition for establishment of a public road, which is located at Section 12, Township 23N and Range 20W; Cedar Park Drive and Cedar Springs Avenue.

Commissioner Strahan asked Frank Preston, Road & Bridge Superintendent, if there was an island as you enter the intersection. Mr. Preston stated that according to the aerial photograph there shows no island where the roads intersect.

Commissioner Strahan made a motion to accept Cedar Springs Drive and Cedar Springs Avenue into the County Road System. Mr. Preston noted that there will be maintenance issues initially, as there are severe pavement concerns. Commissioner Strahan commented on the two cul-de-sacs, as only one is platted.

Commissioner Strahan restated his motion to say acceptance of Cedar Park and Cedar Springs to the point of the entrance to Cedar Park, not to the cul-de-sac side, until the cul-de-sac

# **TANEY COUNTY COMMISSION RECORD**

is platted. He also stated in his motion that if the cul-de-sac was platted then he would accept the entire road. Commissioner Pennel seconded the motion.

A general discussion ensued. Commissioner Pennel withdrew his second. Commissioner Strahan withdrew his motion.

Commissioner Pennel made a motion to table Cedar Springs Road Petition until the cul-de-sac is platted. Commissioner Herschend seconded the motion and made mention that this petition would be taken up within the next 90 days. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **MR. GARY JONES PRESIDENT'S VOLUNTEER SERVICE AWARD**

Commissioner Pennel stated that he was invited, last Thursday, to present Mr. Gary Jones with the President's Volunteer Service Award. Chris Berndt, Emergency Management Director, noted that Mr. Jones is a ham radio operator, which entails volunteering in helping to maintain the bulletin board for the disaster preparedness.

Commissioner Pennel stated that he appreciated the hundreds of hours that Mr. Jones has volunteered for Taney County.

## **BOB SCHANZ EMPLOYEES MAKING STATEMENTS TO THE PRESS**

Bob Schanz commented that there was wrong information given to the media by Taney County employees and encouraged the Commission to consider hiring a press secretary that would address the press.

## **BOB SCHANZ ANIMAL CONTROL FACILITY**

Bob Schanz reflected on last weeks meeting where the topic of Animal Control Facility and Nepotism were discussed. He commented that due to Commissioner Pennel currently being investigated, he should refrain from speaking about anything in the area of Animal Control and suggested that Commissioner Pennel step down completely until the investigation is completed.

## **BOB SCHANZ ACTIONABLE AGENDA ITEMS**

Bob Schanz stated that he filed out the proper documentation at the Commission Office on Friday morning and hoped the Commission will take into consideration his suggestions.

Commissioner Herschend made a motion to send a letter to staff, within the Courthouse, directing all official information to come from Elected Officials or the Commissioners. Commissioner Pennel asked for clarification on whether Commissioner Herschend was referring to the public or to the media. Commissioner Herschend added to his motion to include Department Heads and/or county employees who have been directed by the Commission.

Commissioner Strahan commented that there needs to be a discussion prior to making a decision on this issue, although he agrees with Commissioner Herschend in that there needs to be a specific person that would address the media. He also recommended that the Commission explore this issue during a work session.

Commissioner Herschend requested for Counselor Paulson to give his legal opinion on whether or not it is legal for Commissioner Pennel to be involved in discussion regarding Animal Control issues or any county business while he is under investigation, in the form of a letter.

Mr. Schanz commented on long distance charges incurred to the county by CenturyTel and suggested that the Commission look into having CenturyTel provide the county with additional local numbers in the area.

# TANEY COUNTY COMMISSION RECORD

## COMMISSIONER PENNEL NEXT MONDAY'S MEETING

Commissioner Pennel stated that next Monday's meeting will be held at 10 a.m. instead of 9 a.m. because he was invited by the Recorder of Deeds to welcome the Recorder's Association at the Chateau in Branson at 9:00 a.m.

## COMMISSIONER PENNEL NATIONAL POLICE WEEK RESOLUTION

Commissioner Pennel read into record the National Police Week Resolution:

### RESOLUTION NO. 08-0512

WHEREAS, the Congress of the United States of America has designated the calendar week of each year during which May 15 occurs as "National Police Week" and May 15<sup>th</sup> of each year to be "Peace Officers' Memorial Day"; and

WHEREAS, the peace officers are our guardians of life and property, defenders of the individual's right to be free, warriors in the war against crime, and dedicated to the preservation of life, liberty, and the pursuit of happiness; and

WHEREAS, it is known that every forty-nine hours an American Police Officer will be killed in the line of duty somewhere in the United States, and 170 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere;

BE IT RESOLVED, that the Taney County Commissioners, do hereby proclaim the week of May 11<sup>th</sup> to May 17<sup>th</sup> to be Law Enforcement Week in Taney County and call upon all our citizens in the community to especially honor and show our sincere appreciation for the peace officers of this county by deed, remarks, and attitude. We call upon all our citizens to make every effort to express their thanks to the women and men who make it possible for us to leave our home and families in safety each day and to return to our homes knowing we are protected by women and men willing to sacrifice their lives, if necessary, to guard our loved ones, property and government against all who would violate the law.

Dated this 12<sup>th</sup> day of May 2008.

Commissioner Pennel made a motion to approve Resolution #08-0512. Commissioner Herschend seconded the motion and also challenged other to consider seeking out a Law Enforcement Officer within the next 30 days to let them know how much their hard work is appreciated. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COMMISSIONER PENNEL CLARIFICATION OF AGENDA REQUESTS

Commissioner Pennel stated that the Commission needed to clarify the decision that was made on the procedure of being on the Monday Agenda.

Commissioner Herschend read the motion that was made on Friday, May 2, 2008 during a meeting, which stated:

Commissioner Herschend made a motion that starting immediately that the Commission require a paragraph stating the topic/question, issue or action item to be placed on the Monday Agenda. He also included in his motion that anything that would require the Commission to take action on will be submitted prior to Thursday at 3 pm and that the Commission will meet prior to Friday at 9 am to approve items for Monday's Agenda that will be taken up for action. Commissioner Herschend commented that all other items can be aired during Public Comment.

Commissioner Strahan commented that there needs to be a request sent to the media allowing the public to speak out, but doing it in an orderly fashion. Commissioner Herschend stated that if the Commission sees that this procedure is not beneficial to the public, then it could go back to the way it has always been.

# **TANEY COUNTY COMMISSION RECORD**

## **TRESSA LUTTRELL ABL CONTRACT**

Tressa Luttrell, County Administrator noted that the ABL contract is not currently ready, as there are still a couple of questions for Sheriff Russell. Counselor Paulson stated that he would only need about 30 minutes to change the contract once he received proper information from Sheriff Russell.

Commissioner Herschend made a motion to table the ABL Contract until 11:30 a.m. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RICK FINDLEY COUNTY AUDITOR**

Auditor Findley presented the Commission with a financial report noting that the balances were going backwards due to the Judicial and Casey Road projects.

Commissioner Strahan requested Mr. Findley to clarify his statement for the public. Mr. Findley stated that initially the plan was to spend 7 million and up until December 2007, we were using bond money and currently we are using county funds so it may appear as if the balances are going down.

## **JAMES STRAHAN COUNTY ASSESSOR**

Assessor Strahan commented that he opposes the earlier statements about not allowing employees to speak with the media.

## **PUBLIC COMMENT**

Mr. Art Beck thanked the Sheriff's Office for directing traffic at the bridge. He also commented on the possibility of getting a toll-free telephone number for the Taney County Courthouse. Mr. Beck expressed concerns of our countries military men being cremated in the same facilities as animals.

Mr. Josh Smith commented on National Police Week in a positive aspect and also encouraged the Commission to consider raising the rate of pay for Law Enforcement Officers. He also asked the Commission to reflect on the nepotism issue and whether or not Commission Pennel should be allowed to participate in Commission meetings while he is under investigation.

## **ACCOUNTS ALLOWED**

Commissioner Pennel made a motion to approve accounts payable warrants #303606-303716, manual warrants #4828-4831. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

## **PRIOR MINUTES**

Commissioner Pennel made a motion approve prior Commission minutes dated 4/30/08, 5/5/08 and 5/7/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve prior Commission minutes dated 4/25/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

## **PAYROLL**

Commissioner Pennel made a motion to approve payroll warrants:

General County Revenue warrants #104344-104366

# TANEY COUNTY COMMISSION RECORD

Road & Bridge warrants #104315-104338

Assessment Fund warrants #104339-104340

Transfer Station warrants #104341-104343

Accounts Payable warrants #303732-303747, manual warrants #4833-4834.

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

## RECESS

10:24 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE

11:33 a.m.

## ABL CONTRACT

Commissioner Strahan made a motion to approve the contract between ABL and Taney County. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

11:53 a.m.

## RECONVENE

1:05 p.m.

## SEPTAGON CONSTRUCTION MONTHLY UPDATE

Commissioner Herschend made a motion to approve PR#46 to paint the interior of the sallyport with exterior acrylic paint in lieu of the epoxy paint for an additional \$4,053.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve the purchase of a 7' 10" wood door for an additional \$577.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve 02B-001 for APAC to increase the thickness of the asphalt which reduced the requirement for base rock for a credit in the amount of \$7,271.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve the changing of the thickness for the aluminum sheet metal for the cap flashing and trim from .050 to .040 for a credit in the amount of \$2,745.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Strahan (yes), Herschend (yes).

Commissioner Strahan made a motion to approve a "time and material" change with Kennedy Contractors for extending the communication conduits that came from the existing Courthouse and terminating near the utility pole for an additional \$476.49. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## FRANK PRESTON AND TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Airport Hangar: Ms. Luttrell informed the Commission that she received notification from Mark Parent, Airport Manager that a resolution was needed for the banking institution on the hangar project. Ms. Luttrell stated that the bank was requiring additional paperwork as soon as one request is completed.

Commissioner Strahan made a motion that Counselor Paulson have the bank send the county all the documents that are needed. Commissioner Herschend seconded the motion. Counselor Paulson commented that there could be some added legal expenses. Commissioner Herschend stated that he had expressed this to both Mr. Parent and to the Airport Board and they said there would be no additional costs. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Fox Trail Road: Mr. Preston informed the Commission that he had received all but one agreement regarding the scarifying and grading of the road and added that he would continue working on the issue.
3. Tablerock Canyon Development: Mr. Preston noted that he was sent an entrance application for the second or third entrance on 165 and with the Commission's permission he would approve said permit.

Commissioner Herschend asked if Mr. Preston needed to notify us when issuing permits. Commissioner Strahan commented that he would just like to know. Mr. Preston added that he typically wouldn't do this but that this project is so big, he just wanted the Commission to be aware.

Bob commented that Hollister had annexed the development and should take the road in as well.

4. Board Appointments: Mr. Preston noted that Craig Trotter had resigned from the Planning & Zoning board; however Carl Pride would like to switch from Board of Adjustments to Planning.

Commissioner Strahan made a motion to switch Carl Pride to Planning & Zoning effective June 1<sup>st</sup>. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

5. Planning & Zoning: Mr. Preston stated that there was still an opening in Planning & Zoning since Kurt Larsen retired. Mr. Preston noted he was proposing to move everyone up a division and hire a Division I position.

Commissioner Strahan commented that he would like to see the break down on everyone before making a decision on that.

6. Road Vacations: Counselor Paulson noted that he could not get a hold of the landowners regarding Quebec Road Vacation and all he needed was an original warranty deed. Commissioner Pennel commented that he would go out there.

Commissioner Strahan stated that the Commission could not act on the Holiday Vacation as there is one lot that was not contacted. Commissioner Strahan made a motion to table until Randy Haes could get the additional signature. Motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

7. Bypass Road: Mr. Preston informed the Commission that the new tin horn has been installed which ended up being on County right-of-way. Mr. Preston added that they were working on a written agreement but had a verbal at the time of construction.

# TANEY COUNTY COMMISSION RECORD

8. Accounting System: Mr. Preston noted that previously he had discussed the accounting system within the County but by no means wanted to stir the emotions that he caused. Mr. Preston stated that he simply would like the capability for him or his staff to be able to punch up a line item at any time and see what has been spent and with the information that I receive on a monthly basis doesn't give me that detail.

Mr. Preston added that he had asked Kathy Roberts to put all the information into FileMakerPro since January 1<sup>st</sup>. Auditor Findley explained the difficulties with MAS90 and several users and added that they needed to check with their vendor to get additional information on MAS90 or MAS200.

9. Casey Road Payment: Ms. Luttrell indicated that she needed direction as to whether the Commission would allow for the payment to Herion be made outside the normal accounting process as they would like to have their check as soon as possible since there was such a delay regarding the change orders.

Mr. Preston stated that he had spoken with Spencer Jones who will prepare the required documentation tomorrow. Commissioner Pennel made a motion contingent upon the receipt of a signed addendum by Herion, that a check would be written outside the normal process. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.



## MAY 15, 2008 21<sup>ST</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met at 2:30 p.m. at the Hollister City Hall pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### PARTNERS FOR PROGRESS

The County Commission attended the monthly Partners for Progress meeting to discuss transportation needs within the County.



## MAY 16, 2008 22<sup>ND</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Commission Office at 9:15 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### AGENDA REVIEW

Commissioner Pennel proposed a change of moving Public Comment to the top of the Agenda. Commissioner Strahan objected, as he would rather have approval of minutes and routine business at the top of the agenda and move public comment to the end of the agenda noting that he would prefer to take care of county business first.

Commissioner Pennel made a motion to move routine business to the top of the agenda. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan would like to take additional time to ponder over relocating public comment to the top of the agenda.

# TANEY COUNTY COMMISSION RECORD

## RELAY FOR LIFE BAKE SALE

Commissioner Strahan made a motion to allow the Relay for Life team to conduct a bake sale in the courthouse hallway. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## RECESS 9:55 a.m.

Minutes taken by Donna Neeley and typed by Nikki Lawrence.



## MAY 19, 2008 23<sup>rd</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 10:02 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #303717-3037724 and 303748-303830. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

## ALS BAKE SALES

Commissioner Herschend made a motion to approve the ALS Team to hold a Bake Sale in the courthouse hallway. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PETITION FOR INCORPORATION OF VILLAGE

Commissioner Pennel commented that a Petition for Incorporation of Village of Powersite Oak Hill was delivered to the Commission Office on Friday, May 16<sup>th</sup> by Donna Neeley, County Clerk. Clerk Neeley stated that all signatures on the petition have been verified.

Commissioner Pennel asked Counselor Paulson if he had any comments regarding the Petition. Counselor Paulson stated that he would need to review the petition.

Commissioner Herschend made a motion to table the request for the Petition for Incorporation of the Village of Powersite, requesting that the Commission schedule a work session to discuss what level of legal review we would like to have. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COMMISSIONER STRAHAN ADDRESSING MR. SMITH'S CONCERN ABOUT SHERIFF'S DEPARTMENT SALARIES

Commissioner Strahan stated that Mr. Smith commented about salary increases for the Sheriff's Department at last weeks meeting and added that the Commission agreed with and supported a per diem factor of \$37.50. Commissioner Strahan stated that he has a call into our State Representative, Dennis Wood to see if there has been any new legislation passed regarding this issue

Commissioner Pennel commented that when he attended the Legislative Partnership Conference in Jefferson City last week, the consensus was to bring in more dollars for the Sheriff's Department.

# TANEY COUNTY COMMISSION RECORD

## COUNSELOR PAULSON NUISANCE/FILING FEE

Counselor Paulson requested approval for a filing fee on a nuisance case, along with service fees. He stated that he needed two \$35.00 checks for service fees and one \$90.00 check for the filing fee. Counselor Paulson commented that this particular nuisance case has been ongoing for quite some time.

Commissioner Herschend made a motion to approve fees to move forward with this case. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COUNTY FUNDING TREATMENT OF INJURED ANIMALS

Counselor Paulson stated that he was asked by the Commission to give a legal opinion on whether or not it was legal for the county to pick up and/or care for injured animals. He stated that the county has a dog ordinance that was passed and the statutes permit us to do that for the health and safety of the county. Counselor Paulson commented that his legal opinion was that there is no law stating otherwise.

Commissioner Pennel referred back to a meeting that was held between the Commission and the Humane Society, adding that at the meeting there were four individual offers made of \$500 each to help care for the animals. Commissioner Pennel proposed to move forward with the issue.

Commissioner Herschend made a motion to deny because the county should not accept private funds for the care of injured animals. Commissioner Strahan did not second, but noted that the issue is much deeper than the offer, rather there needs to be a level of cooperation from all parties involved for the treatment of animals.

Commissioner Herschend stated that he was informed that there was a Humane Society donation jar set on the table at the Plumb Nellie Days, which Animal Control Employees, in uniform, were working at. He also noted that it confused the public. Commissioner Pennel stated that he was present at the Plumb Nellie Days and that it was not there. Commissioner Strahan commented that he received a telephone call from a couple of citizens asking about the Humane Society donation jar.

Commissioner Pennel made a motion to table this issue until a work session could be scheduled. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COUNSELOR PAULSON RESPONSE TO DISCUSSION PARTICIPATION QUESTION

Counselor Paulson stated that he was asked by the Commission to give his legal opinion to a question raised by Mr. Schanz. He responded in the form of a letter and it read as follows:

I was asked to respond in writing to the question you posed at the County Commission meeting on Monday, May 12, 2008. The question as I remember was substantially the following:

Is it legal/ethical for a County Commissioner accused of nepotism relating to the operation of Taney County's Animal Control Department to participate in discussions regarding the charges and in discussions regarding animal control?

After reviewing applicable statutes and cases I can find no statutory or ethical provision that prevents Presiding Commissioner Pennel from participating in discussions regarding the nepotism charges against him or from discussing animal control issues.

I have found no authority for the County Commission to take any action regarding the allegations of nepotism. I believe that the specific allegations have been discussed enough, and the matter should be left to those with authority to act. The only relevance the allegations have to the County Commission is as motivation to review the county's hiring practices, including the use of volunteers in order to prevent the occurrence of nepotism or discriminatory hiring or appointment practices in the county.

In conclusion, it is not productive for anyone to discuss the specific nepotism allegations in a county commission meeting, however Commissioner Pennel may participate in any such discussion that does

# TANEY COUNTY COMMISSION RECORD

occur. Further, Commissioner Pennel has a duty to participate in debate and actions regarding county business such as the operation of animal control, unless he has some conflict of interest on a specific issue.

I hope you find this helpful. If you have any questions, please do not hesitate to call.

Commissioner Herschend thanked Counselor Paulson for his opinion.

## **JAMES STRAHAN, COUNTY ASSESSOR CLOSING OF THE BOOK FOR 2008**

James Strahan, County Assessor reported to the Commission that he had turned over the 2008 Book to the County Clerk's Office on May 15<sup>th</sup>, per statute, where she placed her seal.

## **JAMES STRAHAN, COUNTY ASSESSOR REPORT ON HOUSING FOR NEW CONSTRUCTION**

James Strahan, County Assessor reported to the Commission that he had turned over the New Construction Report to the County Clerk's Office on May 16<sup>th</sup>, per statute, where she placed her seal.

Assessor Strahan stated that inside the book are some points of interest that he thought the Commission would want to know. The points of interest are as follows:

- Taney County's housing industry is suffering
- Institutionally owned housing in 2006, was 58
- Institutionally owned housing in 2007, was 124
- Predicting the numbers of institutionally owned housing to at least double in 2008
- Reduced pricing
- 6.73% increase, which attributed to the Branson Landing Project, Hilton & Retail Space/Condos
- In 2007 there was a 4.88% increase
- A certain School District took a huge decrease in Personal Property
- The housing community has taken a huge hit in Taney County

Assessor Strahan commented how appreciative he was to all the staff and the IS Department for all their hard work.

## **FRANK PRESTON, ROAD AND BRIDGE SUPERINTENDENT**

Frank Preston, Road and Bridge Superintendent, publicly commended Chris Berndt, Emergency Management Director, for all his efforts during the flood.

## **PUBLIC COMMENT**

Bob Schanz commented on the donation cup for Humane Society at the Animal Control booth. Commissioner Pennel stated that he would be happy to answer any of Mr. Schanz's questions in the Commission Office after the meeting.

Art Beck stated that he noticed a problem with the curbing on the southeast corner of the Judicial Center and asked who was going to be responsible.

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into an Emergency Executive Session for threatened litigation per section 610.021.1. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to table till the county could get to a phone to contact the individual. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.

## RECONVENE

2:30 p.m.

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021.1 in order to communicate the Commission's decision to the appropriate individual citizen. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved that he would be comfortable in ordering 20 tons of 1" clean from Tablerock Asphalt upon receiving a copy of Mr. Mike Sagato's original receipt and that Mr. Sagato is responsible for the delivery costs. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Judicial Facility: Ms. Luttrell informed the Commission that she was almost finished with the furniture bids for the new Judicial Facility and would ask permission to allow County Counsel to review prior to sending them out since there are a lot of legal issues included in the invitation. The County Commission noted that it would be fine and asked about a time line. Ms. Luttrell stated that as soon as she was completely finished she would let them know and give a time line at that time. Ms. Luttrell further added that she had already spoken with Counselor Paulson and he was aware that she was bringing it to the Commission.

Mike Smith, Construction Manager informed the Commission that the bids for the interior signs had been received and that the "Takeform" brand will be 12 weeks out.

Mr. Preston informed the Commission that there was 1,200 pair of line for the telephone that would need to be moved for Shorty Cooper Street. Mr. Preston noted that he had received an estimated cost of \$15,000 to have those lines moved. Mr. Smith stated there was also a fiber line right above the telephone line and suggested that if there was any way for the county to move the contours of the road it would greatly benefit the county. Mr. Preston stated that he would look at the layout of the road again.

2. Mowing: Mr. Preston noted that there had been several minor incidents with the mowing crews, so he would be creating mowing maps that would show sharp drop offs or things that are covered up in the tall grass. Mr. Preston added that this would ensure that the mowing crew would have all the facts.
3. Fox Trail Road: Mr. Preston indicated that all property owners have been accounted for and are in agreement of the new maintenance plan.

Commissioner Herschend made a motion to proceed with Fox Trail Road. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. New Sweeper: Mr. Preston informed the Commission that the new Sweeper had been delivered and that he would like for 3 operators and a mechanic to be trained on the machine. The training will not cost the county anything but noted that it was in Iowa.

# TANEY COUNTY COMMISSION RECORD

Mr. Preston added that his intention was to send one each from the East, West, and the Work Order Crew as well as a mechanic.

Commissioner Strahan made a motion to send 2 from the west side, 1 east, 1 work order and a mechanic. Commissioner Herschend asked why they would send someone from the work order crew. Mr. Preston noted that crew is working Fridays. Commissioner Herschend noted that he would like for Mr. Preston to look at longevity before making a decision on who would be going. Commissioner Pennel asked about sending a mechanic on each side. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes). Commissioner Herschend noted that the Commission should be informed of who would be going and when.

5. Cemetery Roads: Mr. Preston requested direction as to whether the county does any prep work on cemetery roads since the Memorial Weekend was approaching. Commissioner Strahan noted they previously had been doing the roads to the cemeteries.

Commissioner Herschend made a motion that the county identify the active cemeteries in the county and ensure that the public can get to them with minimal maintenance; county or private. Commissioner Pennel questioned the term "active". Commissioner Herschend suggested that a list be compiled. Commissioner Strahan again noted that the road & bridge employees know what ones have been done. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

6. Various Road updates: Mr. Preston gave the Commission updates on various road projects within the County. One being Nolan Road. Commissioner Herschend questioned that that road hadn't been done yet and added that Steve Redford had promised to get that road finished.

Mr. Preston commented that on Clevenger Cove Road there is a property owner where the existing edge of the pavement is cutting into their property. Commissioner Herschend noted that he would go look at the property with Mr. Preston.

Commissioner Herschend inquired to Range Road. Mr. Preston noted that they had not been able to get out there yet. Commissioner Herschend stated that he would personally be going out there to cut the fence out for 20 feet and roll it up to allow the property owner to have access to his property.

Commissioner Herschend noted that there are 4-5 families on Foggy River Road that have smelly sandbags that need to be disposed of. Mr. Preston asked if they should be going on private property to remove them. Commissioner Herschend noted that he would like for it to be done this week. Mr. Preston stated that he would need a hold harmless document prepared. Counselor Paulson noted that he would have it available tomorrow as Mr. Preston had reminded him a few times.

## RECESS

5:03 p.m.

Minutes taken and typed by Tressa Luttrell.



## MAY 20, 2008 24<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met at the Hollister City Hall at 1:30 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## TANEY COUNTY REGIONAL SEWER DISTRICT

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates on the Bee Creek and Ozark Beach projects as well as Clearwater Canyon and Echo Hollow Estates projects.

# TANEY COUNTY COMMISSION RECORD

Minutes typed by Tressa Luttrell.



**MAY 21, 2008 THE 25<sup>TH</sup> DAY OF  
THE APRIL ADJOURN TERM**

The County Commission met in the Commission's Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **QUEBEC ROAD VACATION**

Commissioner Pennel made a motion to sign the Quebec Road documents. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **JUDICIAL SIGNS**

Commissioner Herschend made a motion to purchase the "Takeform" brand of interior signs for the Judicial Facility and ask them to expedite the order. Commissioner Strahan inquired if there was a price for expediting.

Commissioner Pennel made a motion to approve a not to exceed price of \$9,467.10 for interior signs. Commissioner Strahan asked if the Commission would consider equivalent to "Takeform".

Commissioner Pennel stated that the Commission needed to ask Sharp Signs if they can get the signs quicker and do they have something that is equal. Commissioner Herschend noted that they didn't have the luxury of time.

Commissioner Herschend made a motion to award the "Takeform" to Sharp Signs and ask them to look at anyway to expedite the order. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to table PR#48 regarding the building of the monument with a cost of \$10,630. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve PR #47 regarding the exterior signage for a credit in the amount of \$3,577.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **JUDICIAL MISC.**

Commissioner Herschend made a motion to approve PR#49 which changes the duct work to allow for the placement of individual smoke detectors in the amount of \$14,763.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

The Commission all expressed their frustration in that the one who drew the plans didn't catch the mistake and is blaming it on someone else.

Mr. Smith presented PR #50 which extends the fencing around the generator, the tower and the transformer in the amount of \$2,155.00 noting that the fence will be 8'. Mr. Smith went on to remind the Commission that in earlier discussions regarding the fence the Commission discussed having road & bridge do the work.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion to ask Walton Construction to schedule with Mr. Preston in regards to placing the fence. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes). Road & Bridge will place the white rock and weed bearer.

Mr. Smith presented PR #52 which would place bullet proof resistant glass in the walk up windows of the Sheriff's Office which was specified as security glass, not particularly "bullet proof" but was in the drawings as SG1 in the amount of \$3,986.00. Mr. Smith suggested only replacing the 3 bottom windows not all 6.

Commissioner Herschend asked if this was one to ask for errors and omissions. Commissioner Pennel stated that if it was specified...Commissioner Herschend noted that the county should get the cost of what is already in there back as a credit. Mr. Smith noted that in the drawings it was specified but in the specification book it wasn't.

Commissioner Herschend made a motion to table until he could contact HMN and see if they will reimburse.

Commissioner Strahan made a motion to approve PR #52 at a not to exceed cost of \$3,986.00 and to only replace the 3 bottom windows of the 6 as well as looking for reimbursement from the Architect. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

The Commission then went to the Judicial Facility site to review the driveway.

## RECONVENE

12:53 p.m.

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 5/2/08, 5/12/08, 5/15/08, 5/16/08 and 5/20/08 as corrected. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ANIMAL CONTROL ADOPTIONS

Commissioner Pennel informed the Commission that an individual from the Engler Block has requested Animal Control to bring an animal over that they could place in the store for adoption. Commissioner Pennel added that the Humane Society has also made such a request.

Commissioner Pennel asked if it would be ok to have animals that are ready to be shipped placed at those locations for adoption. Commissioner Strahan commented that he would want a hold harmless document from Counsel just in case the animal would happen to bite someone. Counselor Paulson noted that he would want to look at the liability if those animals are still in the county's custody.

Commissioner Pennel asked if they could come up with a plan where the animal is adopted by the locations and should they be unsuccessful in adopting the animal, they could bring it back without charge. Counselor Paulson noted that he didn't see a problem with taking the animal back for free. Commissioner Strahan commented that when they take the animal it's theirs.

Commissioner Herschend stated that he had a problem with going away from the spay/neuter program. Commissioner Pennel suggested that the individuals pay the \$65 and sign the commitment but if they are unsuccessful they bring the animal back without a fee. Commissioner Strahan asked if the animal would be spay/neutered. Commissioner Pennel noted that they wouldn't have to be.

Commissioner Pennel added that Animal Control has been to the RecPlex twice by invitation as well as Plumb Nellie Days by invitation and wanted to know if it was ok to go ahead with the request. Commissioner Herschend suggested treating the request similar to the trash cleanup, but would like for the requests to come back before the Commission to talk about.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Pennel clarified, are you saying just bring each request to the Commission. Commissioner Herschend stated yes. Commissioner Strahan noted that the employees going would need to work out their schedule so as to not create overtime.

## **ANIMAL CONTROL DONATION JAR**

Commissioner Pennel clarified the question from Monday with the information that Animal Control had a donation jar for the Humane Society at Plumb Nellie Days. Commissioner Pennel presented the jar as well as a letter from Stephanie Mundell, Office Manager for the facility which noted that the donation jar was for the Animal Control Facility and not the Humane Society.

## **STAFFING CONCERNS REGARDING BUDGET**

Commissioner Herschend stated that he was concerned that the county is going to get to September or October and not have enough funds to pay the staff of the Clerk's Office. Commissioner Herschend further requested that the County Clerk show the Commission who; where she has staffing as compared to what was budgeted and forecast through the end of the year in writing.

Clerk Neeley noted that she had just looked at the monthly budget report and that she was in line with the other departments. She noted that she had 4 part time employees and would be going to 3 part time positions. Clerk Neeley added that Stacey was leaving.

Commissioner Pennel stated he had a question in his mind when Ms. Neeley stated that she had 6-7 employees. Clerk Neeley noted the part time employees were job sharing. Ms. Luttrell asked if the part time employees were receiving benefits noting that should they reach 1,000 hours they are required to pay in 4% of their pay for CERF. Clerk Neeley stated that she thought they were already taking out the 4%.

## **FOGGY RIVER ROAD FLOOD DAMAGE**

Commissioner Pennel noted that residents on Foggy River Road had been instructed to stop any repair or remodeling until June 1<sup>st</sup>. Mr. Preston noted that there had been some miscommunication. A discussion regarding what FEMA required and what the county process was ensued.

Mr. Preston noted that FEMA representatives would be here at 3:00 to discuss the very issue. The Commission encouraged Mr. Preston to obtain something in writing that could be handed out to the citizens noting the requirements.

## **RECESS**

2:22 p.m.

Minutes taken and typed by Tressa Luttrell.



## **MAY 22, 2008 26<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **MIKE SAGATO**

Commissioner Herschend made a motion to rescind the offer of rock to Mr. Sagato. Commissioner Strahan seconded the motion due to the conversation with Commissioner Herschend on 6/20/08.

# TANEY COUNTY COMMISSION RECORD

A general discussion ensued. Commissioner Strahan rescinded his second. Motion failed for a lack of a second.

The Commission noted that the agreement was to have the rock offer. Counselor Paulson is to write a letter to Sagato giving him a 30 day window to pick up the rock.

## HOLLISTER ANNEXATION

Commissioner Herschend informed the Commission that the annexation of county property off Lakeshore Drive had passed 1<sup>st</sup> reading. He also stated that planned project was outside Taney County guidelines and was pulled from Planning & Zoning which may be why they are annexing. After discussion it was suggested that the County send a letter to the developer asking them to come to Planning & Zoning to meet our requirements if they plan to hook to our road or sewer projects.

## RECONVENE

7:00 p.m.

## PARK BOARD

Commissioner Pennel and Commissioner Strahan attended the monthly Park Board meeting.

Minutes taken by Ron Herschend.



## MAY 23, 2008 27<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission Office at 8:55 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## AGENDA REVIEW

Commissioner Strahan made a motion to approve agenda topics as reviewed. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ANIMAL CONTROL

Commissioner Pennel informed the Commission that the Humane Society was having a grand opening and wanted Animal Control to bring a truckload of animals for adoption.

Commissioner Pennel made a motion to approve of the event. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## SHARON ENGELER STORM WATER DAMAGE

The County Commission met with Sharon Engeler to discuss the storm water runoff damage to her property. It was noted that this problem has arisen due to the subdivision above her that was sold by meets/bounds as the Planning & Zoning Department did not approve the final plat. Therefore, no bond was posted.

It was determined that the County would go out and look at the property again but would be willing to place a grate in the road to channel the runoff.

## RECESS

10:46 a.m.

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## MAY 27, 2008 28<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:02 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Helen Souttee followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #303832-303948 and manual warrants #4835-4837. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

Commissioner Strahan made a motion approve prior Commission Minutes dated 5/19/08, 5/21/08 and 5/22/08 as corrected. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### MIKE SAGATO ISSUE

Commissioner Herschend reported last week to the Commission on Mike Sagato. He stated that when he spoke with Mr. Sagato that he was very pleasant, but was unsure if he had picked up his rock yet or not.

### SEWER EXTENSION ISSUE

Commissioner Herschend was approached by citizens in the Bee Creek Basin concerned about the deadline to get hooked up to the Bee Creek Sewer. He stated that the citizens were given a certain amount of time to get hooked up to the sewer system without being charged by the City of Branson. Commissioner Herschend commented that the City of Branson changed the Addendum to the Amended Sewer Agreement allowing nine (9) months for citizens to become hooked up to the sewer system.

Commissioner Pennel made a motion to approve the request for an extension. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PARK BOARD UPDATE

Commissioner Strahan stated that there was no quorum for the Park Board to meet, but those present had a good discussion on several parks issues. He noted that there was still clean up efforts going on at Bull Creek, the floor is poured and the poles are up at Bradleyville and the Annual Firefighters Fund Raiser was held at Protem.

### CAROL DAVIS, PUBLIC ADMINISTRATOR NEW FEE FROM SHERIFF'S DEPARTMENT

Carol Davis, Public Administrator, stated that she had received an invoice from the Sheriff's Department for transport service fees. She questioned what budget line this would need to come out of because these fees were never figured into her overall budget.

A general discussion ensued. Sheriff Russell commented that in the past the Sheriff's Department was not transporting for the Public Administrator, but now it seems to be occurring more and more. Commissioner Herschend suggested to Ms. Davis that because the Sheriff's Department is covering the time it takes to transport, then she needs to cover the meals and/or fuel during the transport. He also requested for Ms. Davis to get an estimate on how much she will need to be put into a budget line item to pay the transport fee.

# TANEY COUNTY COMMISSION RECORD

## PUBLIC COMMENT

Mr. Art Beck commented on the curbing issue on the southeast corner of the Judicial Center that he discussed at last Monday's meeting. Commissioner Strahan stated that there are some options that the Commission is considering.

**RECESS**  
**9:31 a.m.**

Minutes taken and typed by Nikki Lawrence.



**MAY 28, 2008 29<sup>TH</sup> DAY OF**  
**THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at 3:00 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## PAYROLL

Commissioner Herschend made a motion to approve payroll warrants:

General County Revenue #104367 through #104368, #104399 through #104420

Road & Bridge #104370 through #104393

Assessment Fund #104369, #104394 through #104395

Transfer Station #104396 through #104398

Accounts Payable warrants #303949 through #303954, manual warrants #4838, #4839

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

## CASEY ROAD PHASE 2

Spencer Jones and Dave Lundstrom from Great River Engineering presented the Commission with a layout of the Casey Road Project – Phase 2 noting the areas that had been tested for road stabilization.

Mr. Jones noted that on the south side they found a lot of yellow clay where on the north side of the road they found suitable material. At the location of 125 and 129 the estimate for using shot rock was approximately \$232,500 and should they use the geo-tech grid it was estimated at \$255,750.

Commissioner Herschend asked if the county shouldn't just buy easements and place ditching rather than curb and gutter to save money. Mr. Jones noted that the storm water drains are already in place down to the Degraffenreid property. Mr. Jones then informed the Commission that down by Casey Glen Road there is a 700 foot stretch that would need stabilization as well. The shot rock would be approximately \$120,555 and the geo-tech grid at \$132,605. In that the situation at this location is due to ground water.

A general discussion regarding options ensued. Mr. Jones noted that when the project was handed to Great River the project was already defined, however they were not afraid to go back and look at the concept noting that time is of the essence. Frank Preston, Road Superintendent asked how much money has already been spent on the drains. Mr. Lundstrom noted \$175,000.

Mr. Lundstrom noted that the Contractor has requested to hold off on the final coat until the project is finished. Commissioner Herschend stated that that makes sense. Commissioner

# TANEY COUNTY COMMISSION RECORD

Strahan noted that the county has told the community it would be done and he would like to stick with what the public has been told.

## JUDICIAL ISSUES

Mike Smith with Septagon Construction informed the Commission that Sharp Signs, who bid on the interior signage, found out that the price he was given to bid on the signs was at wholesale and when he called to see about expediting the order, they informed him that since he was not the original designer quoting the project, he would have to pay retail.

Commissioner Herschend added that since he was not the registered company for the project that the pricing went up 40%, there is no bid bond to hold him. Herschend requested that Walton Construction get the Commission some sign samples so the Commission can choose one. Commissioner Pennel noted that he would still like to give our local company an option.

Mr. Smith noted that some money would need to be transferred within the budget to cover general conditions. Commissioner Herschend made a motion to transfer \$100,000 from construction contingency to the general conditions line. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## BRENT BLEVINS INGENTHRON ROAD

Brent Blevins met with the Commission to request the Commission to maintain the road that was determined to be a public road known as 160-90 through the court case. Should the county not, what would be the legalities of doing anything to the road personally, or possibly offsetting the cost to the county some.

Commissioner Strahan stated that he would like to see if nothing else the county clear the timber throughout the project. Mr. Strahan further noted that he had spoken with Mr. Brown who would be willing to vacate that portion of the road and move it over to create a buffer zone. Mr. Blevins noted that the property has sold within the last few weeks.

Commissioner Herschend asked Mr. Preston what his feelings were taking the road in as a Class VI. Mr. Preston noted that he works for the Commission and would do what was asked but questioned what had changed since the last meeting. Commissioner Herschend stated that he had asked Mr. Blevins what the judge said and the judge said it was a county road.

Commissioner Pennel asked how long had it been since the county or the special road district had worked on the road. Counselor Paulson noted that it was probably in the 70's. The statute says that you have to have complete non-use to be abandoned and there is no evidence of that. Commissioner Pennel asked if there was any evidence that it was a county road. Counselor Paulson stated that the county received CART funds which would indicate yes.

Commissioner Strahan made a motion to extend the road past Mr. Blevins house to the section line and not turn back towards Mr. Blevins house as a class VI. Commissioner Herschend seconded the motion.

Commissioner Herschend noted that Mr. Blevins has made an offer to bring up to a class VI. Mr. Preston asked if the road bed would be kept to the same standard. Commissioner Strahan commented that at the time of the judgment, Mr. Preston had indicated a \$10,000 cost and asked if that was accurate. Mr. Blevins noted that he believed it was \$4-6,000.

Commissioner Herschend noted that he would encourage at least a 16 foot road. Commissioner Strahan asked if they were talking about driving surface. Commissioner Herschend noted yes. Commissioner Strahan commented that the county has a 40' easement determined by the judge.

Commissioner Pennel noted that he was very uncomfortable with the motion and the consideration. Commissioner Pennel added that they had agreed to use the County Counselor's time which is how we received a judgment. Commissioner Pennel stated that he feels if the county spends county funds to one residence; which is what it looks like noting that the county

## **TANEY COUNTY COMMISSION RECORD**

hasn't done this before. Commissioner Pennel further noted that he had been out there and granted someone has been traveling through there but didn't see spending county dollars on it.

Commissioner Strahan withdrew his motion and made a motion to do Ingenthron Road all the way through. Commission Herschend seconded the motion.

Commissioner Herschend noted that he has asked Counsel regarding several roads and we stopped pursuing before it went to litigation, this one clearly needed litigation which is why we used our county counsel. Commissioner Strahan called for the vote. The motion failed by vote: Pennel (no), Herschend (no), Strahan (yes).

Commissioner Herschend stated that Commissioner Strahan called for a vote without any consideration for Mr. Blevins' offer. Commissioner Herschend asked if Mr. Blevins would be willing to pay \$2,500 for the cost of the rock. Mr. Blevins stated yes.

Commissioner Herschend made a motion to direct Mr. Preston to begin maintenance again of county road Ingenthron Lane from Highway 160 to Highway "H" and that we accept Mr. Blevins' offer for 2,500 for rock from chip and seal Ingenthron portion and not to exceed the current driveway, the rest is the county's responsibility. Commissioner Strahan seconded the motion.

Commissioner Pennel asked if either Commissioner had driven the road. Commissioner Herschend noted that it had been 18 months. Commissioner Strahan stated that he had not but knew that the County had expended funds.

Commissioner Herschend stated that he would like for Mr. Preston to report back to the Commission and to Mr. Blevins as to when the crews could get to the road. Commissioner Pennel asked Mr. Preston if they were keeping records for the cost of the maintenance on each road. Mr. Preston indicated yes. Commissioner Pennel asked the Commission should this motion pass, will the county be establishing precedence for a judge. Commissioner Herschend noted that in the 7 ½ years it has only happened twice so there is already precedence. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Counselor Paulson noted that it was established as a public road and added that it would be wise to have it surveyed. Commissioner Herschend stated his point was that a judge has said where the road is on a certain date and he would not make it a prerequisite on this one. Commissioner Pennel questioned if that is what it said and asked if they were saying that the property owners would not be responsible for the survey, it's where the road lays. Commissioner Herschend noted that if they were to move the road it would be just like any other road and added that the county wouldn't need Mr. Blevins' money until the job is complete.

Mr. Preston stated he had concerns regarding the narrow area and the time allotted for the project. If we were to go ahead and make the road smooth prior to the building of the 16' driving surface. Commissioner Strahan stated Mr. Preston was the Road Superintendent, he would make the decision. Commissioner Herschend disagreed questioning how much material would be lost when they came back to build the 16' and added that he would like for Mr. Preston to come back with a plan.

### **FRANK PRESTON JOB TITLE**

Ms. Luttrell noted that a recent issue had arisen regarding Mr. Preston's title. Ms. Luttrell stated she could not find where the Commission had changed it, however there are a few that think it has been changed so she would like some clarification.

Commissioner Herschend made a motion to give the title of County Operations Administrator to Mr. Preston as defined in the document he has presented. Commissioner Pennel stated he was not ready to make that change and made a motion to table the issue. Commissioner Strahan echoed that he also was not ready and seconded the motion to table.

Commissioner Herschend stated he would like a time table for which a decision would be made. Commissioner Pennel noted that there were reasons that he was not ready to make the change and added if Mr. Preston is spending 40% of his time away from road & bridge we need

# **TANEY COUNTY COMMISSION RECORD**

to look at it. Commissioner Herschend asked how much information Mr. Pennel needed to make a decision. Commissioner Pennel withdrew his motion.

## **MARSHA LAY AGREEMENT**

Commissioner Herschend made a motion to approve the agreement between Marsha Lay and the County to address the storm water issue as the only and final offer for Ms. Lay. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **OZARK MOUNTAIN HELICOPTERS**

Commissioner Herschend made a motion to approve the billboard lease agreements with Ozark Mountain Helicopters. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **WIDE FORMAT PLOTTER BID**

Commissioner Pennel made a motion to approve the bid for a wide format plotter to Missouri Document Solutions as recommended by Recorder, Bob Dixon. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **HANGAR FUNDING ADDITIONAL DOCUMENTS**

Ms. Luttrell reported that Mark Parent, Airport Manager had telephoned and was still in need of a resolution/ordinance noting that the county has the ability to borrow money. Ms. Luttrell stated she had informed Mr. Parent of the previous discussion which he commented that he was not aware of.

Commissioner Herschend stated that the county is not holding up anything on this project. Ms. Luttrell noted that according to Mr. Parent, the proposal submitted by the bank required this documentation and suggested that the Commission might just want to have Mr. Parent come to discuss the issue. The Commission suggested that a work session with Mr. Parent, the Chairman of the Airport Board as well as a decision maker for the bank be scheduled.

## **COUNTY CLERK PAYROLL ISSUE**

Commissioner Pennel commented that he had been made aware through the Auditors Office that Clerk Neeley has requested to give one of her part time employee's benefits. Clerk Neeley noted that she had spoken with Auditor Findley and since both the husband and wife will be employed with me, they would be speaking with Dixie Wagner, Benefits Coordinator to determine the best route for them.

Commissioner Herschend suggested that they not do that until Clerk Neeley presents her plan, in writing, as requested. Clerk Neeley noted that she had prepared it and would present it the following Wednesday. Clerk Neeley verbally noted that she will be transferring funds from her Election Fund accounts contingency.

Commissioner Strahan made a motion to table the issue. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS 5:50 p.m.**

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



**MAY 29, 2008 30<sup>TH</sup> DAY OF  
THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at approximately 10:00 pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## **SHOP TALK**

The County Commission attended the weekly shop talk with the Road & Bridge Department to discuss various road issues.

## **CORPS OF ENGINEERS LAKE UPDATE**

Commissioner Pennel and Commissioner Herschend attended a meeting at 1:00 p.m. at the Tablerock Dam with the Corps of Engineers to get an update of the lake issues.



**MAY 30, 2008 31<sup>ST</sup> DAY OF  
THE APRIL ADJOURN TERM**

The County Commission met at the Septagon Office at approximately 2:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and Danny Strahan, Eastern Commissioner via telephone and the following proceedings were had and made a matter of record.

## **JUDICIAL ISSUES**

The County Commission discussed the location, size and format of the Judicial Facility Signs on the Highway 160 side of the building.

Commissioner Herschend made a motion to pay the total amount of \$40,000 towards the locks and since they didn't add their 4% to the invoice, the county will not hold out the retainage portion. Commissioner Strahan seconded the motion. The motion passed.

Commissioner Herschend made a motion to amend #02A-003 to the amount of 716.90 for Kennedy Construction on the additional cost of the rock. Commissioner Strahan seconded the motion. The motion passed.

Minutes taken and typed by Tressa Luttrell.



**JUNE 2, 2008 32<sup>ND</sup> DAY OF  
THE APRIL ADJOURN TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Rick Findley, followed by the pledge.

## **ACCOUNTS ALLOWED**

Commissioner Pennel made a motion to approve accounts payable warrants #303955 through #304041. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 5/23, 5/27, 5/28, 5/29 and 5/30/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PUBLIC COMMENT

Commissioner Herschend reported that the Corps of Engineer had given a presentation regarding the recent flooding and the plan to lower the lakes.

Gary Groman commented that his leaders have been reactive rather than proactive when it comes to the flooding problems and the Corps of Engineers and suggested that the Commission should work to get the plan changed.

## RECESS

9:30 a.m.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo.610.021.1. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Herschend made a motion to go out of executive session. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes taken.

## RECONVENE

10:16 a.m.

## CLEVENGER COVE ROAD PETITION

Commissioner Herschend read the following petition: Clevenger Cove Road, "P" Highway from old sign past Fuzzy Bunny. Randy Haes, Road Coordinator presented an aerial photo. Frank Preston, Road Superintendent read the road review.

Commissioner Strahan made a motion to deny the petition for the lack of easements. Commissioner Pennel noted that he had questioned the same thing but after speaking with Mr. Haes, I would like to go ahead and do it contingent upon. Motion died for a lack of a second.

After a general discussion, Commissioner Herschend made a motion to approve the petition as a Class 5 contingent upon the petitioner getting 10' dedicated right-of-way and that we add the needed culverts as consistent with our past policies. Commissioner Strahan seconded the motion.

Commissioner Herschend noted that because of the emergency situation with the floodwater, that Mr. Haes surpass the policy and help with the easements. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

10:38 a.m.

## RECONVENE

1:07 p.m.

The County Commission reconvenes in the Commission Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

# **TANEY COUNTY COMMISSION RECORD**

## **HANGAR FUNDING WORK SESSION**

Representatives from Regions Bank, Mark Parent, Airport Manager and the County Commission worked through issues regarding the recent bid for funding the Airport Hangar Project. It was noted that the Taney County Airport is not a separate entity thus does not have any borrowing capabilities.

Attorney, Harry Styron noted that an independent attorney, paid by the county, would have to say that the bonds are ok as this is an unusual type of funding. Mr. Styron added that there would have to be an appropriation on an annual basis, if not, the county would not have the use of the building.

Commissioner Pennel asked if Mr. Styron saw anything to cause the county not to build. Mr. Styron stated not from a lenders point of view. Mr. Parent commented then that it would require the County Counsel to be involved as well. Counselor Paulson stated yes and the bond counsel.

Mr. Styron added that the County Counselor would have to give the county an opinion regarding the following of the open meeting law, bidding etc. A discussion regarding the time frame ensued.

Mr. Styron also noted that the bank should have the opportunity to take another look at the issue for the pledges for payment. Commissioner Pennel asked if the airport board knew what was coming down. Mr. Parent commented that what he had just heard did not concern him, the structure of this procedure is for someone other than me.

Commissioner Strahan made a motion to have Counselor Paulson contact Gilmore & Bell and pursue dates, costs and any foreseen roadblocks. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **ROUND HILL, SHADOW LAKE, SHADOW DRIVE MESQUITE DRIVE FRED SCARBRO**

Fred Scarbro met with the Commission to discuss the petition to establish a county road on Round Hill, Shadow Lake, Shadow Drive and Mesquite Drive noting that the homeowners association was put in an undue hardship as the developer did not finish what he was suppose to do. Commissioner Pennel noted that it's his understanding that just because a developer gets through the Planning & Zoning process, there is no commitment that road & bridge will take over those roads.

Mr. Scarbro asked that the Commission table the petition to allow the homeowners association to try and fix the roads. Commissioner Pennel added that he felt the county should identify the issues.

Commissioner Strahan made a motion to table the petition until the homeowners can come back with more information or have made some progress. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **FRANK PRESTON & TRESSA LUTTRELL WORK SESSION**

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. FEMA Reimbursement: Mr. Preston noted that FEMA would be here within two weeks to start working on Taney County's reimbursement. Commissioner Strahan commented that the County should request for a 3-4" cap on the roads being covered by FEMA.
2. SMACOG: Mr. Preston stated that he had recently attended a SMACOG meeting and noted that he felt the county should be represented as there are various funding

# TANEY COUNTY COMMISSION RECORD

opportunities. Commissioner Pennel suggested Mr. Preston and a Commissioner should attend.

3. Nolan Road: Mr. Preston brought up the Nolan road issue. Commissioner Pennel stated that Mr. Preston should contact MPI, Steve Redford, and see if they might have let it slip their minds.
4. Rec Plex: Mr. Preston presented information regarding membership to the Rec Plex for county employees.
5. Casey Road: Mr. Preston read a letter from Herion Construction noting their recommendation regarding the overlay of Casey Road.
6. Scrap Metal: Mr. Preston stated that while cleaning up the barns, the crews got rid of scrap metal that was just lying around which brought \$458.00. Mr. Preston asked if those funds needed to be turned in or could they use them for a road & bridge barbeque. Mr. Preston was instructed to turn the funds into the treasurer as the county has an annual event for the employees.
7. Internet Service: Mr. Preston presented information regarding the placement of a DSL at both the east and west road barns which will help tremendously with weather watching during snow and ice storms and better contact with the administrative office. The Commission agreed for Mr. Preston to check further on the pricing of the DSL verses networking the barns but would like for Mr. Preston to come back before the expenditure of funds.
8. Range Road: Mr. Preston stated that himself and Commissioner Strahan had recently went to Range road and spoke with the landowner regarding the widening of the road. Commissioner Pennel noted that since this is such a controversial issue that he would like to go look at it with Mr. Preston.
9. Minimum Flow Roads: Commissioner Pennel brought up the issue of those roads affected by the minimum flow. Mr. Preston noted that Great River Engineering was working on Slough Hollow road, but that that was the only one. Commissioner Pennel stated that he would make contact with Mike Biggs as he thought figures should have been sent in months ago.

## RECESS

3:23 p.m.

## RECONVENE

3:29 p.m.

10. Mining Permit: Ms. Luttrell presented the Commission with the notice regarding the mining permit for Russell Cook and asked if the Commission had any problem with said notice. The Commission had no objections.
11. Journal Entries: Ms. Luttrell noted that some adjustments had been made on the journal entries presented previously and asked what other information the Commission would like before approval. The Commission indicated that they would look through all of them similar to accounts payable.

## RECESS

4:09 p.m.

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021.3. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion to increase Bob Paulson to 70, 520 effective the next pay period. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to go back into executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to rescind his motion until Commissioner Herschend could be in attendance. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.



## **JUNE 3, 2008 33<sup>RD</sup> DAY OF THE APRIL ADJOURN TERM**

The County Commission met at the Hollister City Hall at 1:30 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **SEWER DISTRICT**

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates regarding the Bee Creek and the Ozark Beach projects.



## **JUNE 4, 2008 34<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at 9:02 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### **PRIOR MINUTES**

Commissioner Pennel made a motion to approve prior Commission Minutes dated 6/2 and 6/3/08 with corrections. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **COUNTY CLERK PAYROLL ISSUE**

The County Commission met with the County Clerk to discuss their recent request of the Clerk regarding her budget. Clerk Neeley presented the Commission with a plan for the staff in her office as well as the transferring of funds from her Elections (400) account.

Commissioner Herschend entered the meeting at 9:20 a.m.

Commissioner Pennel asked Clerk Neeley what she was expecting from the Commission for the next years budget since she has more staff that budgeted. Clerk Neeley stated she would

## **TANEY COUNTY COMMISSION RECORD**

be asking for the Commission to keep all her staff. Clerk Neeley explained that if she could have found a part time person to fill the opening she would have, but filled it with a full time person. Should the Commission not approve the next years budget, Clerk Neeley would have to let one of the part time staff go.

Commissioner Herschend expressed his concern with the document that was presented which shows that Clerk Neeley would be over her budgeted salary expenditures by \$25,000.00, and should this continue there will not be the funds in the Election (400) account to repay \$25,000. Clerk Neeley stated she already has the staff and was going to ask the Commission to keep them.

Commissioner Strahan commented he felt Clerk Neeley got the cart before the horse. This issue should have been brought to the Commission prior to the hiring of a full time employee. Commissioner Strahan added that they have a responsibility to themselves to make this work out dollar and cents wise.

A general discussion regarding the overage for 2008's budget ensued. Commissioner Herschend requested that Clerk Neeley transfer funds from the Election (400) account to offset the labor costs in General County Revenue as it is not fair that someone individually creates a problem for the rest of the budget.

### **UNIFORM BID**

Commissioner Strahan made a motion to approve the Uniform Bid as submitted by Cintas. Commissioner Herschend seconded the motion.

Commissioner Herschend requested a little more time to work out a real life scenario in order to compare apples to apples. Commissioner Herschend made a motion table the decision until later in the meeting. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **HEAVY EQUIPMENT REPAIR BID**

Tressa Luttrell, County Administrator explained that this bid arrived due to a purchase request of over \$10,000 needed for a motor rebuild. So a bid was sent out to try and get the companies to give us firm pricing for a year to cover any repair work needing to be completed that is not already covered by warranty.

After a brief discussion Commissioner Pennel commended Ms. Luttrell and Mr. Preston for what they were trying to get accomplished with this bid but made a motion to reject the bids. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **UNIFORM BID**

Commissioner Herschend made a motion to take off the tabled motion. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

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

### **ROAD MATERIALS BID**

Commissioner Strahan made a motion to accept all bids for road materials and proceed with the same arrangements as previous years. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **TWIN CABINET BID**

Commissioner Herschend made a motion to table said bid until later. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## RECESS

10:49 a.m.

## RECONVENE

10:57 a.m.

### PRESBYTERIAN CHURCH PARKING LOT

The County Commission took up the issue to the Presbyterian Church Parking Lot. Mr. Preston read the initial letter requesting the work and asked what does the county really want to offer for the value that we received. Commissioner Strahan noted that he was in favor of overlaying the lot but not for maintaining the lot for any period of time. Commissioner Pennel concurred.

Commissioner Herschend noted that they needed to be careful on wear and tear maintenance, and added if the county repairs the church parking lot, does the county need to repair main street where the trucks came through. Commissioner Strahan pointed out that the employees from construction of the new jail did use it for parking.

Commissioner Strahan made a motion to table until the pastor is available to discuss the issue. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PARKING ORDINANCE

Commissioner Pennel made a motion to approve the Parking Ordinance. Commissioner Herschend seconded the motion. Counselor Paulson noted that it still needed a few changes. Commissioner Pennel withdrew his motion and asked that it be placed on the agenda for a public hearing.

## RECESS

11:41 a.m.

## RECONVENE

12:56 a.m.

### FRANK PRESTON'S TITLE

Commissioner Herschend made a motion to title Frank Preston's position as recommended by Mr. Preston as the County Operations Administrator. Commissioner Pennel stated he had some questions and question an earlier statement from Mr. Preston noting that 40% of his time was being spent in Planning rather than in Road & Bridge which concerned him.

Mr. Preston stated he had done some calculating and that the percentage is closer to 12. Commissioner Pennel asked what other than Planning is included in that 12%. Mr. Preston noted nothing. Commissioner Pennel asked if Mr. Preston thought he was still needed in that department. Mr. Preston commented that he would ask that the Commission ask the department. I am their point of contact and do interpretation of the code book which comes to about 6-8 hours in an 80 hour time frame.

Commissioner Strahan pointed out what he thought the Commission's expectations were but didn't see Mr. Preston doing as much as he has been in reviewing or in the field. Commissioner Strahan added that he didn't want anything interfering with road & bridge. Mr. Preston stated his number one job is road & bridge and didn't see himself committing to anymore as he didn't have the time. Commissioner Strahan commented that it was Mr. Preston's organizational skills that he was hired for.

Mr. Preston commented that people in the public are calling him a lot of different things and wanted to finalize the title. Commissioner Strahan noted that's where he has the problem as Mr. Preston was not over the operations of the county, only two departments. With that title people would look to you for answers in areas that you don't have anything to do with.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Pennel made a motion to leave the title as Road & Bridge Superintendent then amended to Administrator. Motion died.

Commissioner Herschend made a motion to make it Road & Bridge Administrator. Commissioner Pennel seconded the motion. Commissioner Herschend noted that he didn't think it accurately reflected what the Commission was asking him to do. The motion did not pass: Pennel (yes), Herschend (no), Strahan (abstain).

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to increase Bob Paulson's salary to \$70,520.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **NUISANCE CASES**

Commissioner Strahan made a motion to table the discussion on nuisance cases. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

## **FUTURE ROAD PLANS**

A roundtable discussion regarding a road classification boundary map as well as the process for future road plans was had. Mr. Preston will be submitting the future list to the Commission once the process is complete.

## **AMEND AGENDA**

Commissioner Pennel made a motion to amend the agenda and move the Casey Road issue up. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **CASEY ROAD**

The County Commission met with Spencer Jones from Great River Engineering to discuss phase two of the Casey Road project.

Mr. Jones commented on what they could do to salvage the pavement and using open ditches, noting the improvements to private property would be more significant as well as there being a cost to remove the existing storm water system. Mr. Jones added that Herion would not warranty the work if the county requested to go in and use the existing pavement and would want a release from the county. Mr. Preston commented that Herion does not want their name associated with the project if not done to normal construction practices.

Commissioner Herschend noted that his comments could not be made in open session and would like to go into 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).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

It should be noted that no motions were made and no votes taken.

The Commission requested the Clerk research the minutes for any discussions with the public regarding Casey Road and come back.

## EXECUTIVE SESSION

Commissioner Pennel 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).

Commissioner Strahan made a motion to utilize Gilmore and Bell for the Hangar Funding project. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## CASEY ROAD CONTINUED

Commissioner Pennel made a motion to instruct Herion to go forward with Phase 2 of the project as the engineered. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

## RECESS 4:26 p.m.

Minutes taken and typed by Tressa Luttrell.



## JUNE 9, 2008 35<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:03 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Gary Groman followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #304042-304164 and manual warrants #4842-4844. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ADDITIONAL JUDICIAL CABLING

Gary Morgan, Information Systems Administrator, explained that there were some excessive amounts on the judicial OSCA cabling bid and that the job estimate was \$15,000. He asked the Commission for approval of the bid, but not to exceed \$15, 100.

Commissioner Strahan stated he had understood the OSCA cabling bid was the state's responsibility. Commissioner Herschend made a motion to approve the bid, but not to exceed \$15,100 in order to move forward and volunteered to go back to the state with Mrs. Neal to find out why the county is paying for the work.

Counselor Paulson stated the county would have to pay the bid regardless if the state reimburses the county. Auditor Findley stated he understood the bid was also the responsibility of the state. Commissioner Strahan suggested paying the bid under protest. Sheriff Russell

# **TANEY COUNTY COMMISSION RECORD**

suggested checking with other counties who have constructed new judicial facilities. Commissioner Pennel seconded the motion and asked Sheriff Russell and Auditor Findley to make a conference call to Jefferson City to inquire about the bid then report back to the Commission. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to table any other action needed until 3 p.m. today to allow Mr. Morgan to speak to Auditor Findley and Sheriff Russell after their conference call to Jefferson City. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **BENEFIT EVENT REQUESTS**

Commissioner Pennel stated he had received a request for a bake sale for the ALS Association to be held on June 13<sup>th</sup> and a request for an event for Tim and Joy Gilzow. Commissioner Pennel made a motion to approve the bake sale. Commissioner Herschend seconded the motion with discussion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to approve an event for Tim and Joy Gilzow. Commissioner Herschend seconded the motion with discussion. He noted, for the record, that both events were requested by the Taney County employees. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **FLAG DAY**

Commissioner Pennel stated that he had received a request for an event on Flag Day, June 14<sup>th</sup>, at the Flag Pole. Commissioner Herschend made a motion to approve the event. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PARKING ORDINANCE**

Commissioner Pennel explained there will be a public hearing held on the Parking Ordinance, Monday, June 16<sup>th</sup>, at 9:00 a.m. in the regular Commission Meeting. Commissioner Herschend stated the ordinance stems from emergency vehicles not being able to access properties due to vehicles being parked on narrow streets. Sheriff Russell stated he would like to see the signs have "Taney County" on the back side so that citizens know the signs belong to the county. Commissioner Herschend asked Counselor Paulson to review Item 4 of the Ordinance.

## **BILLBOARD LEASE AGREEMENT**

Commissioner Herschend made a motion to approve the billboard lease for Branson Landing Hotel. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **FUEL PRICES VS COUNTY BUDGET**

Commissioner Herschend stated that the news reported on the gasoline prices and that the national average is now at \$4.02/gallon, and is predicted to be over \$5.00/gallon by July 4<sup>th</sup>. He noted that both the Road & Bridge and Sheriff's Department would go over their fuel budgets by a significant amount, looking at the current costs. Commissioner Herschend requested for Frank Preston, Road and Bridge Superintendent, to devise a plan to conserve gasoline for both the departments mentioned. Commissioner Pennel commented that he would like to discuss the issue further during this afternoon's work session.

## **ROBERT DIXON RECORDER OF DEEDS**

Recorder Dixon commented that he had discovered some unclaimed funds in the Secretary of States Office for the Taney County Recorder's Office and that a signed affidavit is required to obtain those funds. Commissioner Herschend made a motion to approve the affidavit to allow the Recorder's Office to collect their monies. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## COMMISSIONER STRAHAN

Commissioner Strahan stated that there was a benefit held for a young child in the area recently and commented that he was disgusted with the media regarding the headlines and the story published, as he felt that the media should have been more sensitive to the families needs.

## PUBLIC COMMENT

Mr. Gary Groman commented on the plan he submitted to the Commission for the White River Basin Water Control. Commissioner Pennel stated that he would work on developing a committee to concentrate on this issue.

## RECESS 10:02 a.m.

Minutes taken by Susie Braden and typed by Nikki Lawrence.

## RECONVENE 1:00 p.m.

## FRANK PRESTON WORK SESSION

Frank Preston, Road and Bridge Superintendent, met with the Commission to discuss various issues.

1. Maintenance / Janitorial Support: John Lavender, Maintenance Supervisor, requested an additional full-time employee. Commissioner Herschend questioned why an additional employee would need to be hired when there would be no more duties/functions or offices. Mr. Lavender commented that with the Judicial Facility there would be an increase in square footage. Commissioner Pennel expressed concerns on hiring an additional employee once the Judicial Facility opens. Mr. Lavender stated that he had additional information to present to the Commission, but was not ready yet and would like to come back to next Monday's meeting with that information.
2. Slough Hollow Road: Mr. Preston submitted a proposal for the design of Slough Hollow Road, from Great River Engineering, due to the Corps of Engineers 5 foot elevation change in Bull Shoals Lake. He also noted that it is not to exceed \$10,000 and that no plans were included. Commissioner Pennel commented on the work/cost comparison of Bluff Road versus Slough Hollow Road. Mr. Preston stated that he has not taken measurements as to how long the section is, but that he has been told that it is approximately ½ mile. Commissioner Strahan commented that the county could build it. Commissioner Pennel mentioned that it would be a great savings to the county if the work was completed by the county. Commissioner Herschend was unsure if the Department of Conservation would accept it being built by the county and not an engineer. Commissioner Pennel stated that before a decision would be made that he would like to wait and see how the increased elevation of the water affects Slough Hollow Road. Commissioner Strahan concurred. Mr. Preston stated that he would like to do some additional investigation.
3. Acacia Club Road: Mr. Preston informed the Commission that Charlie's crew will be pulled off of Acacia Club Road for approximately 2 or more weeks and sent over to Casey Road to work on 8 driveways and 2 walls. Commissioner Herschend requested that Mr. Preston put up a sign to let the citizens know when the work will resume.
4. DSL Service: Mr. Preston commented that the Road and Bridge Department is still in need of DSL service at the East and West Barn. He stated that he spoke with Gary Morgan, who commented that it would take \$1,000.00 to purchase two routers and the internet service fee would be \$59.00/month per location. Mr. Preston noted that having this service would give the mechanics the capability to access the county purchasing system, email and the ability to track incoming weather. Commissioner Herschend moved approval. Motion died for lack of second. Commissioner Pennel made a motion

# TANEY COUNTY COMMISSION RECORD

5. Poverty Point Update: Mr. Preston updated the Commission on 125 Winkle Creek in Poverty Point. He stated that next week the homeowners will appear before the Planning and Zoning Commission to obtain a Division III permit for a nightly/weekly rental property. Mr. Preston also stated that he had received correspondence from neighbors that were opposing this business in a residential neighborhood. Commissioner Pennel made a motion for a stop work order and to send a letter to the homeowners. Commissioner Herschend noted that there should be a cease / desist order immediately stating that the homeowners were in violation of the Planning and Zoning Code. He also commented that there should be a visit to the property to verify compliance. Commissioner Pennel withdrew his motion. Commissioner Herschend made a motion the table this issue until a later date as this issue falls under possible litigation. Motion died for lack of a second.
6. Planning and Zoning: Mr. Preston discussed a position in the Planning and Zoning Department that remains open. No decision was made by the Commission.
7. City of Forsyth Park Site: Mr. Preston toured the proposed park site. He also asked what our level of commitment was to the City of Forsyth. Commissioner Strahan stated that the City of Forsyth is still in the negotiation process.
8. Plumbing Issue: Mr. Preston commented that Jack's crew is 4 to 6 weeks behind schedule due to losing 1 crew member and the significant amount of rainfall.
9. Corporate Sponsorship: Mr. Preston re-visited the issue of a \$50.00 Corporate Sponsorship to allow all current county employees to join the Branson Rec Plex. Commissioner Strahan made a motion to approve the \$50.00 Corporate Sponsorship. Commissioner Pennel seconded the motion. Commissioner Herschend asked either Commissioner to amend their motion to allow him speak with the Health Care Center to see if they would waive our fee. Pennel (yes), Herschend (abstain), Strahan (yes). Commissioner Pennel stated that for the record the \$50.00 is a one time annual fee.
10. Venice on the Lake: Mr. Preston met with Dick Scott and Rick Pickering last Friday. He commented that they drove all of the county roads. Mr. Preston noted that they came up with a list of problems in that area. He stated that due to the significant rainfall there are several areas with erosion, many potholes and intersections that are roughed up. A general discussion ensued.
11. News Release: Mr. Preston read the following News Release:

**County working with the state in cleanup of detention pond**  
The Taney County Commission and Road and Bridge Department are cooperating with the Missouri Department of Natural Resources in cleaning up a pond at the county's maintenance barn on Buchanan Road.

According to Taney County Road and Bridge Administrator Frank Preston, the Missouri DNR recently received a complaint about paint, road oil and possibly other contaminants flowing into the pond on the maintenance barn property.

Preston said it appears runoff from a nearby salt shed as well as oil and paint from county equipment cleaned by employees have entered the pond. DNR inspectors have been at the pond to investigate, and the county is working with the state to mitigate the problem.

According to Preston, the county has taken action immediately to protect the pond from any further contamination and to bring in outside help for the clean-up.

Preston has also invited DNR officials to examine another pond on maintenance barn property in Hilda, on the east side of the county. He said if pollution is found in that water by DNR, the county will also begin the clean-up.

DNR is expected to have a report in a few weeks on the extent of any contamination.

## TANEY COUNTY COMMISSION RECORD

12. Fuel Savings: Mr. Preston reported to the Commission some additional ideas for fuel savings for Road and Bridge vehicles, which are as follows:
  - Run equipment at 85% throttle
  - Keep tires fully inflated
  - 3-5 minute rule on run-timeCommissioner Herschend suggested that if an employee gets out of the vehicle, then it is to be shut them off. Commissioner Strahan and Commissioner Pennel concurred.
13. Yearly Report: Mr. Preston stated that he was one month short of being employed with the county for one year and that he was working on a summary to present to the Commission. Commissioner Herschend also asked him for a list of goals for his department during the next 12 months.
14. Residential Waterways & Developing Practices: Commissioner Herschend stated that the Commission had a letter from Mr. Allen stating that he agrees with Department of Natural Resources.
15. Location of County Equipment: Commissioner Herschend commented that all three Commissioners had noticed county equipment at locations of old job sites and was concerned about vandalism and theft. He also requested that Mr. Preston consider moving equipment at the end of each project upon completion.
16. Iowa Colony Road: Commissioner Pennel asked Mr. Preston if Iowa Colony Road was on the schedule. Mr. Preston stated that it would depend on how much work needed to take place. Commissioner Pennel requested that all of them go out to Iowa Colony Road and then make a decision from there.
17. Range Road: Commissioner Pennel stated that the Commission needed to make a decision on Range Road. Commissioner Herschend commented that he went out there and removed the first 60 feet of the fence to allow property owners access from the county road to his property. Commissioner Pennel stated the fence is currently put back up. He also commented that before a decision is made, the Commission needs to go take a look at the road. Commissioner Pennel noted that the fence is in the middle of the county road. The Commission concurred that Mr. Preston should have his crew go out to the site and remove the fence, with a deputies assistance. Also, Mr. Preston is to speak with Mr. Range.

### EXECUTIVE SESSION

Commissioner Strahan made a motion to go into Executive Session pursuant to RSMo. 610.021.3. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

No votes taken.

Minutes were taken by Jim Yust and typed by Nikki Lawrence.



**JUNE 10, 2008 36<sup>th</sup> DAY OF  
THE APRIL ADJOURNED TERM**

The County Commission met at the Taney County M. Graham Clark Airport at 9:30 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### AIRPORT MEETING

The Commission attended the monthly Airport Board Meeting.

**RECONVENE  
1:00 p.m.**

# TANEY COUNTY COMMISSION RECORD

## SEPTAGON CONSTRUCTION MONTHLY UPDATE

Commissioner Pennel made a motion to approve RFI#340 for \$2,300.00 for light fixtures and suggests that the Commission approach HMN to cover those additional costs. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### EMERGENCY FEES

Commissioner Herschend made a motion to approve an emergency request to pay Attorney Sherry Harris, off of the regular pay schedule per the request from Brenda Neal. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### AUBURN ROAD/MT. BRANSON

The Commission met on-site to visit Auburn Road on Mt. Branson at the residence of Sharon Engeler to look at a storm water damage issue.

Minutes taken by Jim Yust and typed by Nikki Lawrence.



### JUNE 11, 2008 37<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceedings were had and made a matter of record.

### PAYROLL

Commissioner Strahan made a motion to approve payroll warrants:

General County Revenue warrants #104451 – 104472

Road & Bridge warrants #104421 – 104444

Assessment Fund warrants #104445 – 104446

Transfer Station warrants #104447 – 104450

Accounts Payable warrants #304184 – 304200, manual warrants #4846 – 4847

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

Minutes taken by Karen Yust and typed by Nikki Lawrence.

### RECONVENE 10:00 a.m.

The County Commission reconvened in the Commission Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

### DEGRAFFENREID PROPERTY/ ON-SITE STAGING AREA – CASEY ROAD PROJECT

Mr. and Mrs. Degraffenreid commented that due to the Casey Road Project, there were more trees removed than necessary. Commissioner Strahan noted that common practice regarding easements is that whatever was removed during the construction process, then those

# TANEY COUNTY COMMISSION RECORD

items would be replaced. A general discussion ensued regarding their fence and trees that were removed.

Commissioner Herschend entered the meeting at 10:35 a.m.

Commissioner Strahan requested for Mr. and Mrs. Degraffenreid to draw up a proposal of how many trees they are wanting and a dollar figure of what it would cost to bring their property back to how it was prior, without the county being involved and bring it back before the Commission. Commissioner Pennel concurred.

The Commission also discussed Casey Road in general.

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

**RECESS**  
**11:15 a.m.**

Minutes typed by Nikki Lawrence



## **JUNE 12, 2008 38<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM**

The County Commission met in the Commission Office at 1:00 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **COY BOULEVARD**

The Commission met with representatives from Missouri Department of Transportation and City of Forsyth to discuss the expansion of Coy Boulevard. All parties agreed to a three-way agreement, but details between City of Forsyth and Missouri Department of Transportation still need to be worked out.

**RECESS**  
**2:35 p.m.**

Minutes taken by Jim Yust and typed by Nikki Lawrence



## **JUNE 13, 2008 39<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM**

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **4 – 10 HOUR DAYS**

The Commission discussed the possibility of county employees working 4/10 hour days. Commissioner Pennel commented that he would like to sit down with Administrators and Elected Officials to look at schedule/plan before implementing. Commissioner Herschend suggested that the Commission send out a letter addressing it.

Commissioner Herschend moved to approve the concept of 4/10 hour days during a work week, contingent upon receiving schedules in writing before implementation. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

The Commission also agreed to send out an email conferring the specifics and to gain feedback/support from departments on this change, as this will be re-evaluated September 1, 2008.

## CASEY ROAD

Commissioner Herschend moved approval of a Change Order with Herion for up to 2000 cubic yards sub-grade replacement materials knowing that Great River Engineering will supervise the project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to pay \$14.00/load for hauling. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to approve an extension of platted Wilson Street to West Street to provide a hammerhead turnaround. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## MECHANICS SHOP BUILDING

Frank Preston, Road and Bridge Superintendent, requested a Change Order to Reliable Building for the Mechanics flat building in the amount of \$2095.00, which includes 2 fans at 4500.00 each. Commissioner Herschend asked that Road and Bridge come back with additional information. The Commission concurred.

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

## ADJOURN 10:40 a.m.

Minutes taken by Jim Yust and typed by Nikki Lawrence



## JUNE 16, 2008 40th DAY OF THE APRIL ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Pennel stated that the database for Accounts Payable is currently not working but that the program was currently in the process of being resolved. Commissioner Herschend made a motion to table Accounts Payable until later. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

There were no prior minutes available for approval.

## PUBLIC HEARING PARKING ORDINANCE

Commissioner Pennel asked Counselor Paulson to give the public a review of the proposed Parking Ordinance. Counselor Paulson summarized it by saying that with the ordinance in place it will limit parking in residential neighborhoods.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion to approve the ordinance as submitted and reviewed by the Commission. Commissioner Pennel seconded the motion.

Sheriff Russell was concerned about Section 2 – Commercial and Freight Vehicles, in that there should be a length limit instead of a rating capacity. Commissioner Strahan noted that it was just a matter of changing the verbiage.

Sheriff Russell noted an issue in Section 3 – Residential Restrictions, in that the first sentence contradicts itself and that only the last portion applies. Counselor Paulson stated that there needs to be both, the prohibition and the exemption of the restrictions.

Sheriff Russell indicated that on the back of the signs there needs to be some form of county ownership identification.

Commissioner Herschend made a motion to amend the ordinance to include a requirement that the county tag all county signs as such and that this ordinance only enforces county signs. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to amend the ordinance in Section 2 that includes box trucks, which will be inserted after semi trucks and to delete the portion after box trucks, which states “*any other commercial motor vehicle with a rated capacity in excess of one ton according to the manufacturer’s classification, or any vehicles exceeding twenty five (25’) in length*”. Commissioner Strahan seconded the motion as presented. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to amend the original motion to approve this ordinance as amended. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to amend the agenda and move the Child Support Budget issue ahead of the remaining items. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to move the Airport Manager Contract into Executive Session per Section 610.021.12 RSMo. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **JEFF MERRELL, COUNTY PROSECUTOR CHILD SUPPORT BUDGET**

Jeff Merrell, County Prosecutor, proposed to eliminate \$34,000, the Child Support budget, from the county’s general county revenue budget and join forces with the Regional Child Support Enforcement Prosecutor’s Unit that is being established by the Greene County Prosecutor’s Office of Child Support Enforcement Division. He noted that Greene County would use their resources to prosecute child support cases in Taney County, in addition to Greene County and other surrounding counties that chose to participate in this service. Prosecutor Merrell stated that if there were any expenses from this service, it would be minimal and proposed that those expenses be paid out of the regular prosecutor’s budget. He noted that this change would need to start July 1, 2008, due to the State’s fiscal year being July 1<sup>st</sup> through June 30th. Prosecutor Merrell noted the positive aspects of participating in this unit as follows:

- keep the current employee and add an additional employee
- continue serving Taney County locally
- may opt out of unit at any time, without any repercussions
- expenses will be paid by Greene County

Commissioner Herschend commented that it sounds too good to be true and questioned how we can assure that the citizens of Taney County would be receiving the same or better care.

Dennis Tichelkamp, Director of the Greene County Prosecutor’s Office Child Support Enforcement Division, addressed the Commission and stated that this Unit would be willing to send the Commission monthly reports to keep updated and also commented that this is a team effort by all parties involved.

# TANEY COUNTY COMMISSION RECORD

A general discussion ensued. Commissioner Herschend made a motion to approve the recommendation by the Prosecuting Attorney and join the cooperative Child Support Unit. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COMMISSIONER HERSCHEMEND STENCIL BUCHANAN ROAD

Commissioner Herschend stated that the Branson Schools Booster Club has requested that they be able to place a "pirate" stencil on Buchanan Road, from the Transfer Station to the school. A general discussion ensued.

Commissioner Herschend made a motion to allow stenciling but the Commission would first have to approve the stencil, that the work is coordinated with Frank Preston, Road and Bridge Superintendent so that this can be done in a safe manner. Commissioner Pennel seconded the motion. . The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## CENTURY TEL BILL/AUTHORIZATION

Rick Findley, County Auditor suggested that Century Tel be made aware that Taney County has authorized only three (3) people to make changes on the monthly invoice and/or any service issues to insure that the County's approved plans are not changed or incur any additional charges.

Commissioner Herschend made a motion to authorize Gary Morgan, Tammy Hagler and Dawn Bilyeu to represent the county on any telephone issues and to instruct Century Tel to only take direction from one of those three individuals on any changes to the program. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS 9:53 a.m.

Minutes taken and typed by Nikki Lawrence.

## 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).

Commissioner Herschend made a motion to approve the contract between Taney County and Mark Parent, Airport Manager at a rate of \$5,400.00 per month. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECONVENE 10:30 a.m.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve the Morris Oil payment in accounts payable at this time. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## RECONVENE 1:05 p.m.

# TANEY COUNTY COMMISSION RECORD

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Jail Annex Remodel: John Lavender, Maintenance Supervisor and Gary Morgan, IS Administrator discussed issues with the trenching to the Jail Annex in order to prepare the building as the proposed Recorder of Deeds Office.

Commissioner Herschend entered the meeting at 1:15 p.m.

2. Maintenance Staff: Mr. Lavender presented the Commission with some options regarding the maintenance of the existing building as well as the future Judicial Facility. Mr. Lavender also noted that his staff was short due to an illness and would ask the Commission to allow additional staff be added.

Commissioner Herschend made a motion to hire an individual for Mr. Lavender's department. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. Judicial Facility: Mike Smith with Septagon Construction presented the Commission with various changes orders.

Commissioner Herschend made a motion to approve PR#57 modified which changes the seal of the concrete floors from epoxy to a terrazzo seal for a credit to the County of \$55,343.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve PR#55 which adds the hardware set to the door of the mechanicals chase way for an additional \$941.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve CCD#8 which moves the (OSCA) floor boxes in two courtrooms for an additional \$3,746.00 and ask that Ms. Luttrell keep a list of items that the County will be seeking reimbursement from HMN. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to approve CCD#9 to move the video arraignment from the Judges Offices' to the courtrooms which is at no cost to the County. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to table the addressing of the additional shower curtains at this time. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to table PR#51 for the providing of and installation of roof screens for the HVAC units to allow for more discussion. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Mr. Smith brought up the sign issue noting that Walton is at a point where they need a decision. The Commission asked that Walton provide some internet options with some pricing.

4. Spring Meadows Subdivision: Mr. Preston informed the Commission that the construction traffic is once again driving through the subdivision again. Commissioner Pennel inquired of the decision of record from Planning & Zoning. Commissioner Strahan stated that he would ask that Randy Haes give them a final warning. Commissioner Pennel noted that he would like to double check the decision of record first.

# TANEY COUNTY COMMISSION RECORD

5. Planning & Zoning Employee Meeting: Mr. Preston commented that the employees of Planning & Zoning would like to have a meeting with the Commission for a general open discussion. Commissioner Pennel noted that frankly the last time the Commission did that it was not a good thing. We have an Administrator, he should be bringing the issues to us and inquired if Mr. Coxie was able to do that.

Commissioner Herschend commented that he didn't think it was ever a good thing when they have to come in as a group and agreed that Mr. Coxie should be doing this, if not him then Mr. Preston should. Mr. Preston commented that in that last meeting he had, everyone had two to three comments. One being the justification of the vacant position and I suggested that there be a meeting. Commissioner Strahan stated that he would like to discuss this issue in Executive Session.

6. K Dock: Randy Haes informed the Commission that there was some miscommunication regarding the issuance of keys for K-Dock which led to twice as many keys being issued. Mr. Haes noted that the simplest solution is to change the locks.

Commissioner Herschend made a motion to instruct Mr. Haes to change the locks on a specific date and contact all individuals who received a key notifying them of the reason why. Commissioner Pennel suggested the motion be amended to include notifying the boat dock owner noting that the contract does not include them and that they will need a signed document from the Wilson's. Commissioner Herschend amended his motion. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes, but noted that he was did not like the current contract).

7. Poverty Point: Mr. Preston noted that there have been seven complaints regarding 125 Winkle and presented the Commission with a sign that he had made up regarding nightly rentals. Commissioner Herschend inquired if Counsel had prepared the notice to be posted on the house. Mr. Preston stated that Counsel has given him suggested language and added that the Division III concept hearing on this property is tonight. After a general discussion regarding the timing of posting the property and the concept hearing, Commissioner Herschend noted that they have informed us seven times that they were not following our code and we did nothing, the timing doesn't matter this should have been addressed months ago.
8. MPI Development: Mr. Preston commented that the final vote is tonight and noted that this is the biggest issue since he has been here and noted that he felt the only end solution could be litigation. Commissioner Strahan noted that the Commission has been presented with the documentation and shouldn't probably talk about anything that might be litigation.

Commissioner Pennel commented that he thought the Planning Commission has been hesitant to turn projects down and thought that the Planning staff and Counsel could help with the motions either for or against. Commissioner Pennel added that the decision needs to be clear why the project is being turned down. Commissioner Herschend stated that he thought it was clear that the County Commission was willing to spend funds to go to court to find out what is right.

9. Sewer District Change Order: Commissioner Herschend presented the Commission with a change order for the asphaltting of streets not maintained by the county in the amount of \$214,340.43 and asked that the Commission allow him to approve said order. Commissioner Strahan stated that he would like to take a look at the roads first and commented that he was uncomfortable doing it without Sewer Board approval.

## RECESS

4:20 p.m.

Minutes taken and typed by Tressa Luttrell.

## PLANNING & ZONING MEETING

The County Commission attended the regularly scheduled Planning & Zoning Meeting at the Taney County Courthouse in the Associate Courtroom II.

# TANEY COUNTY COMMISSION RECORD



## JUNE 17, 2008 41st DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission Office at 9:05 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #304165 through #304183, #304201 through #304321, manual warrants #4848 and #4849. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Herschend entered the meeting at 9:10 a.m.

### MESSAGE BOARD FAIR BOARD

Commissioner Strahan made a motion to allow the fair board to borrow the County's message board for the 2008 fair. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend noted that he didn't know that the County would be loaning the sign to the fair board as much as keeping the citizens safe.

### SEWER DISTRICT CHANGE ORDER

John Hooker with the Taney County Regional Sewer District updated that Commission on how and why this change order came about. Commissioner Strahan wondered if the Commission wasn't overriding the Sewer Board before the issue was presented to them as well as in jeopardy of the bid limits.

Mr. Hooker noted that the issue is in the SJL contract for Bee Creek and this would simply be a change order to the contract. Commissioner Strahan stated that if the process is correct then he would be for approval but reiterated that it should go to the sewer board first.

After a general discussion, Commissioner Herschend made a motion to approve change order #7 for the asphaltting of roads in the amount of \$214,340.43. Commissioner Pennel seconded the motion.

Commissioner Pennel asked if all the change orders are with the Commission or the Sewer District, who is the contract with. Mr. Hooker stated he thought the Sewer District however Commissioner Herschend is required to sign the documents. Commissioner Pennel stated that they were talking about a legal document, a change order to a contract. Is the contract for SJL with the Commission or the Sewer District and if you are amending the contract is it being done correctly.

Commissioner Herschend amended his motion to include that it be approved contingent upon the Sewer Board's approval today. Commissioner Pennel amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### OAK BLUFF ENTRANCE

Commissioner Herschend asked the Commission to get involved with the Oak Bluff entrance noting that SJL has ran equipment across it leaving deep ruts and noted his concern about the stability of the entrance.

# TANEY COUNTY COMMISSION RECORD

## SJL CONTRACT

Commissioner Herschend commented that SJL is continuing to talk about the 3 days from when they were stopped due to non compliance and added that SJL is clearly past the contract date even with the added rain days given to them. Commissioner Herschend added that he would be going to the Sewer Board to request looking at liquidated damages as they will be 5-6 weeks past the contract date.

## RECESS

9:50 a.m.

Minutes taken and typed by Tressa Luttrell.

## REGIONAL SEWER DISTRICT MEETING ATTENDANCE

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates on Bee Creek and Ozark Beach projects as well as the Branson Airport. The Commission also heard a presentation of the Sewer Utility budget.

## PUBLIC MEETING TANEYCOMO BRIDGE

The County Commission attended a public meeting hosted by MoDot to present drawings of the Taneycomo Bridge options and get public comments.



## JUNE 18, 2008 42<sup>ND</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## PRIOR MINUTES

Commissioner Strahan made a motion to table the minutes. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## JUDICIAL FACILITY CHANGE ORDER

Mike Smith with Septagon Construction gave the Commission an update regarding the information received on the Shower Curtains that had previously been tabled. Commissioner Strahan made a motion to approve PR#51 for an additional cost of \$6,320.10. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## VOTING PRECINCT REPORT

Commissioner Pennel read the following report as presented by Clerk Neeley:

# TANEY COUNTY COMMISSION RECORD



**TANEY COUNTY CLERK**  
*Donna J. Neeley*



## Taney County Voting Precincts Annual Inspection Report

June 17, 2008

To: Taney County Commission &  
County Part Committee Chairpersons

Pursuant to Section 51.121, the election authority in every county is to report annually concerning the physical condition of polling places, and the equitable division of the county into precincts.

Please accept the following as our Precinct Report for 2008

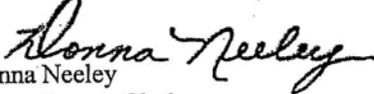
### Re-Districting: Precincts & Townships

We are not contemplating any changes in 2008.

### Physical Conditions: Safety and Accessibility

There have been substantial improvements in the private facilities rented by the County for use as polling places.

Thank you,

  
Donna Neeley  
Taney County Clerk

# TANEY COUNTY COMMISSION RECORD

County: Taney  
User Name: Neeley, Donna

## Precinct Voter Count

Date: 06/17/2008  
Report No.: DP-007

PRECINCT	ACTIVE	INACTIVE	PENDING	TOTAL
BLANK PRECINCT	0	0	0	0
BOSTON, CENTER	500	86	0	586
BRADLEYVILLE	324	36	0	360
BRANSON 1	1624	251	0	1875
BRANSON 2	1486	376	0	1862
BRANSON 3	1998	540	0	2538
BROWN BRANCH	114	10	0	124
BRYANT	128	3	0	131
CEDAR CREEK	325	29	0	354
FORSYTH 1	1518	215	0	1733
FORSYTH 2	2724	369	2	3095
HOLLISTER 1	1952	476	1	2429
HOLLISTER 2	2028	511	0	2539
HOLLISTER 3	1673	209	1	1883
KIRBYVILLE	975	161	0	1136
KISSEE MILLS	823	98	0	921
MERRIAM WOODS	837	133	0	970
MT. BRANSON	1795	198	0	1993
NORTH BRANSON	2907	274	1	3182
PROTEM	364	16	0	380
ROCKAWAY BEACH	609	135	0	744
SKYLINE	805	123	0	928
TANEYVILLE	834	56	0	890
TEMPORARY PRECINCT	1	0	0	1
WALNUT SHADE	995	87	0	1082
<b>Total Voter Count</b>	<b>27339</b>	<b>4392</b>	<b>5</b>	<b>31736</b>

### CONNELL INSURERS WORKERS COMPENSATION

Tim Connell with Connell Insurers met with the Commission to discuss concerns regarding the return to work policy. Commissioner Herschend noted that his concern is that the doctor may not know exactly what the employee does to return them to light duty. For instance, the employee may say he is a truck driver. The doctor says he can come back to light duty but doesn't know that he actually drives a dump truck with a standard transmission, thus climbing and shifting all day long.

Mr. Connell noted that his company should be running interference and coordinating with the County's staff not putting it in the employees' hands. Commissioner Strahan questioned the issue of allowing light duty be conducted with charitable organizations. Mr. Connell stated that he would bring the Commission back written verification.

# TANEY COUNTY COMMISSION RECORD

## INDUSTRIAL DEVELOPMENT AUTHORITY (IDA) APPLICATIONS

Commissioner Pennel updated the Commission regarding the application process to hire an IDA Director and commented that his point was that if the Commission is not willing to fund the IDA then we need to let the board know.

Commissioner Herschend asked if the Commission wanted to fund the position knowing we would have to fund the IDA for 2009. Commissioner Pennel noted that he was asking if there was a strong feeling from the Commission either way. Commissioner Herschend stated that he felt there is a need but didn't know that they were going about it the right way and added that he has yet to get his questions answered from the board.

The Commission agreed to schedule a time when the board could meet with the Commission for a round table discussion.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny Randy Haes' request for comp time and to reinstate his sick leave back to the date he was made salary. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.

## BOA APPOINTMENTS/TELECONFERENCE

Commissioner Pennel and Commissioner Herschend were present during a teleconference hearing at 4:30 p.m. that was called on less than 24 hours notice due to an emergency situation. The matter could not wait 24 hours because the Board of Adjustment met on Wednesday, June 18<sup>th</sup>, and a quorum will not be present. There were two (2) vacancies on the board and these appointments would have insured a quorum for this evenings meeting.

Commissioner Herschend made a motion to appoint Bob Hanzelon and Tom Gideon to the Board of Adjustment. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes taken by Bob Paulson.

**RECESS**  
4:35 p.m.

## BOARD OF ADJUSTMENT

The County Commission attended the Board of Adjustment meeting.



**JUNE 23, 2008 43<sup>rd</sup> DAY OF  
THE APRIL ADJOURNED TERM**

The County Commission met in the Associate Circuit Courtroom at 9:02 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceedings were had and made a matter of record.

# **TANEY COUNTY COMMISSION RECORD**

Prayer was led by Rick Findley followed by the pledge.

## **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #304323-304384, #304386-304425 and manual warrants #4850-4851. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan made a motion to deny accounts payable warrant #304385. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **PRIOR MINUTES**

Commissioner Pennel made a motion to approve prior Commission Minutes dated 6/10/08, 6/11/08, 6/12/08 and 6/13/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **2008 EMERGENCY SHELTER GRANT; CONTRACT**

Tressa Luttrell, County Administrator, informed the Commission that Taney County has received the 2008 Emergency Shelter Grant in the amount of \$10,956.00. This grant is a pass through grant, which will go to The Hiding Place who will match a 100%. Ms. Luttrell presented the Commission with the State Contract as well as the agreement between Taney County and The Hiding Place, which is required by the State should the County accept the award.

Commissioner Pennel made a motion to approve the 2008 Emergency Shelter Grant. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **DOCUMENT INDEXING BID AWARD**

Commissioner Strahan made a motion to approve the bid for document indexing to U.S. Imaging, as recommended by Robert Dixon, County Recorder. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **BILLBOARD LEASES**

Ms. Luttrell noted that while she was on vacation a file with billboard leases were given to the Commission for approval, however only one of the three contracts were actually approved. Ms. Luttrell stated the other two Billboard Leases that would need to be approved would be for the Boutique Hotel Development and the City of Branson D.B.A. Branson Landing.

Commissioner Pennel made a motion to approve the two Billboard Leases as presented. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **COMMISSIONER PENNEL CATALYST GROUP**

Commissioner Pennel gave an update on his trip to Memphis, Tennessee with the Catalyst Group that looked at an organization called the Church Healthcare Center. He commented that this organization has been in business for 21 years and they help individuals to obtain health care that are working, but at a reduced cost. Commissioner Pennel noted that this organization is completely funded by donations. He also noted that there are high hopes that Taney County could replicate the Church Healthcare Center

# TANEY COUNTY COMMISSION RECORD

## PUBLIC COMMENT

Mr. Art Beck commented on the wall project in front of the Judicial Facility and questioned the Commission as to when it would be completed.

Mr. Bobby Clay commented on the Casey Road project and inquired about the cost of it.

## RECESS 9:25 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE 1:00 p.m.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Twin Filing Cabinet bid: Ms. Luttrell presented the bid for twin filing cabinets to the Commission. These cabinets would be for the Circuit Clerk and will be paid for with a State Grant. Ms. Luttrell read the Commission Ms. Neal's recommendation to purchase with OM Workspace for \$9,526.00.

Commissioner Strahan made a motion to accept the bid as recommended by the Circuit Clerk. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

2. Various Road Updates: Mr. Preston updated the Commission on Blansit Road, Fox Trail Road, Ingenthron Road, Shorty Cooper Street and Blue Ridge Road.
3. Jessie Road: Mr. Preston indicated that the citizens would like for the County to pay for the repairs from the recent rains. Mr. Preston noted that the road is completely on private property. Mr. Preston stated that he informed the citizen that what had happened was an act of God and that she lives directly in the path of the water, the County couldn't do anything to the road.
4. Building Updates: John Lavender, Maintenance Supervisor presented the Commission with a plan for the Recorder of Deeds being placed in the Courthouse versus the jail annex.

## EXECUTIVE SESSION

Commissioner Strahan made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

It should be noted that no motions were made and no votes taken.

Minutes taken and typed by Tressa Luttrell

# TANEY COUNTY COMMISSION RECORD



**JUNE 25, 2008 44<sup>TH</sup> DAY OF  
THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at 1:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## **PAYROLL**

Commissioner Pennel made a motion to approve payroll warrants:

General County Revenue #104473 through #104474, #104506 through #104539

Road & Bridge #104476 through #104499

Assessment Fund #104475, #104500 through #104501

Transfer Station #104502 through #104505

Accounts payable warrants #304438 through #304458, manual warrants #4852, #4853

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

## **PRESBYTERIAN CHURCH PARKING LOT**

The County Commission met with board members of the Presbyterian Church to discuss the re-paving of the parking lot. A request to pave and maintain the parking lot was received from the Presbyterian Church due to the construction of the new Judicial Facility.

Commissioner Strahan made a motion for a 2" overlay and 3" where there is a concrete sidewalk or "trip" area. Commissioner Pennel asked to add to his motion that it would be done after the two churches can work out a few details. Commissioner Strahan noted only if it works out timely. Commissioner Pennel asked what timely was. Commissioner Strahan noted that when the County tears the buildings down so that there will be a nice finished black surface. Commissioner Pennel seconded the motion.

Commissioner Pennel noted that there would need to be a discussion regarding the maintenance of the parking lot, as the County would not be willing to maintain. Representatives from the church noted that if the County was paving the lot, that would be great. The church would then determine the public parking availability then but added that it probably wouldn't change.

Frank Preston, Road Superintendent commented that no one has talked about striping. Commissioner Strahan amended his motion to include the striping of the parking lot. Commissioner Pennel amended his second. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **PAT BURNS JIM'S AUTO BODY**

Pat Burns met with the Commission regarding an emergency waiver from Planning & Zoning. Mr. Burns noted that the insurance company informed them last week that they had 120 days to finish all the work from the initial date of the fire, which now doesn't allow us to go through the Planning & Zoning process. Mr. Burns commented that they would be adding some additional feet to the building as well as additional parking. Mr. Burns noted that he had worked with Mr. Coxie in Planning who helped with the parking issue.

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel stated that there is a clause in the Planning Code that allows an emergency waiver from the County Commission, however the property owner is liable should the Planning Commission deny the project.

Commissioner Strahan made a motion to approve the Emergency Waiver for Jim's Auto Body. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## BUILDING REMODEL DISCUSSION

A general discussion regarding the building-remodeling plan was had. It was agreed that the Commission would be aborting the plan of the Recorder of Deeds going to the jail annex as he will now go to the second floor of the Courthouse.

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

## BLUE RIDGE ROAD

Mr. Preston informed the Commission that he had spoken with residents from Blue Ridge who claims that the County has done work in the past. They have documents where emergency vehicles refuse to use that road and have seen two bears and a large mountain lion in the area. Mr. Preston added that the kids have to walk a mile to catch the school bus. The residents feel that due to the construction of 65 it may have created more of a problem than originally and are trying to seek some help with MoDot.

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 6/4 and 6/9/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Minutes taken and typed by Tressa Luttrell



## JUNE 26, 2008 45<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met at the Taneyville Pavilion at 7:00 p.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceedings were had and made a matter of record.

## PARK BOARD

Commissioner Pennel and Commissioner Strahan attended the monthly Park Board meeting.

# TANEY COUNTY COMMISSION RECORD

Minutes typed by Nikki Lawrence



## **JUNE 27, 2008 46<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### **BLUE RIDGE ROAD**

Commissioner Pennel opened the meeting by explaining that the Commission was aware of the problems the individuals had on Blue Ridge Road but was looking for a solution. Commissioner Pennel noted that the Commission would listen but didn't want to reiterate the problems.

John Barlow got emotional noting that his property was landlocked. Commissioner Pennel assured the crowd that the Commission was not their enemy and that they would need to calm down, as this was the Commission's meeting. Mr. Barlow apologized and stated that they have been fighting this problem for 13 years. When he moved here Taney County brought in some fill and did a good job. However, he believed that the washout was from the outer roads that MoDot has put in. Mr. Barlow indicated that the water was running faster than ever.

Mr. Barlow stated that he has letters from both Western Fire and the Ambulance stated that they won't come out here and added that he should be getting the services he is paying for.

Michael Burdine commented that FEMA says this is not their issue and presented recent pictures of the road. Karen Burdine added that they have to travel 8 miles to get the mail and the school bus will not come through.

Commissioner Pennel asked if anyone could answer questions regarding whether the property owners association was active or not. Mr. Burdine stated that it was active and one of the County employees, Keith Crawford was the President.

Commissioner Pennel noted that he was willing to look at their issue, but that he was only one of three Commissioners. Mr. Pennel added that he had spoken with SMACOG yesterday regarding some funds. Commissioner Pennel stated that he could see that MoDot has possibly added to the problem but only in the bottom.

Commissioner Pennel added that his point was that there has been a problem for a long time and didn't see the Commission doing anything today as the Western Commissioner would need to be here. Mr. Barlow commented that the County maintained the road; a Devin was the grader operator and did a good job. This was approximately 96 or 97.

Counselor Paulson asked questions regarding the developer. Mr. Barlow stated that the developer is still around it is Mike Wenig. Commissioner Strahan reiterated Commissioner Pennel's comments and stated that he was not willing to make any decision today and would not promise that anything could be done but he was willing to try to come up with a solution to the problem.

### **10 HOUR DAYS COMMISSION DEPARTMENTS**

The Commission met with various Administrators to discuss the possibility of allowing ten-hour days to help with the high costs of fuel.

Commissioner Herschend entered the meeting at 10:00 a.m.

# TANEY COUNTY COMMISSION RECORD

After a lengthy discussion, Commissioner Herschend made a motion that all Administrative Departments (under the Commission) either working 4/10's or 5/8's must take the required 1 hour lunch and the two 15 minute breaks. Commissioner Strahan seconded the motion.

Commissioner Pennel noted that he disagreed on the 1 hour, that it could be flexible with ½ hour but that was only his opinion. Commissioner Herschend amended his motion to note that this would only be on a trial basis. Commissioner Strahan amended his second. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

**RECESS**  
10:35 a.m.

Minutes taken and typed by Tressa Luttrell



## **JUNE 30, 2008 47<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM**

The County Commission met in the Associate Circuit Courtroom at 9:00 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel, followed by the pledge.

### **ACCOUNTS ALLOWED**

Commissioner Pennel made a motion to approve accounts payable warrants #304426-304437, #304459-304542 and manual warrants #4854-4855. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **PRIOR MINUTES**

Commissioner Strahan made a motion to approve prior Commission Minutes dated 6/16/08, 6/17/08, 6/18/08 and 6/26/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **PARK BOARD UPDATE**

Commissioner Strahan commented that the Park Board met on Thursday, June 26<sup>th</sup> at Sullenger Park in Taneyville with a great turnout of citizens present. He also noted that the main projects for the year have been completed. Commissioner Strahan expressed the excitement from the citizens for early completion of the Bull Creek and Bradleyville projects.

Commissioner Herschend entered at 9:05 a.m.

### **FLOODING UPDATE**

Commissioner Pennel extended a thank you to the Road and Bridge employees for their excellent commitment to Lakeshore Drive during the flooding noting that employees were on the scene until midnight. Commissioner Pennel also extended a public thank you to Chris Berndt, Emergency Management Director, for all of his efforts.

Mr. Berndt gave an update on the flooding that occurred over the weekend commenting that across the county it rained anywhere from four (4) to seven (7) inches. Mr. Berndt noted that 32 people were rescued from their homes/cars within the county.

Commissioner Strahan complimented the efforts of the Road & Bridge employees at Coon Creek. Commissioner Strahan and Commissioner Herschend discussed the safety issues of Coon Creek and recommended that it should be closed due to the water lifting large chunks of concrete off of tin horns and swept down the creek. The Commission concurred to discuss the issue during their work session this afternoon. Commissioner Strahan added there were nineteen

# TANEY COUNTY COMMISSION RECORD

(19) places throughout the county where undermining had taken place and requested that the public obey road closures signs and barricades.

Commissioner Strahan also complimented the Sewer Departments efforts and noted that Empire Electric donated an 80-foot pole for reconnection purposes.

Commissioner Herschend commented that Coon Creek lift station sustained significant damage and requested, on an emergency basis, to contract out to fix the fence today. He also noted that John Souttee, Sewer District Administrator would assess the damages and get back with the Commission.

Commissioner Strahan commented that the road projects would be delayed/pushed back or may not even be completed this year due to the work that is required in fixing the flooded areas of the county. Commissioner Herschend recommended that the Commission authorize over-time on Fridays for Road & Bridge employees. Commissioner Pennel stated that he would like to discuss it with Frank Preston, Road & Bridge Superintendent and get his opinion.

## FEMA UPDATE

John Rider, Road Inspector, gave a brief update to the Commission noting the damage to date was just over \$300,000.00 from the original flood covered by FEMA from March 16<sup>th</sup> through May 9<sup>th</sup>.

## PUBLIC COMMENT

Mr. Bob Schanz commented on the Taneycomo Bridge project and how he is working on a proposal to fund the whole project and would submit the information to the Commission.

## RECESS 9:25 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE 1:00 p.m.

The Commission reconvened at 1:00 p.m. with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

## TRESSA LUTTRELL WORK SESSION

Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Casey Road Project: Charlie Stiffler, with Road & Bridge, spoke with the Commission regarding Ron Wyatt's property. Mr. Stiffler recommended changing the size of pipe and to get a tree that was in the way cut down.

Commissioner Herschend entered the meeting at 1:11 p.m.

Commissioner Strahan made a motion to extend the size of pipe to 8" as recommended by Mr. Stiffler and to contact a licensed, bonded tree cutting service in order to cut down the tree. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Lakeshore Drive: Mel Aiken and Spencer Jones from Great River Engineering met with the Commission to discuss various options for the repair of the Lakeshore Drive Bridge that was washed out over the weekend.

Commissioner Herschend asked Great River Engineering to look at engineering a safe temporary crossing using existing materials. Commissioner Strahan noted that the county didn't lose anyone this time but if we put it in that way and something happens, I have a real concern.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend noted that railroad cars have been used in other areas that are put in side by side. Mr. Jones commented that he has not been able to get enough evidence to place a load bearing recommendation on them.

3. Coon Creek: Commissioner Herschend requested that Great River Engineering take a look at Coon Creek and prepare an estimate for the Commission on both fixing to use as it has been as well as correcting the alignment as it should be.
4. Cedar Springs Estates: John Rider, Road Inspector commented he reviewed the petition with Counselor Paulson who was not comfortable without a plat that contained a true survey attestation and a grant of permanent easement.

Commissioner Strahan made a motion to table said petition until the petitioner can provide the information to the Commission and to set a 30-day cutoff. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

5. Powell Road: Commissioner Pennel brought up the issue of Powell Road, where the existing road doesn't line up with the plat. Commissioner Pennel added that some of the residents don't want anything done however there are some that do.

Commissioner Strahan commented that it was a legal issue. Ms. Luttrell asked if it was a legal issue for the Commission to resolve or the residents. Commissioner Pennel noted that it was an issue for the residents.

Commissioner Herschend made a motion to table until the Commission could speak with Counsel. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

6. Blansit Road: Commissioner Pennel expressed his concern in regards to closing Blansit Road without a public hearing. Commissioner Herschend noted that he understands that it is not a through road. That it dead-ends at a bridge and I think Counselor Paulson will tell us that citizens using that area do not have a standing. Commissioner Herschend added that the property owners are the only individuals with the right to have a say in the closing.

Commissioner Pennel commented he understood that the county has been maintaining the road for years. Commissioner Strahan added that the property owners at the end of the road were not in favor of closing the road and if that is the case why would the county do so.

Commissioner Pennel made a motion to set a date for a public hearing after certified letters are sent to the property owners along the road. Commissioner Herschend stated he wouldn't second the motion as that is Carol Orr's (a concerned property owner) job to do that. Commissioner Pennel commented that the county is spending tax dollars on the road.

Commissioner Herschend commented that he directed Ms. Orr to do the legwork prior to coming to the Commission. Commissioner Strahan concurred that Ms. Orr should follow the process. Commissioner Pennel added that the public was using that area prior to Ms. Orr purchasing the property.

Commissioner Pennel made a motion to write letters to the property owners. Commissioner Herschend seconded the motion. Commissioner Herschend asked Commissioner Strahan to contact Ms. Orr. Commissioner Strahan stated he would not as he is against closing the road and didn't understand, if it is maintenance I thought the Commission had spoken with Mr. Preston about this road. Commissioner Herschend concurred. Mr. Rider noted that he understood that the crew was only making the road passable. Commissioner Pennel informed Mr. Rider that he felt the Commission was saying no more work on that road until the county has a plan.

RECESS

2:54 p.m.

# TANEY COUNTY COMMISSION RECORD

Minutes taken and typed by Tressa Luttrell.



## **JULY 01, 2008 48<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM**

The County Commission met at Hollister City Hall at 1:30 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **TANEY COUNTY REGIONAL SEWER DISTRICT**

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates on Bee Creek and Ozark Beach projects as well as Underhill Heights project and 2007 Audit Results.

### **LAKESHORE DRIVE BRIDGE**

(Commissioner Strahan was contacted via telephone)

Commissioner Herschend noting that 24 hour notice could not be had due to the emergency situation with the bridge being washed out and the need for safety and to quickly make necessary repairs, made a motion to approve the purchase of concrete culverts from wherever road & bridge can find them. Commissioner Pennel seconded the motion. The motion passed.

Minutes typed by Nikki Lawrence.



## **JULY 2, 2008 49<sup>th</sup> DAY OF THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **WORKERS COMPENSATION**

The County Commission met with Tim Connell, Lynette Weatherford and Fran Bunch from Connell Insurance to discuss the Return to Work policy for the county. Mr. Connell noted that allowing an employee to work for a not for profit organization should the county not have light duty work available is ok but there is a statute regarding the separation of church and state.

Counselor Paulson noted that he continued to have questions regarding earmarked funds and would suggest that any road & bridge employee who is on light duty for other departments be paid out of general county revenue.

Commissioner Strahan noted that he would like to keep it government oriented and would be siding with the employee who is sick adding that he didn't want to push an employee into coming back too soon.

Mr. Connell pointed out that happy employees do not seek attorney representation and hopefully the county will have enough checks and balances to protect the county and the employee.

### **DOUG NEIDIGH OZARK CLEAN AIR ALLIANCE**

The Commission was given a presentation with other local government representatives regarding the Ozark Clean Air Alliance. Areas addressed in the presentation were: The Ozone Formation Cycle, Voluntary Strategies, Cost Savings and Conserving Energy.

# TANEY COUNTY COMMISSION RECORD

Minutes taken and typed by Tressa Luttrell.



## JULY 3, 2008 50<sup>TH</sup> DAY OF THE APRIL ADJOURN TERM

The County Commission met in the Commission Office at 10:30 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion that the county rely on the doctor regarding any return to duty, that the county doesn't make that determination. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### ANIMAL CONTROL

Commissioner Herschend made a motion to allow animals to be adopted at the Grape Festival from 10-2 and to approve overtime for the staff to do so. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to authorize overtime and printing costs for flyers for both the Mincy Puppy Day and the Grape Festival. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken by Tressa Luttrell and Donna Neeley, typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## JULY 7, 2008 1<sup>ST</sup> DAY OF THE REGULAR JULY ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #304543-304618 and manual warrant #4856. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

Commissioner Herschend made a motion to approve prior Commission Minutes dated 6/23/08, 6/25/08 and 6/27/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### K-DOCK PUBLIC MEETING

Mr. Bill Stephenson addressed the Commission concerning recent floods that have affected access to the K-dock Marina. He stated that the contract with the Wilsons references flooding at the end of K Highway, but specifically ignores K-dock Marina and boaters on the lake. Mr. Stephenson commented that in the contract in paragraph 9 the right-of-way easement does not extend usage to boaters.

Mr. Stephenson also addressed the issue of emergency usage and asked for reconsideration of what constitutes an emergency. He noted that as the road stands right now, an emergency vehicle could not get down it safely, as the county only maintains a portion of the road. Mr. Stephenson strongly requested that a renegotiation is in order so that the K-dock Marina and boat owners would have access to the road, but only until the water goes back down. He also noted that if there could not be resolution found then he would recommend condemnation.

Mr. Stephenson requested that the Commission review the contract with the Corp of Engineers, as he alleges that the contracts were thrown away approximately 10 years ago. He commented that the contract may state that the Corp of Engineers was responsible for the road, i.e. raising K Highway to continue access to the marina.

Commissioner Herschend asked Donna Neeley, County Clerk, if the county throws away active contracts. Ms. Neeley stated that the county keeps all active contracts. Commissioner Herschend stated that he thought the contracts that Mr. Stephenson was referring to, were not active.

Commissioner Strahan noted there needs to be a solution to the problem and that the Commission needs to start fresh. He agrees that the Wilson contract was a recipe for disaster and that is was set up for the circumstances at that time. Commissioner Strahan also commented that the residents that live on Warren Road have a responsibility to petition the county to take in the road and to meet county standards.

Commissioner Herschend asked Counselor Paulson if the county could condemn private property for commercial use. Counselor Paulson stated that it could not be condemned for commercial use that is used for a public purpose. A general discussion ensued.

Counselor Paulson explained the background/history of K-dock, starting in 2002, which prompted the original contract with the Wilsons. He also stated at that point there were (2) options put before the Commission and the first one was for the Corp of Engineers to build a temporary bridge and second one was to somehow build a temporary road across some property,

## TANEY COUNTY COMMISSION RECORD

if there was a route. Counselor Paulson commented that the temporary route may be able to be used again, whereas the construction of a temporary bridge could only be used once and it would have been approximately the same cost.

Mr. Scott Hansen, K-dock Marina Owner, discussed the key situation, per the contract, as they may not be transferred. He also questioned why only half of the road was maintained by the county when the road was paid for by FEMA.

Commissioner Herschend stated that Parksley Lane is a public road and that it would not be maintained because it has not been petitioned to have the county take it into the county maintenance system. Commissioner Strahan noted that the first step is to petition the Commission to maintain Parksley Lane so that we could settle issues like these. Commissioner Strahan stated that he would like to visit with Mr. Wolfe and Mr. Wilson and see if there was a resolution that all parties could come to agree on.

Mr. Hansen stated that according to the contract, he cannot bring any commercial vehicles down the road, i.e. trash, utility, septic and etc. He also commented that there is communication with the Corp of Engineers as far as discussing a solution and what the Corp of Engineers are responsible for. Mr. Hansen was concerned that emergency vehicles cannot even make it down the road. Commissioner Strahan commented that when a meeting with the Corp of Engineers is scheduled that he would like to be a part of it.

Mr. Hansen submitted a signed petition to the Commission, reads as follows:

July 06, 2008

We the undersigned boat owners, property owners and customers of Highway K Marina respectfully petition the Taney County Commission for road access to Highway K Marina using existing, county maintained roadway, off K-10 Highway. We request the roadway be opened and ungated or keys provided for our access.

Mr. Kelly Walker questioned why only part of the road is maintained. Commissioner Herschend explained the emergency road was across private property. The Commission concurred that they would help wherever necessary, but that the petition process had to be followed to do so.

Ms. Yvonne Tucker asked the Commission how to get other property owners to give the remaining 15 feet easement if they would not; currently there is only a 25 foot easement on the road. Counselor Paulson stated that the only way to obtain the easement Ms. Tucker is asking about is through condemnation or eminent domain. Commissioner Strahan commented that he would have Counselor Paulson research every legal avenue to find a solution to the problem.

Mr. Preston stated that, according to the Corp of Engineers, the lake were created to minimize the flood areas and they are doing exactly what they were created for and that recreation was not the intent or purpose of the flood control facilities.

James Strahan, County Assessor, commented on the economics aspect of the situation. Mr. Art Beck noted that Arkansas Fish & Game should fix up to 5 feet of the road.

Mr. Walker and Mr. Hansen inquired about getting rock, and filling in some of the ruts and that they have the man power to complete the work, due to the road being public. Commissioner Herschend stated that Bob would research it.

Commissioner Herschend moved to recess for 5 minutes. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
**10:39 a.m.**

**RECONVENE**  
**10:45 a.m.**

# TANEY COUNTY COMMISSION RECORD

## NUISANCE CASES

Commissioner Pennel made a motion to proceed forth with #04-367. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny #08-006, as there is only high grass and one vehicle on the property. Commissioner Strahan seconded the motion if someone would go take a look at the property to verify. Commissioner Pennel stated that we should verify and send a letter expressing our concerns of the abandoned structure. Commissioner Herschend moved to amend his initial motion to include what Commissioner Pennel stated. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021 (1)(3). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

## RECESS 10:55 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE 1:00 p.m.

The County Commission reconvened in the Commission Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Timothy Road: Commissioner Pennel requested that a sign be placed on Timothy Road to keep individuals from turning down that road as it is not a through road. After a brief discussion, Commissioner Pennel will contact the land owner who should post the sign since it's on private property.
2. Lakeshore Drive: Mr. Preston indicated that he had a concern regarding the sewer line being buried under the concrete culverts. Those lines will have to be moved before the boxes can be placed.

Commissioner Pennel noted that he was concerned about waiting for the weather in order to place the boxes. Mr. Preston asked if the boxes were to come in on Friday would the Commission be willing to pay overtime for the weekend. Commissioner Pennel stated yes. A general discussion regarding how to place the boxes around the sewer lines ensued throughout the remainder of the meeting as new information arrived. Commissioner Herschend entered the meeting @ 1:56 p.m.

3. Ace Pipe Cleaning: Mr. Preston presented the Commission with information regarding a company who performs the cleaning of corrugated metal pipes. Mr. Preston noted that Ace Pipe Cleaning currently is under contract with the City of Springfield and that he would like to know if the Commission would be interested in the services.

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to use Ace Pipe Cleaning on a trial basis with the possibility of a full contract. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. Underground Utility Bid: Ms. Luttrell presented the bids for underground utilities which will provide emergency backup power for the West Barn and the Transfer Station in case of an emergency. Ms. Luttrell noted that K&R Electric submitted the only bid in the amount of 49,900.00.

Commissioner Herschend made a motion to approve the bid as submitted. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

5. Guardrail Installation Bid: Ms. Luttrell presented the bids for the installation of guardrail noting that again Highway Safety Solutions submitted the only bid.

Commissioner Herschend made a motion to approve the bid as submitted by Highway Safety Solutions. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

6. Dump truck Repair Bid: Ms. Luttrell presented the Commission with the bids for the repairs of unit #11. Ms. Luttrell explained that one bidder didn't bid on all the items and that another bidder added to the items stating that the county would need the additional items for the repair.

Commissioner Strahan made a motion to table said bids until the county's mechanic, Rex Boone could review them. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

7. Holiday Avenue: Commissioner Herschend made a motion to vacate as petitioned. The motion died for a lack of a second. Commissioner Pennel commented he would be more apt to second a motion to deny for a lack of information.

Commissioner Pennel made a motion to deny said vacation. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

8. Casey Road: The Commission discussed an issue regarding a resident on Casey road who believes their leech line had been damaged by the contractor. The Commission was informed that the contractor would be digging up the area today at the contractor's expense to look for any damages or for ground water seepage.

9. Slope Plan at the new Jail Site: The County Commission had a general discussion regarding the ground cover at the new jail site. Commissioner Herschend recommended looking at crown vetch. Commissioner Pennel stated he would ask a landscape contractor to come take a look at it.

10. Journal Entries: Ms. Luttrell presented some journal entries for final approval. Commissioner Herschend made a motion to approve the journal entries as submitted. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

11. Buena Vista: Commissioner Herschend noted that the Industrial Park that has been built who wants to use the entrance past the mountain as their primary entrance for two years without doing any work; and I believe that makes sense. They are continuing to work with the State on an entrance for the Industrial Park. They will be using this as their primary entrance until 2010. Their primary objection is to use Highway 248. They just want to know if they can use the entrance at Buena Vista until July 2010.

Mr. Preston noted that the entrance meets the County's standards but not the State's and added that his only concern was should their construction equipment damage the road in those two years will they be reimbursing the county. Commissioner Herschend commented that it

# TANEY COUNTY COMMISSION RECORD

would be hard to prove that they did. Both Commissioner Pennel and Commissioner Strahan noted they didn't have any problems with the idea.

## RECESS

3:14 p.m.

Commissioner Strahan left the meeting.

## RECONVENE

3:42 P.M.

12. Dave Crismon: Commissioner Pennel presented pictures that had been received from Dave Crismon regarding the recent rains and noted that Mr. Crismon was requesting the county to dig out the creek bed.

13. Retention Pond Testing: Commissioner Herschend made a motion that Sunbelt Environment tests the East Side retention ponds also, receive the results and then go out to bid for the cleanup and removal. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## RECESS

4:40 p.m.

Minutes taken and typed by Tressa Luttrell.



## JULY 8, 2008 2<sup>ND</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 1:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## SEPTAGON MONTHLY UPDATE

The County Commission met with representatives from Septagon Construction and HMN Architects for a monthly update on the new Judicial Facility.

Commissioner Herschend made a motion to reduce Kennedy Contractors and Prestressed Casting Co. retainage to 5%. Commissioner Herschend amended his motion to make the change effective the next pay application. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve CCD#10 which shortens the driveway curb at the south driveway as requested by the Commission for an additional \$2,138.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve placing a bottom rail on the chain link fence around the communications tower and generator for an additional \$893.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## RECESS

2:14 p.m.

Minutes taken and typed by Tressa Luttrell.



# TANEY COUNTY COMMISSION RECORD

## JULY 9, 2008 3<sup>rd</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceedings were had and made a matter of record.

### PAYROLL

Commissioner Strahan made a motion to approve payroll warrants:

General County Revenue #104571 through #104593

Road & Bridge #104541 through #104541 through #104564

Assessment Fund #104540, #104565 through #104566

Transfer Station #104567 through #104570

Accounts Payable Warrants #304619 through #304638, and Manual Warrants #4857, #4858

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

### NUISANCE CASES

Commissioner Pennel made a motion to send a first letter to #08-0032. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.



## JULY 11, 2008 4<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 8:30 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### APPROVAL OF AGENDA

Commissioner Pennel made a motion to approve the agenda for July 14, 2008. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(1)(3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Herschend entered the meeting at 8:50 a.m.

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made or votes taken.

# TANEY COUNTY COMMISSION RECORD

## CORPS OF ENGINEERS MINIMUM FLOW

Representatives from the Corps of Engineers met with the Commission to discuss the continued process for Minimum Flow. Mike Biggs indicated that the allocated uses for the lakes from the Corps perspective were Flood Control, Hydro Power, Fish & Wildlife, Water Supply and Recreational. And when working towards the minimum flow issue, the Corps has to look at the National Economic Development Plan and determine the value of the impact to that area.

Mr. Biggs noted that from the 2004 report only the Norfolk and Bull Shoals Lakes were chosen, so they were present to speak about the roads that the Corps identified as areas of concern.

Mr. Biggs pointed out that Slough Hollow, Beaver Creek and River Run were areas that they took a look at. Data from 1942 through 2002 was reviewed for daily levels the lakes were at, as well as looking at seasonal and annual reviews. They then ran the minimum flow scenarios to compare information at the 660 level which revealed only a 15% change. Mr. Biggs stated that River Run is still usable at the 660 level; the average change on a typical day is only 2 feet.

Mr. Biggs added that Slough Hollow would have to be fixed prior to minimum flow being implemented and would be the responsibility of the Fish & Wildlife. It is estimated that Slough Hollow would cost 1.5 million and that the Fish & Wildlife will either go in and take on the project themselves or should the county wish, they would issue a one time lump sum payment and the county perform the work.

Mr. Biggs noted that the County will be receiving copies of the new report by the 1<sup>st</sup> of August for a chance to review prior to going public on the 8<sup>th</sup> of August.

**RECESS**  
11:15 a.m.

Minutes taken and typed by Tressa Luttrell



## JULY 14, 2008 5<sup>th</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:04 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceedings were had and made a matter of record.

Prayer was led by Helen Souttee followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #304639-304740 and manual warrant #4859-4860 and 4863. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 6/30/08, 7/1/08, 7/2/08, 7/3/08, 7/7/08, 7/8/08 and 7/9/08 with minor changes. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## SHADY LANE ROAD PETITION

Mr. Preston, Road and Bridge Superintendent, stated that due to the recent weather conditions, Shady Lane has not been reviewed. Commissioner Pennel read Shady Lane Road Petition into the record and it read as follows:

# TANEY COUNTY COMMISSION RECORD

Petition for Establishment Change or Relocation of Public Road located in Big Creek Township and described as Section 11, Township 21N, and Range 17W.

Commissioner Pennel made a motion to table Shady Lane Road Petition. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel commented that hopefully the Commission will be able to look at this next week.

## BLANSIT ROAD

Commissioner Pennel stated that the issue at hand was brought to his attention by Ms. Carol Orr, with a request to close Blansit Road. He had communicated to Ms. Orr there had to be a public hearing to allow residents to voice their opinion. Commissioner Pennel noted that he received a call from the property owner at the end of the road, who owns 370 acres, and he is not in favor of closing the road because that would leave him no access to his property.

Commissioner Strahan commented that there were an equal number of people that are for and against this action.

Ms. Carol Orr stated her reasons for wanting Blansit Road closed are as follows:

- trespassing
- fences damaged
- creek bank damaged
- shooting guns
- too much traffic

She also stated that if the road was vacated, it would stop all of the traffic going down to the creek, which is on private property. Ms. Orr also noted that there is a compromise to this problem.

Commissioner Pennel asked Ms. Orr if she had a compromise in mind. Ms. Orr stated she would like there to be a gate that only homeowners had a key to. Commissioner Pennel suggested a neighborhood watch program.

Commissioner Herschend entered the meeting at 9:10 a.m.

Mr. Tim Leist stated that he has used the creek for several years and has always been respectful when crossing someone's property. He also stated that he agrees with the property owners in that when some people go to the creek via private property there is no respect. Mr. Leist noted that on many occasions he has gone down and cleaned up trash and even went as far as hauling items to the Transfer Station during the county clean-up. He also commented that he is not in favor of closing the property.

Commissioner Herschend wanted to make sure that the right message is sent to public; if Blansit Road were to close, it would be to service the residents of that road and not to allow access to the creek as there are other access points that are not on private property.

Mr. Wendell Clare noted that he was not concerned about the creek, but trespassing and damaging of private property. He also stated that on the 4<sup>th</sup> of July he had trespassers on his property that tried to steal his canoe and if he would not have been there, it would have been taken. Mr. Clare is in favor of placing gate that only property owners have the key to.

Ms. Paula Moriuchi stated that she enjoys driving down Blansit Road, but there is a lot of illegal activity that occurs down there. She also noted that there has to be a solution but does not know what it should be and is unsure on closing the road.

Ms. Carol Sharp submitted a letter from her brother, to the Commission. She also commented on the illegal activity that happens by the creek and on Blansit Road. Ms. Sharp also noted that she just wants to people to stay off of her property and that she is in favor of closing the road.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend asked Sheriff Russell if there was a letter from the property owners that says that trespassers are to be charged or does the property owner need to call each time it happens. Sheriff Russell stated that would be a question for the Prosecutor.

Mr. Rex Asselin commented on violation of property rights. He also noted that he attended the meeting to be a support for his neighbors.

Ms. Anna Roberts read a letter from her mother, Patty Roberts, who was unable to attend. The letter read as follows:

I regret that I cannot personally attend this morning's meeting to hear discussion on the matter of Bull Creek access via Blansit Road in Walnut Shade. Please accept this letter as my contribution to the discussion.

For the past twelve years, our family has lived on Highway 160 at the corner of Coffee Road. Our home is located one-tenth of a mile from where Blansit Road (a.k.a. "the creek road") turns off Highway 160.

We are very thankful to live so close to Bull Creek. We like to walk and bike on the creek road, we canoe the creek and float it in inner tubes, and we often swim at "Big Rock", a swimming hole located one-half mile upstream from the Highway 160 bridge.

For as long as we have lived here, there have been issues with "outside" people who frequent the Big Rock area. Before the creek road was repaired – maybe eight or ten years ago? – people trespassed through the properties now owned by Lanes and by Ms. Orr, in order to get to the creek. The people who owned those properties at the time had to take extreme measures to prevent people from illegally accessing their land. Signs and fences were ineffective, and ultimately, large boulders had to be brought in to keep trespassers out.

My understanding and observation is that once the creek road had been repaired and was being regularly maintained, visitors to Big Rock tended to use the creek road instead of the neighbors' property.

My family and I have talked over the years with numerous people we've met while swimming at Big Rock. When we ask where they live, they almost NEVER say Walnut Shade. Ozark, Springfield, Highlandville, Nixa, and Bolivar are some of the places they have mentioned, and a lot of people have told us that they have been coming to Big Rock to swim, picnic, and/or camp for many, many years. On several occasions, people at Big Rock have told me that they came there to swim as young children, and now they are bringing their own young children to their favorite swimming hole.

We realize that, unfortunately, there is a lot of unsavory activity occurring in or near our neighborhood. We suspect that SOME of the people who travel the creek road are using and/or selling drugs. We distinctly remember the car crash and death that occurred on that road a few years ago. We regret that, because of the activities of some of those who access the creek here, we must be extremely careful in allowing our children to walk or bike on the creek road or to swim at Big Rock.

Because our own property does not abut the creek or the creek road, and because we live about one-half mile from Big Rock, our family has not been directly affected by the traffic, trespassing, litter, noise, and other problems that some of our neighbors have faced. I have been told that since the creek began flooding so much this spring – denying people access via the creek road – those problems for our neighbors have gotten worse. I am very sympathetic to their concerns, and I can imagine how I would feel if I were in their positions.

In a perfect world (or a perfect Taney County), it would be nice if only nice people were allowed to use Blansit Road and the swimming hole at Big Rock. However, I really don't think such a plan could be enforced. It seems to me that either everyone must be allowed to go down there, or else everyone must be forbidden.

Our family has discussed several possible options to help reduce the problems our neighbors are experiencing, including:

1. Taney County converts Blansit Road from a public county road to a private road. Whoever owns property that abuts the creek then fences and/or posts the land as he or she sees fit and deals with trespassers personally or through legal channels. In that case, we sincerely hope our neighbors would allow our family to access the road and swimming hole.
2. Taney County continues to maintain the road, a parking area is allowed under the Highway 160 bridge, and a gate is installed across Blansit Road just past the parking area. Only pedestrian or bicycle traffic would be able to get past the gate. Out-of-area people could park under the bridge and walk the half mile to picnic, swim, or camp at Big Rock. Over time, this might discourage some of the would-be capers and party-ers.

However, as I see it, either of these options could potentially cause problems, including:

- A) If the road is not maintained (and hence not drivable) or if it is permanently blocked off, the neighbors may have the same problems they have had these past months when the road's been flooded.
- B) If people drive a long way on a hot day to swim or camp at the spot they've come to for a decade, and find that they can no longer get there, they will be angry. Angry people may be inclined to take out their anger in inappropriate ways (defacing property, violence, etc.)

## TANEY COUNTY COMMISSION RECORD

C) If the county is legally bound to provide drivable access to the property on the far side of the low water bridge at the end of Blansit Road, then either an unmaintained road or a permanent gate would be unacceptable.

In Summary, although I do not know all the ins and outs of the county laws that apply to this situation, I strongly suspect that there is not a legal way for those of us in this neighborhood to have our cake and eat it, too. That is, for the local resident – and ONLY the local resident – to have access to this stretch of Bull Creek.

I would GREATLY appreciate being informed of what the county decides to do on this matter (SASE enclosed), and I thank you for your time in reading this letter.

Sincerely,

Patricia S. Roberts

Homeowner and Registered Voter near Bull Creek in Walnut Shade

Mr. Harry Styron commented on access closure and how it would take away any access to his property. He also stated that if there is no access to the gravel bar then it would tremendously slow down on the people partying at the creek. Mr. Styron suggested putting concrete filled pipes along the road to keep people from parking on the road, which would keep from driving on private property. He also noted that if the road was closed and the road became private, the burden to maintain the road would shift to a select few and Mr. Styron. To date, Mr. Styron has not had any offers of compensation or to help share the burden.

Mr. Art Beck commented on rights as a property owner and being on the high water mark of the creek bank.

Ms. Carol Orr submitted a letter from a property owner, Mr. Vance Deitz, to the Commission, along with pictures of people trespassing on private property.

Commissioner Strahan stated that this is a very sensitive issue with him, in that he has been a lifelong resident of Taney County and has seen creek accesses closed constantly, which puts a burden on residents.

Commission Herschend moved for an interim solution, to put up a county maintained sign that says “Public Access at Low Water Bridge Crossing Only, All Others Are Trespassing and Subject To Prosecution”, which will also be paid for by the county and to leave the road opened. In addition, he added to the motion that the Taney County Sheriff’s Department would provide patrol and enforcement twice daily.

Sheriff Russell addressed a problem with Commissioner Herschend’s motion; what if the individual says that they had previous permission from the landowner.

Commissioner Strahan commented that the sign would be interfering with citizens’ rights and it would be setting precedence across the county for anyone to get a sign on any county road because the property owner did not want trespassers.

Commissioner Pennel read paragraph 4 from Mr. Dietz’ letter, which read as follow:

Your letter requests my views on maintaining this road. If the county is to maintain the road along the stream, then it is their responsibility to work with other county officials to ensure that its use is lawful and does not result in the destruction of private property. If the county officials are unable to coordinate their actions to ensure this, then the road should be closed. An alternative would be to put a parking lot at the highway and let individuals walk-in. They would need to understand that even walking-in from the highway does not give them the right to trespass, that it should be made clear that firearms and alcohol are never allowed, and that trash must be carried out. Since some residents may need access up the stream bed, the road in question could also be gated with access only to residence who demonstrate a need to pass through to reach their property.

Motion died for lack of being seconded.

Mr. Bob Schanz commented on the signs and suggested putting up no parking signs and have the Sheriff’s Department monitor the situation and if warranted, issue citations.

Commissioner Herschend left the meeting at 10:25 a.m.

# TANEY COUNTY COMMISSION RECORD

Ms. Roxanne Young commented that she supports the community efforts but is opposed to closing the road. She also noted that she is not having the problems that the other property owners are having.

Commissioner Herschend re-entered the meeting at 10:28 a.m.

Ms. Young stated that she makes a continuous effort to make her presence known to others and that has seemed to cut down on the illegal activities. She commented that she would hate to see another access on Bull Creek cut off to the public.

Ms. Sue Stewart commented on the happenings at the creek and stated that the same thing was going on 30 years ago and that not everyone who goes to the creek is doing something illegal.

Mr. Styron stated that if the Commission is not going to vacate the road; then there must be an ordinance adopted. He also commented that it is not the job of the County Commission to mediate for the landowners.

Commissioner Pennel noted that he appreciated all the comments and suggestions from everyone, but states that it is not a wise decision to vacate the road. Commissioner Herschend also commented on the public hearing.

Commissioner Herschend made a motion to not go ahead to try to relocate/improve Blansit Road at this time. Commissioner Pennel stated that he does not remember discussing relocation or improvements of Blansit Road. Mr. Preston stated that this year the county has spent \$12,600 on Blansit Road. Commissioner Pennel requested from Mr. Preston that no more monies spent on this road unless directed by the entire Commission. The motion died for a lack of a second.

Commissioner Strahan publicly apologized to Ms. Orr for how he sounded and some of the comments he made, but not for the content of the issue on the telephone.

Commissioner Strahan made a motion to recess for 5 minutes. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
**11:03 a.m.**

**RECONVENE**  
**11:09 a.m.**

Commissioner Pennel made a motion to amend the agenda on Commissioner Herschend's behalf and move his issue first. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **MS. SHARON ENGELER**

Commissioner Herschend asked the Commission to consider taking a piece of equipment over to Ms. Engeler's property and blading her private road. He also noted that Ms. Engeler feels that it was damaged as a result of water flow off of the county road.

Commissioner Herschend made a motion to table this issue until the Shop Talk meeting on Tuesday, July 22<sup>nd</sup>. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **COMMISSIONER HERSCHEND**

Commissioner Herschend publicly wanted to clarify that there was a statement in the Taney County Times regarding K-dock that was incorrect. He stated that all homeowners and the boat dock owners have keys.

# **TANEY COUNTY COMMISSION RECORD**

## **COMMISSIONER PENNEL PARKSLEY/K-DOCK**

Commissioner Pennel made a motion, that on an emergency basis only during high water, to maintain the portion of the road beyond the gated emergency road to a minimum maintenance, where Parksley and Warren Road meet. Commissioner Strahan commented about petition process and how long it is taking. Commissioner Pennel has been in contact with Mr. Hansen, K-dock owner. Commissioner Herschend stated that he was not comfortable with seconding the motion. Motion died for lack of being seconded.

Commissioner Strahan made a motion to table until he could speak with Mr. Hansen. Commissioner Pennel stated that Ms. Yvonne Tucker, property owner, is currently working on completing the necessary paperwork. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

Commissioner Herschend left the meeting at 11:30 a.m.

## **NUISANCE CASES**

Commissioner Pennel made a motion to table Nuisance Cases until this afternoon during the Commission's Work Session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **AMERICAN CHILDREN'S SAFETY NETWORK**

Commissioner Pennel stated that in an effort to raise funds to focus on children's safety, the American Children's Safety Network is requesting to place a box in the license bureau to recycle old license plates.

Commissioner Strahan made a motion to table until this afternoon's Commission Work Session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **EAGLE SCOUT RECOGNITION LETTER**

Commissioner Pennel made a motion to send a letter of congratulations to 4 men with the Eagle Scouts. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **PUBLIC COMMENT**

Mr. Art Beck commented on an airplane being off of the runway at the Taney County Airport. Commissioner Strahan noted that this is currently under investigation by the FAA.

## **RECESS 11:42 a.m.**

Minutes taken and typed by Nikki Lawrence.

## **RECONVENE 1:00 p.m.**

The County Commission reconvened in the Commission Office at 1:00 p.m. with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

## **BOB PAULSON WORK SESSION**

Counselor Paulson met with the Commission to go over his work schedule for the week and to give a brief update of any legal issues. Commissioner Pennel asked Counselor Paulson to set up a work session with the Commission and Assessor Strahan to discuss the STC case and to

# TANEY COUNTY COMMISSION RECORD

also contact the State Tax Commission regarding the recent discussion with Jim Kyle and the request to increase by 34%.

## SEPTAGON WEEKLY UPDATE

Mike Smith, Construction Manager for the Judicial Facility gave the Commission an update on various issues for the week.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road & Bridge Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Lakeshore Drive: Mr. Preston noted that crews have been working at Lakeshore Drive 24/7. There will be seven trucks delivering the boxes on Tuesday. Mr. Preston added that there will be full time traffic control and two construction cranes on site. Mr. Preston noted that the crew finally caught up with the water by using some big pumps which were loaned to us by the City of Branson, the City of Hollister and SJ Louis.
2. Bee Creek: Mr. Preston commented that he had spoken with John Hooker, from the Sewer District who indicated they needed an additional two weeks before the paving project could start.
3. FEMA: Mr. Preston informed the Commission that the assessment team would be here on 7/15/08. Commissioner Strahan asked if K-Dock was going to be on the list to get help with. Mr. Preston noted that he would try to get an answer.
4. No Parking Ordinance: Mr. Preston noted that he was preparing to have the signs placed per the "No Parking Ordinance" and wanted to make sure the areas were correct. Savannah Place, Spring Meadows, Country Club Estates and Meadow Ridge/Horizon Hills
5. Study of Residential Sales: Assessor Strahan presented the Commission with a contract for a study of residential sales between Taney County and Gary Coleman, MAI.

Commissioner Pennel made a motion to approve said contract. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

6. Lakeshore Drive: Mr. Preston discussed the box flair ends for the Lakeshore Drive Bridge noting that there are three options: Bid it out to bid, look at building it locally or for the concrete crew to build them at a cost of \$22,000 to \$26,000. Mr. Preston noted that he would do some further research and speak with Spencer Jones from Great River Engineering.

## RECESS

2:17 p.m.

## RECONVENE

2:19 p.m.

7. Transfer Station Recycling: Mr. Preston inquired if the Commission was interested in conducting a feasibility study on the recycling of metal at the Transfer Station. Commissioner Pennel noted he had brought up the issue a couple of times as the Commission has been criticized on the issue. Commissioner Strahan indicated that it could pay for an employee if the county was to sell the material.
8. Dump Truck Repair: Ms. Luttrell informed the Commission that the bid for the repair of one of the dump trucks had been reviewed by Mr. Boone who recommended Peterbilt for \$10,865.15. Commissioner Strahan made a motion to approve said bid as recommended.

# TANEY COUNTY COMMISSION RECORD

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

9. Correctional Communication System: Ms. Luttrell presented the bids for the Correctional Communication System for the new Judicial Facility. This system allows the jailers to keep in contact with central control without inmates hearing the conversations. Ms. Luttrell noted that she received two bids; Communications Associates and Radio Communications Specialists which has been reviewed by the Sheriff. The Sheriff's recommendation is to accept Radio Communications Specialists in the amount of \$11,276.19.

Commissioner Strahan made a motion to approve said bid as recommended. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

10. Casey Road: Ms. Luttrell noted that in balancing Herion's invoice, she noticed that the Construction Costs did not match. In going over the documents Ms. Luttrell found that Change Order #5 was approved by the Commission in April, however Herion and Great River did not show this change order on their documents.

Ms. Luttrell stated she contacted Great River and went over the documents with Mr. Lundstrom who directed her to cancel Change Order #5 as in the negotiations of the stabilizing material; Change Order #5 was no longer needed. Ms. Luttrell requested that the Commission rescind the motion of approval so that the records would reflect the correct Construction Amount.

Commissioner Strahan made a motion to rescind the motion to approve Change Order #5. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## EXECUTIVE SESSION

Commissioner Strahan made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

It should be noted that no motions were made and no votes taken.

Minutes taken and typed by Tressa Luttrell.



## JULY 15, 2008 6<sup>th</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met at the Merriam Woods Village Complex at 7:00p.m. pursuant to adjourn with Commissioner Pennel and Commissioner Strahan present and the following proceeding were had and made a matter of record.

## PARK BOARD WORK SESSION

Commissioner Pennel and Commissioner Strahan attended the Park Board Work Session, where the Ten Year Plan was discussed.

Minutes were typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD



## JULY 16, 2008 7<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:10 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### WAYNE DIETRICH UNIVERSITY EXTENSION

Wayne Dietrich, Director for the University Extension met with the Commission to request an addition \$1,000 for the 2009 Step up to Leadership training. Mr. Dietrich noted that he was present today versus the budget due to getting everything in line for the training should the Commission approve the additional funding.

Commissioner Strahan made a motion to approve the \$1,000 request for the program. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### BOB PAULSON WORK SESSION

Counselor Paulson met with the Commission to go over his work schedule for the week and to give a brief update of any legal issues. Counselor Paulson advised the Commission of some additional things had come up since Monday. Commissioner Pennel, after a brief discussion, noted that he would like to see everyone fill out a request form for Mr. Paulson's services.

### AMEND AGENDA LAKESHORE DRIVE

Commissioner Pennel made a motion to amend the agenda to speak about the Lakeshore Drive Bridge. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes). Due to the emergency situation regarding the Lakeshore Drive Bridge, 24 hour notice could not be provided.

Frank Preston, Road & Bridge Superintendent reported that blocks similar to what is at the Judicial Facility could be used for the flair ends to the box culverts. Mr. Preston noted that he had phone quotes from both Dura-Kast and Si-Precast for approximately 138 blocks.

Commissioner Strahan stated he would like to have a written recommendation from Spencer Jones of Great River Engineering for the use of the blocks. Mr. Preston added that he was requesting approval of the purchase from Dura-Kast in the amount of \$11,592.00. Mr. Preston added that Dura-Kast's blocks has a better interlocking system on the bottom row whereas Si-Precast's blocks were irregular sizes.

Commissioner Strahan made a motion to approve an emergency purchase from Dura-Kast for \$11,592.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### EXECUTIVE SESSION

Commissioner Strahan made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan made a motion to approve the advancement of 29 hours of vacation time to Charles Edwards. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## PARKSLEY / K-DOCK

Commissioner Pennel brought up the Parksley/K-Dock issue and asked since Commissioner Strahan has had some time was he ready to make a decision. Commissioner Strahan noted that he had spoken with the residents working on the petition and they have indicated they had the cooperation from everyone with the exception of one, who they were still waiting on.

Commissioner Pennel asked if Commissioner Strahan still didn't want to approve the emergency motion and repeated his motion from the Commission Meeting on 7/14/08. Commissioner Strahan commented that he wanted to wait until the petition was turned in. Commissioner Pennel asked if Commissioner Strahan was working towards taking the road in for maintenance for here on out. Commissioner Strahan stated yes.

Commissioner Pennel noted that he was against that, that with the exception for the emergency road the county would be taking on the building of a road out of a goat trail and reiterated that was the reason he would like to see a one time emergency fix done.

Commissioner Pennel added that it wasn't fair to ask other individuals to bring their roads up to county specifications and not this one. This is to just get emergency vehicles down the road until the water is down. Commissioner Strahan indicated that he was not intending on taking in the road where there is no houses, only where the 9 homes currently are.

Mr. Preston noted that his concern was that this road was no different than Blue Ridge; emergency vehicles could not travel that road either. Commissioner Pennel noted that Blue Ridge residents have another way to their property; Parksley has a lake preventing the entrance. Commissioner Strahan again stated he would like to check with Ms. Tucker as they have done a lot of work on the petition.

## AMEND AGENDA

Commissioner Pennel made a motion to amend the agenda to move the Conoco Phillips contract up 10 minutes due to a funeral. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## CONOCO PHILLIPS CONTRACT

Commissioner Strahan made a motion to approve the contract between Conoco Phillips and The Taney County Airport as recommended by Mark Parent, Airport Manager and reviewed by Counselor Paulson. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**RECESS**  
10:24 a.m.

Minutes taken and typed by Tressa Luttrell.



**JULY 17, 2008 8<sup>th</sup> DAY OF  
THE JULY ADJOURNED TERM**

The County Commission met at the Hollister Town Hall at 2:30 p.m. pursuant to adjourn with all members present and the following proceeding were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## PARTNERS FOR PROGRESS

The County Commission attended the monthly Partners For Progress meeting to discuss transportation issues in Taney County.

Minutes were typed by Nikki Lawrence.



## JULY 18, 2008 9<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 11:03 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceeding were had and made a matter of record.

### BEE CREEK ASPHALT

Commissioner Herschend made a motion to approve the additional amount from Journagan Construction to lay asphalt on Bee Creek this upcoming Tuesday, July 22, 2008. This locks in the price of asphalt. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

It should be noted that Commissioner Pennel spoke with Sewer Board Members; Roy Combs, Ron Daniels and Williams Cummings who all voted to go with Journagan.

Minutes taken by Christy Teel.



## JULY 21, 2008 9<sup>TH</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:02 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Pastor Fred Zumalt followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Herschend made a motion to approve accounts payable warrants #304741-304855 and manual warrant #4861-4862 and 4865. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

Commissioner Herschend made a motion to table prior Commission Minutes dated 7/11/08, 7/14/08, 7/15/08, 7/16/08 and 7/17/08 until 1:00 p.m. this afternoon. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### SHADY LANE ROAD PETITION

Commissioner Pennel stated that Randy Haes, Road & Bridge Coordinator, visited Shady Lane last week and submitted a road review to the Commission. Commissioner Pennel read Mr. Haes' recommendation and it read as follows:

This road should be surveyed so the right of way could be cleared. The road surface needs to be widened and property crowned with aggregate added to the surface. The main entrance onto the State hwy should be widened

# TANEY COUNTY COMMISSION RECORD

and the sight line to the north be cleared of vegetation. The ditch-lines on this road should be cleaned and excavated where needed. The concrete cross culvert should be replaced with a longer and larger size. The metal cross culvert should be longer for proper road width. There are entrances that need culverts installed. There needs to be right of way acquired for a turnaround at the end of the roadway. I would recommend a class V if taken into the county system. Estimated cost to bring the road to a gravel surface standard \$15,000.00-\$20,000.00.

Commissioners' Pennel and Strahan both reviewed the road on a DVD that was provided by Mr. Haes. They both concurred that traffic count on that road was on the lower end of the spectrum.

Commissioner Strahan made a motion to accept Shady Lane into the county maintenance system as a Class VI. A general discussion ensued regarding road standards. Commissioner Strahan withdrew his motion.

Commissioner Strahan made a motion to table. Commissioner Herschend seconded the motion due to questions about right of way, easements and turnaround. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PARKSLEY/BOOKOUT ROAD PETITION

Ms. Yvonne Tucker, property owner on Bookout Road, submitted a road petition to the Commission. Along with the petition, she also included a complete list of all property owners on both roads.

The Commission discussed whether or not there were adequate easements, which are required to accept any road into the maintenance schedule. Ms. Tucker questioned what her next step was.

Ms. Tressa Luttrell, County Administrator, explained the petition process. Commissioner Herschend encouraged Ms. Tucker to meet with Mr. Preston to discuss ROW and stated there needed to be legal descriptions for all property owners on Parksley and Bookout Road. Commissioner Pennel noted that he is not in favor of the petition.

Ms. Barbara Kemm, property owner of Lots 1, 2, 3 on Parksley, commented on the easement situation and inquired as to when it was recorded. She also stated that there were utility poles and a structure within the 40-foot easement. Ms. Kemm questioned what the procedure on culverts was. Commissioner Herschend stated that it is typical for the property owner to purchase the culverts and the county would install them.

Commissioner Strahan commented on the situation being an emergency and that it was a safety issue. He also reiterated that in a prior Commission meeting he stated that he would approve it.

Commissioner Strahan made a motion to take in the road on an emergency basis. Commissioner Herschend stated that he would not second the motion as the Commission has a procedure to follow when accepting a road into the county system and noted there must be some clarification on the 40 feet easements along the road(s). Commissioner Strahan noted a sense of urgency, to get an emergency road, has been lost.

Commissioner Herschend stated that a copy of the petition would be sent over to the County Clerk's office for verification of signatures, one to the Road & Bridge Department for a road review, and added that by law, the county has 28 days.

Motion died for lack of a second.

Commissioner Pennel made a motion that the county put rock on the road and do a very minimal amount of equipment work to make it passable for emergency vehicles. Commissioner Herschend asked Mr. Paulson what position the county would be in legally if county funds are expended in an emergency on private property and could the county legally say that this is an emergency. Counselor Paulson stated that when it was a public road, there was absolutely no problems but when the county does work on a private road, he would have to do some further research.

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel added to his earlier motion that it was contingent upon Mr. Paulson reviewed documents from the Recorder's Office.

Commissioner Herschend made a motion to table until 1:30 p.m. this afternoon to have Mr. Paulson review documents that Ms. Tucker obtains from the Recorders Office. Commissioner Herschend added that he would not second Commissioner Pennel's motion with only having a small amount of information regarding the recorded plat.

Commissioner Pennel asked Commissioner Strahan to reconsider and to second the motion. Commissioner Strahan in turn asked Commissioner Pennel if he would be in support if all of the requirements were met. Commissioner Pennel stated that at this point of the process it would be no, but indicated that Commissioner Herschend would be in support if all the documents were in place.

Ms. Kim Reece, property owner, stated that there was a recorded easement of 40 feet on Parksley since 1953.

Commissioner Pennel restated his earlier motion. Motion died for lack of being seconded.

Commissioner Herschend moved to take in Bookout Road/Parksley, as a Class VI, contingent upon verified signatures and all of the other required documentation. He also added that while waiting for the report from Road & Bridge and verification of signatures, the county authorize whatever work needs to be done to make the road passable. Commissioner Strahan seconded the motion.

Commissioner Pennel questioned why there was no mention of property owners having to purchase culverts in the motion. Commissioner Herschend and Commissioner Strahan concurred that it is the county's policy for property owners to purchase culverts and the county will install them.

The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

**RECESS**  
**10:03 a.m.**

**RECONVENE**  
**10:10 a.m.**

## **LESTER MILLIRON** **SEWER/WATER ISSUES ON CAMP**

Mr. Lester Milliron stated that due to tin horns and culverts installed for a low water bridge in his neighborhood, water has been shooting across his property. He also requested that the issue be fixed or reconsider reinstalling the low water bridge as it was prior to all the work that was done.

Commissioner Herschend commented that there were several issues with this situation and that a couple of issues have already been resolved, but all rip rap has been washed down stream. He has visited Mr. Milliron's property and noted that he is uncomfortable working outside of a county right-of-way without permission from property owner. Mr. Milliron agreed to have the county investigate the problem on his property.

Commissioner Herschend asked Mr. Preston to request Great River Engineering to come back to the site and take another look to evaluate the situation. He also questioned the Commission if permission would be given for Road and Bridge to work on private property. Commissioner Pennel stated that he would like to evaluate the situation before a decision is made.

Commissioner Strahan made a motion to table until Great River Engineering is able to meet with the county and that at least 2 Commissioners go look at the property in question before a decision is made. Commissioner Herschend seconded the motion and also commented that it needs to happen within the next couple of weeks. Mr. Milliron gave permission for the county to

# TANEY COUNTY COMMISSION RECORD

go onto private property. Mr. Paulson stated that he would work on completing a hold harmless agreement, as the current agreement needs to be customized to this situation. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PLANNING & ZONING HEIGHT RESTRICTION

Commissioner Herschend moved approval on the proposed amended Height Restriction to the Planning & Zoning Code, which has previously been approved by the Taney County Planning Commission on 6/16/08 titled Taney County Height Regulations pages 1, 2 & 3. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

Commissioner Herschend made a motion that the new Height Regulations replaces all existing height restriction codes. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

## ANGELA LEIST FORSYTH BALL FIELD PROPOSAL

Ms. Angela Leist submitted a proposal to the Commission as followed:

The City of Forsyth has asked the Park Board to support their Ball Field Project on the Oremus property. The ball fields are but one of the unmet recreational needs of county residents. The need for ball fields will only become greater with the likelihood that Shadow Rock Park will be under water more often. The Park Board is developing a plan that addresses those unmet needs, but with our limited budget, it will take many, many years to see our vision of a county park realized. The City's project would provide a place for ball teams to play by Spring 2009 and would take some of the pressure off of the county to provide such a facility.

The overwhelming opinion of the board is that Taney County should find a way to help move Forsyth's project forward, whether with contingency funds or the use of equipment.

Commissioner Pennel stated that he was present at the last Park Board meeting and the Park Board suggested requesting \$50,000 for the project. Ms. Leist commented that the City is attempting to stretch their dollars by using county equipment and labor for the purpose of clearing and leveling in preparation of the fields. Commissioner Pennel commented that he had additional concerns with funding after speaking with Auditor Findley.

Commissioner Pennel made a motion to table for 2 weeks, so that the Commission could speak with Mr. Findley, and make sure there is money in the budget. Commissioner Herschend seconded the motion. Mayor Oliphant stated that there is a verbal agreement, and pending the Forsyth City Council Meeting, to obtain 8 additional acres of completely flat land that adjoin the current land previously discussed.

Commissioner Herschend asked Mayor Oliphant what the total cost was of the project. Mayor Oliphant stated that it is approximately \$75,000 per field and there will be 2 fields. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## HELEN SOUTEE SEMI-ANNUAL TREASURER'S REPORT

Ms. Helen Soutee, County Treasurer, the following Semi-Annual Report:

### FINAL SETTLEMENT AND INVESTMENT REPORT OF TANEY COUNTY TREASURER

HELEN SOUTEE

AS OF JUNE 30, 2008

Total Budget Funds	\$51,408,292.64
Total Treasurer's Funds	\$ 1,093,068.50
Grand Total All Funds	\$52,501,361.14

# TANEY COUNTY COMMISSION RECORD

The attached report illustrates detailed fund balances, with the far right hand column, (Year to date) providing the breakdown of each fund. Beginning with balances as of January 1, 2008, revenues and expenditures and ending balances per fund as of June 30, 2008. This report is per RSMO 54-150 regarding the semi-annual settlement delivered to the Taney County Commission.

Investments and breakdown of cash on hand by the County Treasurer's Office as of June 30, 2008 are as follows:

Total Cash in Cash Account	\$ 5,224,666.51
Certificates of Deposit	\$16,280,678.10
U. S. Agency Investments	\$30,996,016.53
<b>Total All Cash</b>	<b>\$52,501,361.14</b>

## **JOHN HOOKER, SEWER DAILY OPERATIONS MANAGER INFILTRATION STUDY**

Commissioner Herschend made a motion to approve an Infiltration Study as recommended by John Hooker, Daily Operations Manager for the Sewer District. Motion died for a lack of a second.

Mr. Hooker stated that there was a large problem in Riverside Estates in that the sewer bills continue to increase and that the county is paying to treat ground water. Mr. Hooker also commented on rainwater running off and getting into the sewer lines, which the county is paying for. He noted that the Sewer Board had previously approved an infiltration study, but looking for final approval from the Commission.

Commissioner Pennel asked Mr. Hooker what the estimated cost for this study would be. Mr. Hooker stated that there is an estimate of \$24,000 and that he would like to bid out the job.

Commissioner Strahan made a motion to approve the study. Commissioner Herschend seconded the motion for discussion and asked if the Sewer Department had the funds for this study. Mr. Hooker stated that this fall under capital improvements. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **BILLBOARD LEASE**

Commissioner Pennel made a motion to approve the billboard lease for Golden Partners DBA Golden Corral. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **MILEAGE RATES**

Ms. Luttrell received notification from the State of Missouri that effective 7/1/08 the mileage rate had been increased from 45.5 to 47.5. Commissioner Strahan made a motion to approve the increase. Commissioner Pennel seconded the motion. Auditor Findley requested to move the effective date beginning 8/1/08.

Commissioner Strahan amended his motion noting the effective date of 8/1/08. Commissioner Pennel amended the second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **FLOODING UPDATE**

Mr. Chris Berndt, Emergency Management Director, noted that FEMA had approved individual assistance in Taney County for the second event noting residents/business owners will need to re-apply even if they applied with the first event. He also commented that K-Dock owners could apply and receive assistance. Mr. Berndt commented that he would know by the end of the week whether or not public assistance has been approved by FEMA. He added that there is a briefing scheduled on August 1<sup>st</sup> at 8:30 a.m., which will be held at the Taney County Airport.

Commissioner Strahan added that he would like media coverage to ensure that the public is aware of the public assistance being approved by FEMA.

# **TANEY COUNTY COMMISSION RECORD**

**RECESS**  
**11:05 a.m.**

Minutes taken and typed by Nikki Lawrence.

**RECONVENE**  
**1:05 p.m.**

The County Commission reconvened in the Commission Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

**BOB PAULSON**  
**WORK SESSION**

Counselor Paulson gave the Commission a brief update on legal issues and discussed the weekly schedule and upcoming cases.

**SEPTAGON**  
**WEEKLY UPDATE**

Mike Smith, Septagon Construction gave the Commission a weekly update on the Judicial Facility. Commissioner Strahan made a motion to replace the electric flush valves on the staff toilets with manual valves where electric wasn't provided. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Herschend entered the meeting at 1:28 p.m.

**CASEY ROAD**

Commissioner Strahan made a motion to approve Change Order number 4 Alt 1 in the amount of \$215,000.00 for road stabilization on phase two. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Commissioner Pennel made a motion to deny Change Order number 4. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

**SHADOWROCK TRAIL**

Frank Preston, Road Superintendent presented the Commission with the final reimbursement papers for the Shadowrock Trail grant. Commissioner Pennel made a motion to approve the documentation for MoDot for the Shadowrock Trail and for Mr. Preston to confirm that the county will receive the reimbursement. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Mr. Preston noted that FEMA will not even consider reimbursing for the trail nor for the work done on Forsyth-Taneyville road. Commissioner Strahan requested to see the information regarding the water height on said road as the road was based on the information given to the Commission.

**FRANK PRESTON & TRESSA LUTTRELL**  
**WORK SESSION**

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

# **TANEY COUNTY COMMISSION RECORD**

1. Bee Creek: Mr. Preston inquired as to how far the County would be paving on the Bee Creek project. Commissioner Herschend noted that the County will go to the bridge and SJL will take it from there.

Mr. Preston further commented that Journagan Construction has quoted the new prices for the asphalt due to the recent oil increases. Mr. Preston stated that Journagan has agreed to lock in at \$65.00 a ton for approximately 2,300 tons costing around \$82,000. Commissioner Strahan made a motion to approve said change. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that the pricing is only locked in for thirty days.

## **INTERNET TASK-FORCE GRANT**

Commissioner Strahan made a motion to approve the Tri-Lakes Regional Crimes Task Force Internet Crimes Grant as presented by Sheriff Russell. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **DAMAGED PATROL CAR**

Sheriff Russell informed the Commission that a recently totaled vehicle was reviewed by the insurance company who gave the County \$7,500 for the vehicle. Mr. Russell noted that the vehicle would need to be replaced and that he had spoken with Gordon Cupp from Tri-Lakes Ford who has agreed to keep the bid price previously given. With the insurance payment, the balance for the vehicle is \$15,563.

Commissioner Strahan made a motion to approve the request. Commissioner Herschend asked if Sheriff Russell would be taking the funds out of one of his other funds. Sheriff Russell noted that those funds were already designated. Commissioner Herschend asked about the replacement of the fleet for the 2009 budget. Sheriff Russell indicated that this vehicle would have been replaced in the 09 budget therefore, one less vehicle would be requested. Commissioner Pennel seconded the motion, noting that the funds would come out of the contingency fund. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

2:27 p.m.

## **RECONVENE**

2:34 p.m.

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

Commissioner Strahan left the meeting.

# TANEY COUNTY COMMISSION RECORD

## FRANK PRESTON & TRESSA LUTTRELL

### WORK SESSION CONT.

1. Detector/Scanner Bid: Ms. Luttrell presented the Commission with the bids for a Security Detector and Scanner for the new Judicial Facility noting that only one bid was received for the Detector and nothing was received for the Scanner.

Commissioner Herschend made a motion to accept the bid as offered by World Wide Sales. Commissioner Pennel seconded the motion. After general discussion, Commissioner Pennel made a motion to table said bid. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend noted that he would do some research to take care of the Detector.

2. Tipping Services: Ms. Luttrell presented the Commission with the bids for the annual tipping services noting that the prices have gone up as expected. Ms. Luttrell noted that the City of Springfield also offered a 2.5% discount for pre-paid vouchers.

Commissioner Herschend made a motion to approve the Tipping Services bid with Springfield Relay as the primary vendor and Waste Corp as the secondary vendor. Commissioner Pennel seconded the motion.

Commissioner Pennel asked if the County would use the City of Springfield. Commissioner Herschend stated no. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

3. Mailing Services: Ms. Luttrell presented the Commission with the bids for Mailing Services for the Collector noting that only one bid was received from Ozark Mailing Services. Ms. Luttrell added that Collector Wyatt had contacted the Post Office and reported that Ozark Mailing Services would be a cost savings to the County.

Commissioner Herschend made a motion to approve the bid as submitted. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

4. Computer/Monitor bids: Ms. Luttrell presented the Commission with the bids for computers and monitors for the Sheriff's Department's use in the new Judicial Facility. Ms. Luttrell noted that Gary Morgan, IS Administrator had reviewed the bids and was recommending CDW-G. Ms. Luttrell added that the bid was for 18 computers and 24 monitors.

Commissioner Herschend made a motion to table said bids and ask Sheriff Russell to explain why so many pieces of equipment were needed. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

5. Flood Victims/Transfer Station: Commissioner Pennel noted that the Governor had extended the dumping of debris due to the recent flooding and inquired if the Commission should extend the free dumping at the Transfer Station. Commissioner Herschend commented that there had been a couple of inquiries and commented that Karen should use her best judgment on a case by case basis.
6. Subdivision Approval: Commissioner Herschend commented that the County was approving new subdivisions behind existing subdivisions causing the construction traffic to go right through the existing subdivision. Where there is not a County road, the County is putting the burden of the road repairs on the citizens

Commissioner Herschend commented that he would like to have a work session on the issue as there seems to be a problem somewhere, something is missing.

7. Animal Control Adoptions: Commissioner Pennel commented that Petco's grand opening was this Saturday and they would like to have animal control bring some animals

# TANEY COUNTY COMMISSION RECORD

for adoption from 9:00 a.m. to 1:00 p.m. Commissioner Herschend made a motion to approve the event and the overtime for the employees. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## RECESS

3:30 p.m.

Minutes taken and typed by Tressa Luttrell.



## JULY 23, 2008 11<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### PAYROLL

Commissioner Pennel made a motion to approve payroll warrants:

General County Revenue #104595 through #104596, 104628 through #104649

Road & Bridge #104598 through #104621

Assessment Fund #104597, #104622 through #104623

Transfer Station #104624 through #104627

Accounts Payable Warrants #304890 through #304913, manual warrants #4868, #4869

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

### EXECUTIVE SESSION

Commissioner Herschend entered the meeting.

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(1). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### COMPUTER/MONITOR BID

After a brief discussion with Sheriff Russell, Commissioner Herschend made a motion to approve the bid as recommended to CDW-G for computers and monitors for the Sheriff's Department. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(1). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

## RECONVENE

2:10 p.m.

The County Commission reconvened with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present.

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(1). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Pennel made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(1). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes taken and typed by Tressa Luttrell.



## JULY 24, 2008 12<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## INDUSTRIAL DEVELOPMENT BOARD

The County Commission met with members of the Industrial Development Board to discuss a variety of issues. Cy Murray, Chairman noted that the board is going to make the \$60,000 that the Commission has approved in the budget work and should it get to a point where the board feels like they need additional funding they will come back to the Commission.

Mr. Murray noted that they were looking to hire a full time staff person and had received some good resumes. The search was narrowed down to five individuals; two in the county and three out of college.

Mr. Murray informed the Commission that the board was still short one board member since Buddy Roberts resigned and recommended Dean Harmon. Commissioner Herschend stopped Mr. Murray and commented that the Commission should address one issue at a time.

Commissioner Herschend made a motion to support the IDA another year. Commissioner Pennel seconded the motion. Commissioner Strahan noted that he didn't understand as the Commission had already approved the 2008 budget and noted that he was willing to look at more than the 60,000 if they could get a more qualified individual hired. Commissioner Herschend amended his motion adding that the support would be at a minimum of

# TANEY COUNTY COMMISSION RECORD

60,000.00. Commissioner Pennel amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to appoint Dean Harmon to the Industrial Development Board. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Mr. Murray indicated that the board would like to move the office to the Taney County Airport and would be meeting with the Airport Advisory Board soon. Commissioner Herschend added that the County should build an office as well as a conference room there. Commissioner Pennel added that they should look at the space where the Wings of the Ozarks are currently located as they will be moving.

Mr. Murray presented the Commission with some materials regarding Industrial Development Bonds and Economic Incentives Comparison.

Mr. Murray indicated that the board was looking to hire in mid August. Commissioner Herschend asked who the individual reports to on a daily basis. Mr. Murray noted that they are hoping the individual will be self motivating, but will meet weekly with the Chairman as well as keeping the remaining board members up to date.

Minutes taken and typed by Tressa Luttrell.



## **JULY 25, 2008 13<sup>TH</sup> DAY OF THE JULY ADJOURN TERM**

The County Commission met in the Commission Office at 3:22 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

### **TASK FORCE GRANT**

Commissioner Herschend made a motion to approve the Tri-Lakes Regional Crimes Task Force-Internet Crimes Grant. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes taken by Christy Teel.



## **JULY 28, 2008 14<sup>TH</sup> DAY OF THE JULY ADJOURNED TERM**

The County Commission met in the Associate Circuit Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

### **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #304857-304889 and manual warrant #4866-4867. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## PRIOR MINUTES

Commissioner Herschend made a motion to approve prior Commission Minutes dated 7/11/08, 7/14/08, 7/15/08, 7/16/08 and 7/17/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## SHADY LANE ROAD PETITION

Commissioner Pennel commented that Shady Lane Road Petition was read into record at last weeks meeting and was tabled so that Mr. Preston, Road & Bridge Superintendent, could go view the road. Mr. Preston asked if the Commission had an opportunity to view the DVD that was taken on Shady Lane. The Commission concurred that they had.

A general discussion took place regarding where the turnaround could be placed. Commissioner Strahan made a motion to accepted Shady Lane in the county maintenance system contingent upon placing the turnaround at the section of the road where there is a Y/60° angle in the road. Mr. Preston commented the road had good ledge rock but culverts would need to be added. Commissioner Pennel hesitated to second Commissioner Strahans motion for lack of specifics on the turnaround. Motion died for lack of a second.

Commissioner Herschend made a motion to table until there was a discussion about the culverts, location of the turnaround as well as communicating this with the petitioner, which will be done by Mr. Preston. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## STONE TREE DRIVE PETITION

Mr. Preston noted that Stone Tree Drive is the circular road that gives access to Meeks Lumber and L & J Plumbing Supply, which is located off of Buchanan Road. He commented that the road is in great condition with curb and guttering along with a 60 foot right-of-way. Mr. Preston also noted that it is a commercial development. Commissioner Herschend commented on the policy that was in place, which is that the road has to be in place 4 years after the first house is built or 75% established.

Commissioner Pennel read Stone Tree Drive Petition into the record as follows:

Petition for Establishment Change or Relocation of Public Road located in Branson Township and described as Section 8, Township 23N, and Range 21W.

Commissioner Herschend made a motion to table until the Commission investigates whether or not it meets the 4 year guidelines. Motion died for lack of a second.

Commissioner Pennel made a motion to accept Stone Tree Drive into the County Road System as a Class II as recommended. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

## ROB DIXON, HOLLISTER CHAMBER OF COMMERCE

Mr. Rob Dixon formally introduced himself to the Commission as the new Director of Operations with the Hollister Area Chamber of Commerce. He also noted that his current focus is to strengthen the partnership between the City of Hollister and Taney County. Mr. Dixon informed the Commission of some upcoming events:

- August 14<sup>th</sup> > Chamber Luncheon (held the 2<sup>nd</sup> Thursday of each month)
- September 27<sup>th</sup> > 10<sup>th</sup> Annual Grape and Fall Festival

The Commission noted that they appreciated the relationship with the City of Hollister and also stated that they would like to have the same type of relationship with other municipalities within the county.

# **TANEY COUNTY COMMISSION RECORD**

Mr. Dixon commented on the progress of the Water Park development that is located at the Hollister Interchange on Highway 65 and the bulk of the current construction is located behind the ridge, so it may be difficult to see at this point.

## **BLANSIT ROAD NO PARKING SIGNS**

Mr. Steve Lane stated that several Walnut Shade residents meet last week with Sheriff Russell and Prosecutor Merrell to discuss suggestions on how to handle the Blansit Road issue. He also commented that several possible solutions were discussed, along with no parking on the road.

Mr. Lane respectfully requested to have no parking signs installed on Blansit Road. Commissioner Herschend moved to approve installing and spacing no parking signs all along Blansit Road from the Highway 160 bridge to the county low water crossing.

A general discussion ensued about the number of signs that would need to be placed and the location of them. Motion died for lack of a second.

Counselor Paulson stated that if there needed to be no parking signs on both sides, then the Commission could make a motion to do so.

Sheriff Russell reminded the citizens of Blansit Road that if there is no parking throughout the road, property owners would also have to abide by that law. He also recommended that there be no parking signs placed on both sides of the road.

Commissioner Pennel asked Counselor Paulson if the Commission needed to make a motion because this would be covered under the No Parking Ordinance. Counselor Paulson read paragraph 4 of the No Parking Ordinance, which covers no parking signs on the street.

Mr. Preston recommends 1-2 large signs at the beginning of the road. The Commission concurred.

## **NUISANCE CASES**

Commissioner Pennel made a motion to table until the Commission reconvenes at 1:00 p.m. today. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PARK BOARD REQUEST FOR FUNDING**

Commissioner Pennel stated that last week, Angela Leist, Park Board Secretary, approached the Commission with the idea of using \$50,000 out of the county GCR to assist the City of Forsyth to help build ball fields.

Commissioner Pennel stated that he spoke to Auditor Findley and noted that this would be a one time expense. Commissioner Pennel made a motion to approve \$50,000 to assist the City of Forsyth. Commissioner Herschend seconded the motion for discussion. A general discussion ensued about viewing a plan and exactly how the monies would be allocated to the City of Forsyth.

Commissioner Pennel amended his motion to approve \$50,000 in cash to assist the City of Forsyth. Commissioner Herschend seconded the motion. Commissioner Strahan noted that he had no problems assisting the City of Forsyth as long as plans are presented to and approved by the Commission. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **TANEYCOMO BRIDGE COST SHARING APPLICATION**

Commissioner Pennel stated there was a deadline of August 1<sup>st</sup> to have the Cost Sharing Application turned in to MoDOT, but it will be extended due to MoDOT finishing up their end of the application. He questioned whether the Commission should reaffirm their commitment to the monies. Commissioner Herschend stated that there is nothing to reaffirm until MoDOT comes back with a revised plan.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Strahan commented that he spoke with Congresswoman Emerson's office and the bill that was introduced for the Taneycomo Bridge and the widening of Highway 160 & Coy Blvd. is still trying to be passed.

## **TANEY COUNTY AIRPORT INTERGOVERNMENTAL AGREEMENT FOR WESTERN TANEY COUNTY FIRE**

Counselor Paulson called on Chris Berndt to present the Taney County Airport Intergovernmental Agreement for Western Taney County Fire. Mr. Berndt stated that he is requesting a renewal of the agreement. He also noted that this agreement would be from August 1, 2008 to January 1, 2010.

Commissioner Strahan made a motion to approve the agreement. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **FLOOD UPDATES**

Mr. Berndt informed the Commission that on Friday, August 1<sup>st</sup>, there will be a briefing for public assistance, which will be located at the Taney County Airport.

## **PARK REPORTS**

Commissioner Strahan made a motion to table until 1:30 p.m. this afternoon. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **SHEILA WYATT**

Ms. Sheila Wyatt, County Collector, informed the Commission that she had received an order from the State Tax Commission of Missouri, which had given her permission to round to the nearest dollar.

## **COMMISSIONER HERSCHEND**

Commissioner Herschend made the Commission aware that he met with the Meadow Ridge Homeowners Association to discuss a road petition that has been tabled. He also noted that it would be on the agenda in the near future.

## **ROAD & BRIDGE UPDATE**

Mr. Preston updated the Commission on several issues. Calden Creek Bridge is now passable to traffic, but will only be 1 lane for most of the week. He also noted that he received several compliments from individuals and Kanakuk Kamp, which he passed onto his work crews. Mr. Preston stated that Parksley was completed today, which makes the road passable. He also explained that clean-up was going to be starting on Y Highway. Mr. Preston discussed the walking trail at Shadow Rock Park.

## **ADOPTION EVENT**

Commissioner Pennel commented on the great PetCo event where he helped Taney County Animal Control adopt out animals.

## **HOUSING SUMMIT**

Commissioner Pennel stated that the Commission will be attending the Housing Summit at the Presley's Jubilee Theater on Tuesday, July 29<sup>th</sup>, which is sponsored by the IDA.

# TANEY COUNTY COMMISSION RECORD

## IDA

Commissioner Herschend commented that 3 members of the IDA gave a great presentation to the Commission last week. He continues to say that the Commission supports the IDA and budget for 2009.

## RECESS 10:41 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE 1:00 p.m.

## BOB PAULSON WORK SESSION

Counselor Paulson met with the Commission to discuss upcoming legal issues as well as discussing his weekly schedule.

## SEPTAGON WEEKLY UPDATE

Mike Smith, Septagon Construction met with the Commission to give the weekly update on the Judicial Facility. Mr. Smith noted that APAC would be sending us a letter of intent regarding the paving at the facility as the company they receive their product from has filed bankruptcy.

John Lavender, Maintenance Supervisor noted that Mediacom would be bringing the cable into the two boxes and Herb Stuart with Stuarts Sales will be wiring the building which amounts to 40 drops. Mr. Stuart indicated that the estimated cost is \$600 - \$650 per 1,000 feet and there is about 8,000 – 10,000 feet of cable. A lift will have to be used in the pods.

Tressa Luttrell, County Administrator questioned as to if anyone could pull the wiring. Mr. Stuart stated yes. Ms. Luttrell commented that there is a threshold of \$4,500 before it has to be bid out. Mr. Stuart indicated that it would be over that limit.

Mr. Lavender noted that the tables will be going in the third week of August which prohibits the use of the lift. Commissioner Strahan made a motion to table the issue for a work session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## JENNIFER GROVES PARK BOARD REQUEST

Jennifer Groves representing the Taney County Park Board informed the Commission that at the time of rotation, the City of Rockaway Beach did not have their information ready and asked to be skipped. They now have their project together and would request \$5,300 for bathrooms.

Commissioner Herschend made a motion to approve said request. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Groves noted that the board was at a point where they are ready to start looking for some property and would like to form a real estate committee. Ms. Groves asked the Commission as to what roll they would like to have. Commissioner Herschend noted that he would just like to be able to critic the plan. Commissioner Pennel commented that he would need to get a clear understanding of the financials. The County Commission was ok with proceeding towards a committee but would like to have a work session with the Commission, the park board and the committee members.

# TANEY COUNTY COMMISSION RECORD

## SALVAGE OF STRIP BUILDINGS

Commissioner Herschend informed the Commission that an employee had requested to salvage materials from the strip once everyone had moved out and wondered what the Commission felt.

After a brief discussion, Commissioner Herschend made a motion to table until Counsel could advise. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Casey Road: Commissioner Pennel commented that Ron Wyatt had contacted him regarding the water coming into his house due to the construction. Mr. Preston noted that the contour of the land needed to be fixed. Mr. Preston added that there are drains; however they are not working because the water can't get to them and stated that Charlie Stiffler would be heading up the project starting Wednesday.
2. Acacia Club Road: Mr. Preston asked the Commission if they were ok with using the same type of blocks on Acacia Club that was used at Lakeshore. Commissioner Herschend inquired as to what happens when the top block gets breached. Mr. Preston noted that the only reason he was comfortable with the placement of the blocks was because Mel Aikin and Spencer Jones with Great River Engineering has stated that it would be structurally sound.

Commissioner Strahan noted that he would like to have a written engineers report regarding that fact. Commissioner Pennel concurred noting that they were the responsible engineers on the project.

3. Planning Code Book: Mr. Preston noted that Keith Crawford was finished going through the code book and is asking for the Commission's input. Ms. Luttrell asked if there was a time line. Mr. Preston stated no.
4. Vacation: Mr. Preston noted that he would like to take vacation the third week of August. Commissioner Herschend made a motion to approve said request. 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(3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny the request of additional funeral leave for Kelly Laughlin as it is outside the policy. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## JULY 29, 2008 15<sup>th</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met at the Presley's Jubilee Theater at 9:00 a.m. pursuant to adjourn with all members present and the following proceeding were had and made a matter of record.

### WORK FORCE HOUSING SUMMIT

The Commission attended the 2008 Work Force Housing Summit as presented by the Industrial Development Authority and held at the Presley's Jubilee Theater.

Minutes were typed by Nikki Lawrence.



## JULY 30, 2008 16<sup>th</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 7/18, 7/21, 7/23, 7/24 and 7/25/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### CEDAR SPRINGS ESTATES PETITION

Commissioner Pennel asked Counselor Paulson why he wanted a plat for this particular road. Commissioner Strahan reminded Counselor Paulson that he had mentioned before the area that the cul-de-sac protrudes out to. Counselor Paulson explained that he just wanted to be sure that they couldn't count an easement towards the part of a lot to sell. A general discussion regarding recordable documents ensued.

Commissioner Pennel made a motion to approve the petition contingent upon the easement being changed to a deed. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### GARY SNADON PLANNING & ZONING ISSUE

Gary Snadon stopped by to let the Commission know that he lost his temper this morning in Planning & Zoning, that he has never asked for a dime from the county and he felt he was being harassed. Mr. Snadon added that he has never been asked to provide the additional information that Mr. Coxie has asked for. Counselor Paulson explained the process and how through the years, the County has had to put some preventative measures within the code.

Ms. Snadon noted that he has had a bond in place for 15 years and it should be sufficient. Commissioner Strahan questioned why the portion of completion be applied. Counselor Paulson commented that he did not know all the details and would need to review the issue.

Commissioner Strahan asked if the Planning was going to be asking people to renew their bonds, in place, due to the financially economic times we are in. Counselor Paulson noted that the bond should be sufficient to cover should the County have to finish the project.

# **TANEY COUNTY COMMISSION RECORD**

Mr. Snadon noted that the County is working on two different standards as Branson Canyon didn't have to bond because he had put the utilities in but on this one, Empire is putting in the utilities and I am being told to bond that portion. Counselor Paulson again stated that he would have to look at the situation.

## **CABLING ROAD & BRIDGE BUILDING**

Gary Morgan, IS Administrator updated that Commission on the costs involved in providing the cabling for the future Road & Bridge building. Empire has given us a quote of \$10,000 plus \$400.00 a month for 5 years and then to renegotiate the monthly fee, however Tri-Lakes net has a not to exceed cost of \$32,000 if we acquire the easements from the City of Forsyth and bury the cable. Mr. Morgan added that the benefit of us acquiring the easements is that the County would own the cable.

Commissioner Strahan made a motion to proceed with the direct ownership of the cable and direct that the easements be sought. Commissioner Pennel seconded the motion. Counselor Paulson noted that this project had not been bid out yet and would need to be done. The Commission concurred that the motion was to proceed with that avenue not the immediate purchase. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **ROAD & BRIDGE BUILDING REMODEL**

John Rider, Road Inspector presented the Commission with the proposed layout of the new Road & Bridge building. Commissioner Strahan indicated that he thought the move would only be a partial move at this time. Mr. Lavender noted that when he spoke with Mr. Preston, Mr. Preston was not happy with that option. Commissioner Strahan commented that he didn't want to get away from the time issue. Commissioner Pennel concurred.

Mr. Rider suggested finding an alternative location for a month and a half then move in when the remodeling is finished. Commissioner Pennel stated that they could move into the first area and deal with the remaining space later. Commissioner Pennel further commented that this location is six times the size of what they currently are in. Randy Haes, Road Coordinator asked if they would still be getting the whole building. Commissioner Pennel noted not necessarily.

Commissioner Strahan made a motion to table upon the redesign for the 1/3 of the building and that the other portion of the building would not be considered at this time. Commissioner Pennel seconded the motion. Mr. Lavender inquired as to who would be performing the remodeling. Commissioner Strahan stated that he would like to see Mr. Lavender and a crew perform the task. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **MOVING OF OFFICES**

Commissioner Herschend entered the meeting at 10:23.

Tressa Luttrell, County Administrator questioned the Commission as to if they still wanted her proceed with finding a moving company to move all the office into the new facility. Ms. Luttrell indicated that an estimate on the Circuit Clerk's Office only was around \$25,000.00.

Mr. Lavender noted that he had performed this function several times and didn't see any reason no to do it this time. Commissioner Pennel asked Mr. Lavender to get an estimate on the size of crew he would need. Mr. Lavender commented that he would get a letter together informing the offices what would need to be done and the Commission could sign it.

## **TELEVISIONS/CABLING JUDICIAL FACILITY**

Mr. Lavender noted that his suggestion would be to put in the tv's located in the jail pods and the four in the Sheriff's Office at this time; the rest can be done later.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend made a motion that because of the timing urgency, to instruct Mr. Lavender to move forward on the 14 television locations in the jail and the 4 in the Sheriff's Office, with work to proceed immediately. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion that due to the same emergency as above, that the televisions and brackets be purchased for the jail pods immediately. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

10:47 a.m.

## **RECONVENE**

10:54 a.m.

## **TABLEROCK ACRES GEORGIA TOOPS**

Commissioner Herschend noted that Ms. Toops had lost 6-8 foot of material under her trailer due to the water runoff. The contractor went in and did a mediocre job of putting it back in. However, Ms. Toops is moving a renter in and went to reinforce some areas and noticed the problem.

Commissioner Herschend stated that they had received a bid from a mobile home installer that will put the material in the way it should be. Commissioner Herschend made a motion to approve the \$2,500 expenditure to be paid for out of the Sewer Sales Tax and to be added into the current lawsuit as damages. Commissioner Pennel seconded the motion.

Commissioner Strahan asked why this wouldn't go to the sewer board. Commissioner Herschend stated that they are an advisory board. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

## **COMP TIME**

Commissioner Herschend made a motion to approve the payment of 40 hours of comp time to Branden Tilley and 65.15 hours of comp time to Lewis Hursh as requested. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **AERONAUTICAL SURVEY RFQ**

Ms. Luttrell presented the Commission with the proposal from the recent Aeronautical Survey RFQ. Ms. Luttrell noted that the grant for the airport will not cover this expenditure however the Airport Board has voted to award the proposal for \$34,449.41 to Photo Science.

The County Commission concurred that they were under the impression that the grant would cover the costs. Ms. Luttrell stated that she had received an email from the State representative on the grant who stated that they had previously informed Mark Parent, Airport Manager that this expenditure would not be covered. When Ms. Luttrell questioned Mr. Parent, he noted that they were aware but that the board wanted to continue with the survey.

Commissioner Pennel made a motion to table said issue until a meeting with Mark Parent and one of the board members be scheduled to discuss the issue. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **MODULAR FILE SYSTEM BID**

Ms. Luttrell presented the Commission with the bids for a modular filing system for the Circuit Clerk. Ms. Luttrell noted that Brenda Neal, Circuit Clerk has recommended the approval of OM Workspace for \$29,548.00.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend questioned whether the floor was structurally sound for that type of filing. Ms. Luttrell stated that Septagon Construction was presented that question and had requested the structural engineer to look at the issue. Ms. Luttrell further stated that Septagon actually gave us the exact measurements to go out to bid once they were satisfied.

Commissioner Herschend made a motion to approve as recommended contingent upon receiving written notification regarding the soundness of those areas. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RESIDENTIAL FURNITURE BID**

Ms. Luttrell presented the bids for the residential furniture which will be used in Judge Orr's office and Brenda Neal's office. Ms. Luttrell noted that both the Judge and Ms. Neal had reviewed the bids and were recommending Wheelers Furniture for \$7,395.00.

Commissioner Strahan made a motion to approve the bid as recommended. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **AIRPORT INSURANCE BID**

Ms. Luttrell presented the bid for insurance for the Taney County Airport. Ms. Luttrell noted that Mr. Parent had recommended continuing with Insurance Source as they have continued to lower the premiums each year.

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

## **SALVAGE OF STRIP CENTER**

Commissioner Herschend asked Counselor Paulson about the liability of salvaging the strip center. Counselor Paulson noted that if there were recyclables then the county should salvage and sell them. Commissioner Pennel questioned why the county wouldn't have an auction like the last time and take what we know happened wrong and improve. The auction could be held two weeks prior to demolition.

Commissioner Strahan commented that there could be categories versus anything in the building like carpeting, electrical and studs. Counselor Paulson noted that at the very least you would want a hold harmless agreement for them to sign. Ms. Luttrell asked who would be supervising the individuals. Commissioner Herschend noted that it was not worth the money to have a supervisor there. Commissioner Pennel commented that an auction specifying what would be sold could be done and have no supervisor. Commissioner Herschend suggested having a sealed bid for the items and would write that specification up today and get them to Ms. Luttrell.

## **NUISANCE CASES**

Commissioner Pennel made a motion to ratify sending the 1<sup>st</sup> letter for #08-0035. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to deny #08-0015. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to deny #08-0014. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to deny #04-403. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion to send the 1<sup>st</sup> letter after a drive by on #08-0012. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send the 1<sup>st</sup> letter after a drive by on #08-0013. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to deny #04-404. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send the 1<sup>st</sup> letter after a drive by on #08-0025. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to deny #08-0028. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to send a letter to #04-393 that the garbage behind the chain link fence either needs to be moved or hidden so that the neighbors can't view. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
12:21 p.m.

Minutes taken and typed by Tressa Luttrell.



## **AUGUST 1, 2008 17<sup>TH</sup> DAY OF THE JULY ADJOURN TERM**

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **MEADOW RIDGE ROAD PETITION**

Commissioner Herschend commented that Planning and Zoning has impacted the subdivision in that by approving an additional subdivision behind Meadow Ridge has resulted in construction equipment traveling through the subdivision thus tearing up the roads. Commissioner Herschend further stated that this is not the fault of the citizens and would make a motion to take in Round Hill Road, Mesquite, Shadow Lake and Shadow View contingent upon getting every property owner on the downhill side to sign a water runoff release stating that the County is not responsible. Commissioner Herschend noted that Shadow Lake and Shadow View are good roads but would not do Round Hill Road past the lake where the steep portion is and would post "No Trucks".

Commissioner Herschend added that he felt strongly that the County has some responsibility for their roads being damaged. Commissioner Pennel commented that "if" the work was to be done, how would you stop this from happening in the future. Commissioner Herschend stated that he would like to go back to Planning & Zoning. They need to look at how folks are going to get from a road to the development and ask those homes to be responsible for the damage.

Frank Preston, Road Superintendent commented that it would be hard to stop a development but didn't see any problem with putting some language in the decision of record making them liable for any damage due to the load and number of loads going across the roads. Commissioner Strahan asked if it was a county problem and added that he thought they should have an alternate route or a bond to take care of any road damage.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend stated that he was just asking today for Mr. Preston to look at the concept. Commissioner Pennel stated that he was trying to think of how other entities handled the issue. Commissioner Pennel added that in Branson North for instance, as parts are developed, they have to use the road as it wouldn't be practical to build a new road just for that traffic. It seems to make more sense that those roads should be built to a higher standard to take care of the traffic.

Commissioner Herschend stated that the homeowners are willing to do something short of denying the petition. Commissioner Pennel made a motion to table the petition and go back out and contact the property owners. Commissioner Herschend noted that he would ask Counsel about the water release. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **VIDEO CAMERA**

Mr. Preston asked the Commission if Road & Bridge could purchase a video camera to video the roads for various issues. Commissioner Strahan made a motion to approve the purchase. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RETENTION PONDS**

Mr. Preston informed the Commission that he had just received the information from Sunbelt Environmental for the required cleanup for the retention ponds. Mr. Preston added that he was concerned with the time limit as he had already requested an extension from the DNR, and if this has to go out for bids, they will be well past the required date for DNR.

Commissioner Herschend made a motion to approve \$6,832.00 for Sunbelt Environment to provide the necessary cleanup of the retention ponds as required by DNR. Commissioner Herschend further stated that this would be an emergency due to the DNR's timeline and not enough time to process a bid. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **FURNITURE BIDS JUDICIAL FACILITY**

Tressa Luttrell, County Administrator presented the Commission with the bids for the furniture to be housed at the new Judicial Facility. Ms. Luttrell explained that this was the second time the furniture had to be bid out noting that the bid went from a 50 page bid to a 150 page bid. Ms. Luttrell stated that she received three bids, one of which was not a complete bid therefore was not being considered.

Ms. Luttrell noted that after all consideration and research she was recommending the bid offered by Sifford Office Products. After a general discussion Commissioner Herschend made a motion to approve the bid as recommended. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan commended Ms. Luttrell on her hard work to get this bid ready. Commissioner Pennel concurred.

## **WORK COMP AND HEALTH CARE SERVICES**

Ms. Luttrell noted that she had a letter of agreement for St John's Occupational Medicine Clinics that had been sent over from the Auditors Office; however Ms. Wagner was not working today.

Commissioner Pennel made a motion to table the issue until Monday. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## DAVIS, LYNN & MOOTS LETTER

Commissioner Pennel made a motion to sign the required letter for the 2007 Audit from Davis, Lynn and Moots. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## KANAKUK KAMPS REIMBURSEMENT

John Soutee, Sewer Administrator and John Hooker, Daily Operations Manager presented the Commission with a request for reimbursement for Kanakuk Kamps due to the recent sewer line breakage from the wash out of the bridge. Mr. Soutee noted that he wanted to update the Commission and would be notifying the Sewer Board on Tuesday.

## RECESS 10:33 a.m.

## RECONVENE 11:25 a.m.

## NUISANCE CASES

Commissioner Pennel made a motion to send the 1<sup>st</sup> letter on 08-0017 contingent upon a drive by the property and a second letter on Holy Oak. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes taken and typed by Tressa Luttrell.



## AUGUST 4, 2008 18<sup>th</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Auditor Findley followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #304914-305035 and manual warrant #4870-4872. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 7/28/08, and table 7/29/08 and 7/30/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## CONTRACTS

Counselor Paulson stated there are no contracts to review at this time.

## COMMISSIONER PENNEL

Commissioner Pennel commented that during the Election on Tuesday, August 5<sup>th</sup>, there will also be seating inside the courthouse, due to the extreme heat.

# TANEY COUNTY COMMISSION RECORD

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into Executive Session pursuant to RSMo. 610.021.1. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECONVENE

1:16 p.m.

The County Commission reconvened in the Commission Office with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present.

## CABLING ROAD & BRIDGE BUILDING

Counselor Paulson indicated that it would be a good idea to get a survey of the area discussed. The City of Forsyth does not have a problem with putting the cabling in the ditch or under the road. Mike Smith, Septagon Construction noted that the County may want to speak with Great River Engineering as they have a sewer line going in there somewhere.

Commissioner Herschend commented that it would be his recommendation to have an extension placed on the Kennedy contract for this work. Mr. Smith noted that he would contact Kennedy and get an answer.

## JUDICIAL FACILITY WEEKLY UPDATE

Mr. Smith informed the Commission that the sign package for the Judicial Facility was going to be 9,306, and noted that 5,000 was the allotted amount in the budget. Commissioner Herschend made a motion to approve the interior sign package. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve RFI #352 in the amount of \$794.00 for receptacles for owner supply. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve RFI #119 for \$245.88 which replaces the thresholds between the dayrooms to security thresholds. This was called out for in the plans but not in the specifications. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Cabling/Television Quote: Ms. Luttrell presented the quotes for running the cabling needed for the televisions in the jail as previously directed by the Commission. Ms. Luttrell noted that she received two quotes; one from All about Phones and one from Stuart's Sales and Service.

Commissioner Herschend made a motion to approve the quote as submitted by All about Phones in the amount of \$4,087.35. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## TANEY COUNTY COMMISSION RECORD

2. Blinds Bid: Ms. Luttrell presented the Commission with the bid for purchasing blinds for the new Judicial Facility. Ms. Luttrell noted that this was the second time it had been sent out and only one bid was received from Lowes for \$2,884.90.

Commissioner Herschend made a motion to approve said bid. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

3. Inmate Mattresses: Ms. Luttrell presented the Commission with the bid inmate mattresses for the new Judicial Facility. Ms. Luttrell noted that the bids had been reviewed by the Sheriff who recommended Bob Barker for \$20,590.00.

Commissioner Pennel made a motion to approve said bid. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

4. Personal Property Bags: Ms. Luttrell presented the Commission with the bids for Personal Property Bags. Ms. Luttrell explained that these bags contain all personal property of each inmate, their ID number and is housed in a secured area. Ms. Luttrell noted that the Sheriff had reviewed the bid and recommended approval of Pacific Concepts for \$4,483.00.

Commissioner Pennel made a motion to approve said bid. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

5. Inmate Uniforms: Ms. Luttrell presented the Commission with the bids for Inmate Uniforms. Ms. Luttrell noted that this bid is for six different colors in order to segregate the inmates as well as all undergarments. Ms. Luttrell added that the Sheriff had reviewed the bids and recommended Bob Barker for \$19,953.55.

Commissioner Pennel made a motion to approve said bid. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent)

6. FEMA: Mr. Preston informed the Commission that FEMA representatives would be here to go through the County's information.
7. Block Turnouts: Mr. Preston informed the Commission that Spencer Jones was on vacation; however a letter would be forthcoming regarding using the "Redi-Rock" as turnouts on Acacia Club Road.
8. No Parking Ordinance: Mr. Preston noted a few subdivisions that would be in line to get signage for the newly adopted No Parking Ordinance; however he has never received a complaint and asked if a specialty sign shouldn't be made for those areas.

Commissioner Pennel noted that his first thought would be to proceed with the Ordinance as previously discussed and added that the Commission should probably take a road trip with Mr. Preston to view those areas.

9. "Y" Highway Sewer: Mr. Preston asked the Commission if there had been any discussion regarding the repair of the roads in the "Y" Highway Sewer Project. The Commission indicated that there had been no discussion as yet. Ms. Luttrell stated that Mr. Preston could talk with Mr. Hooker or Mr. Souttee who would most likely have that information.
10. Transfer Station: Mr. Preston noted that in the recent audit of the Transfer Station by Auditor Findley there were some issues that probably needed to be addressed. One being the amount of returned checks. Mr. Preston stated that he would look into a credit card system similar to what the Collector has.

Mr. Preston indicated that there is another hauler coming in on Tuesdays which is creating a problem. Commissioner Herschend noted that they are only supposed to be coming in if they miss their transport to Springfield.

Mr. Preston further stated that there is an area of concrete where water is standing and it is creating a mess. Mr. Preston commented that he would like to fix the area. Commissioner

# TANEY COUNTY COMMISSION RECORD

Herschend stated no. The DNR would then have to approve of the fix and the county would be closed for several days. Commissioner Herschend added that it could be cleaned as it is only when there is sloppy trash that there is a mess.

11. Sycamore Log Church: Mr. Preston noted that there are logs under the concrete slab at an area of Sycamore Log Church. Commissioner Herschend explained that the land owner would like for the county to maintain up to the slab. Mr. Preston added that Foreman Yarnell stated that every time he has gone by there the gate has been locked. Commissioner Herschend noted that it had never been closed when he went by.

Commissioner Pennel commented that if the county was maintaining the road to a certain point, why wouldn't we clean it up. Mr. Preston stated that the land owner would prefer no one driving through there. Commissioner Pennel noted that it doesn't sound like the land owner wants it maintained then. Mr. Preston added that he would check the history file.

12. Tim Barth: Commissioner Herschend questioned what Eddie Coxie, Planning Administrator had informed Mr. Barth regarding his plat. Commissioner Herschend explained that Mr. Coxie stated that Mr. Barth would have to go back through concept to put a building on an approved Industrial Lot. Commissioner Pennel stated that he could see that, as the use was no longer a lot and Planning needs to know what is going in there. Mr. Preston agreed noting that if it is a change of use or adding a building would need to go through concept.

## SOLID WASTE MANAGEMENT DISTRICT APPOINTMENTS

Clerk Neeley commented that she had received a request for the placement of board members on the Solid Waste District Counsel both At Large and Executive appointees. Commissioner Pennel made a motion to approve those members that are currently serving. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Pennel made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

It should be noted that no motions were made and no votes were taken.

Minutes taken and typed by Tressa Luttrell.



## AUGUST 05, 2008 19<sup>th</sup> DAY OF THE APRIL ADJOURNED TERM

The County Commission met at Hollister City Hall at 1:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## TANEY COUNTY REGIONAL SEWER DISTRICT

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates on Bee Creek and Ozark Beach projects as well as the Water Trace Program.

# TANEY COUNTY COMMISSION RECORD

Minutes typed by Nikki Lawrence



## AUGUST 6, 2008 20<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:05 a.m. pursuant to adjourn with Chuck Pennel, Presiding present and Danny Strahan, Eastern Commissioner via the telephone and the following proceedings were had and made a matter of record.

### PAYROLL

Commissioner Strahan made a motion to approve the following payroll warrants:

General County Revenue #104679 through #104701

Road & Bridge #104650 through #104672

Assessment Fund #104673 through #104674

Transfer Station #104675 through #104678

Accounts Payable warrants #305036 through #305056, manual warrants #4873, #4874

Commissioner Pennel seconded the motion. The motion passed.

### ROAD SHARING PROGRAM TANEYVILLE / BULL CREEK

Commissioner Pennel made a motion in that the Village of Taneyville and the Village of Bull Creek does not have the funds to pay for the road work up front, that the County will pay the funds direct according to the agreement. Commissioner Strahan seconded the motion. The motion passed.

### PRIOR MINUTES

Commissioner Strahan made a motion to again table the minutes of 7/29 and 7/30 as he has not had a chance to review them. Commissioner Pennel seconded the motion. The motion passed.

Minutes taken and typed by Tressa Luttrell.



## AUGUST 11, 2008 21<sup>ST</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Ms. Donna Clevenger followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #305057-305175 and manual warrant #4875. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# **TANEY COUNTY COMMISSION RECORD**

## **PRIOR MINUTES**

Commissioner Strahan made a motion to approve prior Commission Minutes dated 7/29/08, 7/30/2008, 8/1/2008, 8/4/2008, 8/5/2008 and 8/6/2008 with corrections. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RIGHT OF WAY EASEMENT FOR SANITARY SEWER COLLECTION FACILITIES**

Commissioner Pennel introduced an easement for signature for the Y Highway Sewer Project where the sewer lines will come up and across county property.

Commissioner Herschend moved to approve said easement. Commissioner Pennel seconded the motion. Commissioner Herschend noted a concern with the easement in that he questioned who compiled and produced the legal description.

Commissioner Herschend amended his motion to add approval contingent upon verification of the legal description by Great River Engineering or a qualified surveyor. Commissioner Pennel amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **TAX ABATEMENT FOR FLOOD VICTIMS**

Commissioner Pennel stated that a flood victim/property owner, who resides on Foggy River Road, presented a request to the BOE to abate their taxes, was turned down.

Commissioner Herschend made a motion to officially request that the Assessor, James Strahan, abate 2008 taxes for the flood victims. Commissioner Strahan stated that he remembers already taking action on this issue at a prior BOE meeting and requested that the Commission take a look at the minutes from that meeting before making any decisions. Commissioner Pennel asked for clarification on the motion. Commissioner Herschend restated his motion. Commissioner Pennel seconded the motion.

Mr. James Strahan, County Assessor, commented that he is in favor of doing something of this particular nature, but currently there is no law in place to allow for abatement in this situation. He had also spoken with the Legislature regarding this specific issue.

A general discussion ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

Commissioner Pennel requested for Counselor Paulson to telephone the State Tax Commission to ensure there is no statute for this situation. Commissioner Herschend added that he would also like for Counselor Paulson to call the Assessor's Association.

## **AFFORDABLE HOUSING PROJECTS**

Commissioner Pennel stated that HCW Consultants contacted him in regards to a support letter for an Affordable Housing project, which will be located on Bird Road in Branson. He also stated that he had received other requests from other entities requesting letters of support.

A general discussion ensued. Commissioner Strahan commented that he had concerns about supporting organizations/individuals that may sway their initial information. Commissioner Herschend requested that those requesting letters, need to present their project to the Commission prior to the Commission endorsing any project. The Commission concurred.

## **BUDGET REPORT**

Mr. Rick Findley, County Auditor, presented current Fund Balances to the Commission.

FUNDBALANCE  
07/31/08

TANEY COUNTY  
BUDGET

# TANEY COUNTY COMMISSION RECORD

## FUND BALANCES

	PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL
GENERAL COUNTY REVENUE		
BEGINNING BALANCE	\$0.00	\$18,628,344.77
REVENUES	1,637,695.24	9,125,931.94
	-	-
TOTAL REVENUES GCR	1,637,695.24	27,754,276.71
	-	-
TOTAL GCR EXPENDITURES	1,811,596.26	13,004,698.88
	=	=
TOTAL GCR FUND BALANCE	(173,901.02)	14,749,577.83
ROAD & BRIDGE		
BEGINNING BALANCE	0.00	7,004,998.91
REVENUES	116,987.12	883,538.70
	-	-
TOTAL RB REVENUES	116,987.12	7,888,537.61
	-	-
EXPENDITURES	599,802.14	3,130,240.01
	=	=
TOTAL RB FUND BALANCE	(482,815.02)	4,758,297.60
ROAD & BRIDGE TRUST		
BEGINNING BALANCE	0.00	3,693,493.95
REVENUES	623,829.19	3,968,053.92
	-	-
TOTAL RBT REVENUES	623,829.19	7,661,547.87
	-	-
EXPENDITURES	123,865.92	4,494,311.03
	=	=
TOTAL RBT FUND BALANCE	499,963.27	3,167,236.84
ASSESSMENT FUND		
BEGINNING BALANCE	0.00	3,099.75
REVENUES	12,983.29	373,986.27
	-	-
TOTAL AF REVENUES	12,983.29	377,086.02
	-	-
EXPENDITURES	51,955.94	374,757.97
	=	=
TOTAL ASSEMENT FUND BALANCE	(38,972.65)	2,328.05
ELECTION FUND		
BEGINNING BALANCE	0.00	31,698.41
REVENUES	2,355.08	12,231.78
	-	-
TOTAL ELECTION REVENUES	2,355.08	43,930.19
	-	-
EXPENDITURES	(229.80)	11,366.59
	=	=
TOTAL ELECTION FUND BALANCE	2,584.88	32,563.60
TRANSFER STATION FUND		
BEGINNING BALANCE	0.00	747,493.99
REVENUES	108,519.62	663,647.92
	-	-
TOTAL TS REVENUES	108,519.62	1,411,141.91
	-	-

# TANEY COUNTY COMMISSION RECORD

EXPENDITURES	106,753.42	649,979.69
	=	=
TOTAL TS FUND BALANCE	1,766.20	761,162.22

FUNDBALANCE  
07/31/08

## TANEY COUNTY BUDGET FUND BALANCES

	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL
<b>LEPC FUND</b>		
BEGINNING BALANCE	\$0.00	\$11,839.45
REVENUES	38.95	1,918.97
	-	-
TOTAL LEPC REVENUES	38.95	13,758.42
	-	-
EXPENDITURES	207.40	4,553.58
	=	=
TOTAL LEPC FUND BALANCE	(168.45)	9,204.84
<b>LAW ENFORCEMENT TRAINING FUND</b>		
BEGINNING BALANCE	0.00	3,608.14
REVENUES	348.98	2,881.69
	-	-
TOTAL LET REVENUES	348.98	6,489.83
	-	-
EXPENDITURES	1,270.00	4,769.96
	=	=
TOTAL LET FUND BALANCE	(921.02)	1,719.87
<b>PROSECUTING ATTORNEY TRAINING FUND</b>		
BEGINNING BALANCE	0.00	6,364.77
REVENUES	110.86	886.44
	-	-
TOTAL PAT REVENUES	110.86	7,251.21
	-	-
EXPENDITURES	0.00	777.78
	=	=
TOTAL PAT FUND BALANCE	110.86	6,473.43
<b>COUNTY INSURED FUND</b>		
BEGINNING BALANCE	0.00	96,313.14
REVENUES	485.20	2,817.08
	-	-
TOTAL COUNTY INSURED REVENUES	485.20	99,130.22
	-	-
EXPENDITURES	7,036.20	40,205.13
	=	=
TOTAL COUNTY INSURED FUND BALANCE	(6,551.00)	58,925.09
<b>911 FUND</b>		
BEGINNING BALANCE	0.00	1,099,556.88
REVENUES	46,681.11	325,104.11
	-	-
TOTAL 911 REVENUES	46,681.11	1,424,660.99
	-	-
EXPENDITURES	16,200.45	157,113.00
	=	=
TOTAL 911 FUND BALANCE	30,480.66	1,267,547.99

# TANEY COUNTY COMMISSION RECORD

USE TAX

FUNDBALANCE 07/31/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL
<b>SEWER FUND</b>		
BEGINNING BALANCE	\$0.00	\$23,082,218.45
REVENUES	1,164,623.97	8,444,422.66
	-	-
TOTAL SEWER REVENUES	1,164,623.97	31,526,641.11
	-	-
EXPENDITURES	909,152.40	5,088,767.44
	=	=
TOTAL SEWER FUND BALANCE	255,471.57	26,437,873.67
 <b>SEWER DESIGNATED FUND EXPENDITURES</b>		
	=	=
TOTAL ALL SEWER FUNDS	255,471.57	26,437,873.67
	=	=
 <b>SHERIFF CIVIL FUND</b>		
BEGINNING BALANCE	0.00	97,171.17
REVENUES	568.75	60,056.54
	-	-
TOTAL SHERIFF CIVIL REVENUES	568.75	157,227.71
	-	-
EXPENDITURES	(6,505.44)	13,297.87
	=	=
TOTAL SHERIFF CIVIL FUND BALANCE	7,074.19	143,929.84
 <b>TAX MAINTENANCE FUND</b>		
BEGINNING BALANCE	0.00	111,445.25
REVENUES	6,912.04	76,977.42
	-	-
TOTAL MAINTENANCE FUND REVENUES	6,912.04	188,422.67
	-	-
EXPENDITURES	1,350.75	77,287.14
	=	=
TOTAL MAINTENANCE FUND BALANCE	5,561.29	111,135.53

He noted that the county has decreased by 4 million in General County Revenue, which is due to the construction of the Judicial Facility and the Road & Bridge funds had also decreased due to the Casey Road project.

Commissioner Herschend requested that Mr. Findley produce last years numbers so he would have something to compare it to.

## CONTRACTS

Counselor Paulson stated there were no contracts to review at this time.

## HELEN SOUTEE

Ms. Helen Soutee informed the Commission that the county has increased its sales tax amount by 10.738%, as compared to last year and for the year; the county sits at an increased amount of 1.420%.

# TANEY COUNTY COMMISSION RECORD

## RECESS

9:54 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE

10:00 a.m.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(1). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

Minutes taken by Tressa Luttrell and typed by Nikki Lawrence.

## RECONVENE

1:00 p.m.

## BOB PAULSON WORK SESSION

Counselor Paulson met with the Commission to update his work schedule and any legal issues pending.

## TIM BARTH PLANNING EXEMPTION

Commissioner Herschend noted that he had invited Mr. Barth to discuss his issue of getting a permit from Planning & Zoning for a new building on his location for a Sara Lee distribution building. Commissioner Pennel stated that he had spoken with Mr. Coxie, Planning Administrator and Mr. Barth will only need to fill out a Division II and can get an emergency exemption from the Commission.

Commissioner Herschend made a motion to give Mr. Barth an emergency exemption that allows him to construct the building while the paperwork is being completed through Planning & Zoning. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## SEPTAGON CONSTRUCTION WEEKLY UPDATE

Mike Smith, Construction Manager updated the Commission on the progress of the building and noted that he needed direction regarding the phones for the elevators. Mr. Smith indicated that he needed to know if the Commission wanted to put in one line for both elevators or to put in separate lines.

Commissioner Pennel commented that he would be fine with one phone line for now. Commissioner Herschend stated that he hated to spend money on a feature that we aren't even going to use. Commissioner Strahan added that should there be an emergency in one and the other elevator picked up not knowing there was an emergency, would someone know to call back or check.

Commissioner Pennel made a motion to have one phone line and see how it works. Motion died for a lack of a second. Commissioner Herschend made a motion to install a single phone line for communications but also install the amount of lines needed for the services.

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Mr. Smith informed the Commission that the water valve box was damaged and at this point there is no way to determine who was responsible. So Walton has stated that they would provide the labor to replace the box if the County would purchase a new box. Commissioner Herschend made a motion to approve the request. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to purchase the benches for the Circuit Courtroom as requested by the Circuit Clerk and the Circuit Judge. The motion died for a lack of a second. Commissioner Herschend made a motion to table the issue until the Commission can go look at the space again. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

## PERSONNEL POLICY

The Commission requested that they have one more week to review and asked that it be placed on the August 18<sup>th</sup> agenda.

## WEEKLY UPDATE CONT.

Commissioner Herschend commented that he had given some direction to John Lavender, Supervisor and Renee Brusca of the Maintenance Department to get a landscaping plan together. Ms. Brusca informed the Commission that they were going to need 36 trees, 12 benches and some planters with shrubs and plants.

Commissioner Strahan suggested checking with the Cross Creek Development who had several trees that hadn't been placed yet. Commissioner Herschend suggested that he would like to see a total plan of the area.

Tressa Luttrell, County Administrator commented that with this project there is going to be a lot of overtime and requested that those individuals working on the move be paid their overtime rather than placing it in their accumulative totals. Ms. Luttrell further noted that in one department for instance, they can not afford to be giving an additional amount of time off for the remainder of the year and that by paying the overtime; it would help them out in scheduling.

The County Commission concurred that the employees should be paid for the time on this project and that each department should keep track of the hours so that it can be charged against the project. Mr. Lavender noted that he would need approximately 16 individuals to help with the move. Commissioner Herschend added that he had suggested going to an outside firm to help with the IS Department's task of getting all the computers/internet etc up and going in a timely manner.

Mr. Lavender informed the Commission that he had received a quote on 25lb of seed for crown vetch for the slope but also had heard some discussion about the rock wall being extended as well. Mr. Lavender noted that the cost for the crown vetch was \$360.00. A general discussion ensued but no decision made.

Commissioner Pennel asked if they could go backwards a bit, as there had been a question regarding the Road & Bridge Office. Commissioner Pennel asked if Commissioner Herschend felt like they needed the space. Commissioner Herschend responded do they need 4,000 square feet, no, but they do need space. Commissioner Strahan noted that he thought 4,000 was too much but added that he didn't think it was a hurry up plan to resolve.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Casey Road: Ms. Luttrell presented change order #5 from Herion Construction in the amount of \$91,026.00 which covers Slope Stabilization, Subgrade Stabilization and some

## TANEY COUNTY COMMISSION RECORD

reductions in bid items #26 and #8. Mr. Preston indicated that according to Great River Engineering this change order is through the end of the road.

Commissioner Strahan made a motion to approve said change order. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

2. Bid Award for Pots/Pans: Ms. Luttrell presented the Commission with the bids for the pots and pans to be placed in the new Judicial Facility. Ms. Luttrell added that there was only one bid as the second bidder was an hour and a half late.

Commissioner Strahan made a motion to approve the bid as recommended to Food Service Equipment Brokers in the amount of \$9,265.57. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. Journal Entries: Ms. Luttrell presented journal entries that had been given to the Commission previously. Commissioner Pennel made a motion to approve the following journal entries: Sewer – Coon Creek \$16.45; Bradleyville Pavilion \$5,763.95; Judicial Facility – Shorty Cooper Street \$4,050.48; Transfer Station \$1,756.91. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
4. Workers' Comp Agreement: Commissioner Pennel made a motion to approve the workers' compensation discount agreement with St Johns Facilities. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
5. FEMA Update: Mr. Preston gave the Commission an update on the FEMA work currently being done.
6. Casey Road: Mr. Preston noted that Ron Wyatt had requested an additional 75-100 feet of the rock wall so that it esthetically would look right. This is at a cost of \$400.00. Commissioner Strahan made a motion to approve the request. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).
7. Mohawk Lane: Mr. Preston informed the Commission that he had been approached regarding the county taking in Mohawk Lane. Mr. Preston commented that it had not been petitioned for county maintenance but have since discovered that the land owners are not permanent residents. Commissioner Strahan made a motion to deny. Commissioner Herschend seconded the motion. Ms. Luttrell noted that there had not been a petition to vote on as yet. Commissioner Strahan withdrew his motion.
8. Bee Creek: Mr. Preston informed the Commission that he would be attending a "walk & talk" with Great River Engineering to look at the creek and discuss what should be taken care of , if there is anything the county should be responsible for etc.

Commissioner Herschend asked why the county would be down in the creek. Commissioner Pennel noted that he had previously asked Commissioner Herschend if it was alright to get Great River to look at the issue and you were alright with it. Commissioner Herschend asked why it is the county's responsibility to fix the creek. Mr. Preston indicated that he would like to get the information for future information in other areas.

9. "Y" Highway Sewer Project: Mr. Preston asked about the sewer project on "Y" Highway and inquired about the responsibility of the road repair. Commissioner Pennel indicated that at the sewer board meeting, the project would be bid out with an overlay. However, prior to the overlay, the county can get in there and build the roads up or improve the roads at county costs. Commissioner Strahan asked what Mr. Rider's job was as he should be down there laying in those streets.
10. Forsyth Ballfields: Mr. Preston stated that Mayor Oliphant has requested when the county would get in and work on those fields. Mr. Preston noted that he informed Mr. Oliphant that the county was already behind on scheduled work.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion that anytime the county is on their fields that the county bill the time against the approved \$50,000. Commissioner Strahan noted that there is no way to get them any equipment as the county hasn't even got to our scheduled work under our current situation. Commissioner Pennel noted that he thought it was clear. Commissioner Herschend noted that it isn't clear or Mr. Oliphant wouldn't have contacted Mr. Preston. Commissioner Herschend added that he thought that is why the county gave them the \$50,000. Commissioner Pennel noted that from day one it has been said it would be contingent upon our Road & Bridge being able to get to it. Commissioner Strahan stated that his understanding was that the \$50,000 would take care of it.

Mr. Preston noted that should we have time in November, is that being taken out of the \$50,000. Commissioner Strahan noted that that would be determined at that time. Ms. Luttrell stated that Commissioner Pennel was very clear in his motion that the \$50,000 was cash and had nothing to do with the road & bridge work. Commissioner Herschend requested that something be sent in writing. Commissioner Herschend noted that he would vote no on anything that would take Mr. Preston off of working on county roads.

Commissioner Herschend made a motion that Mr. Preston sends Mayor Oliphant a letter noting that it would be November before the county could even consider working on this project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

## RECESS

4:29 p.m.

Minutes taken and typed by Tressa Luttrell.



## AUGUST 13, 2008 22<sup>ND</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:05 pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### AMENDED TERRITORY AGREEMENT CITY OF BRANSON

Commissioner Herschend made a motion to approve the amended Territory Agreement for the City of Branson. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### BOB PAULSON WORK SESSION

Counselor Paulson met with the Commission to give an update on his case load and his schedule. Counselor Paulson noted that he was keeping his log as requested but added that when he gets busy and forgets, it takes a while to go back and recreate his log.

Commissioner Strahan made a motion that the Commission meet with Counselor Paulson once a week rather than twice a week as it's just an update. Commissioner Herschend noted that he would like to keep it at twice a week as he didn't see Counselor Paulson using the forms as directed.

Counselor Paulson noted that he has started using the approved forms and had Mark Parent, Airport Manager fill out a form for work that the airport board had asked me to do, even though I had already completed the work. Commissioner Pennel noted that even if there is no report it would be good to have it scheduled. Commissioner Herschend noted that he looked at Monday being the updates and Wednesday to approve the forms.

Counselor Paulson gave the Commission an update on the airport meeting that he attended the previous day noting that the Lawler and DeWeese contracts were being worked on. Commissioner Herschend cautioned Counselor Paulson as it seems that he was not following his

## **TANEY COUNTY COMMISSION RECORD**

schedule adding that by working on the contracts for three hours, those were three hours that the Commission did not approve. Counselor Paulson noted that the issue was fresh on his mind.

Commissioner Pennel commented that Counselor Paulson mentioned his log previously, and he agreed that if you forget it is hard to recreate, however if you write it down as it happens it is easier.

Commissioner Strahan indicated that he would like to have a discussion regarding the amount of paperwork the Commission is asking our people that we have hired to do the job, to do their job. Commissioner Strahan stated that he would bring this issue up at a later time for discussion.

### **TELEVISION BIDS JAIL PODS**

Tressa Luttrell, County Administrator presented the Commission with the quotes for the televisions in the jail pods. Ms. Luttrell noted that she had received two, one from best buy and one from CDW-G which are the hospital grade televisions like requested. This means that when the electricity goes off, central control can turn them all back on by touching a button on the screen. Commissioner Herschend stated that there is no reason for the extra money. The Jailers can walk around and turn each TV on with a remote control. Commissioner Herschend made a motion to approve the purchase of televisions from Best Buy contingent that Stuarts Sales & Service not having a bid by noon today. Commissioner Strahan seconded the motion. The motion passed.

**RECESS**  
10:00 a.m.

**RECONVENE**  
10:30 a.m.

### **AERONAUTICAL SURVEY RFQ**

Mark Parent, Airport Manager and Dave Woolery, Chairman of the Airport Board met with the Commission to discuss the recent RFQ for an Aeronautical Survey. Mr. Parent explained the reasoning for an Aeronautical Survey to the Commission noting that one of the reasons to have said survey was to provide opportunity to the FAA to publish lower minimums.

Mr. Parent noted for the county not to participate would put the county in a stand alone per say. Mr. Parent added that the Airport Board's choice to pay for this survey even if it would not be paid for by the grant. By not doing this would put us in a bind as it provides the most accurate data for the airport layout plan.

Commissioner Herschend asked what the costs were. Mr. Parent commented \$37,000 and we have those monies in the current coffers. Commissioner Herschend made a motion to expend the funds for the Aeronautical Survey. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **EMERGENCY CLOSURE PLAN**

Commissioner Herschend inquired about the Emergency Closure Plan. Mr. Parent explained the procedures for closing the airport in the event there is an accident. Commissioner Herschend noted that he would feel more comfortable knowing the FAA plan or process and discussed having some information available should someone else want to close the airport, to ensure that they are following the same procedures. Mr. Parent noted that the FAA and "others" do not have the authority to close the airport, that it is up to him, then his staff, then Dave Woolery as Chairman.

**RECESS**  
11:47 a.m.

**RECONVENE**  
12:59 p.m.

# **TANEY COUNTY COMMISSION RECORD**

## **ANIMAL CONTROL DISCUSSION**

Charles Avery, Branson Animal Control Officer, Stephanie Mundell, Office Manager and Rick Lunt, Animal Control Officer for Taney County met with the Commission to discuss some issues at the Kennel regarding an employee.

Mr. Avery noted that he was before the Commission to give them a head's up on image Ms. McGuire was giving the county as he attended the recent training with her. Mr. Avery commented that Ms. McGuire argued with the instructors constantly or was otherwise talking during the training. She was an embarrassment to the county and was indeed a poor showing. Mr. Avery noted that he had several issues with Ms. McGuire noting that she has no people skills and added that she is and continues to give the county a bad name. The Commission thanked Mr. Avery for taking the time out of his schedule to address his issues.

Ms. Mundell addressed the issue of using the county vehicle while on call. Ms. Mundell noted that she had previously informed Ms. McGuire that her personal vehicle would need to be left at the kennel while she was on call, as Ms. Mundell didn't feel that citizens should have to pay to get her back and forth when she was turning over the vehicle. Commissioner Herschend asked if Ms. Mundell had really thought through what she said. What if Ms. McGuire needed to go to the grocery store after hours and her personal vehicle is at the kennel, do you want her using the county vehicle to go to the grocery store. Ms. Mundell noted that it was a good point.

Commissioner Pennel questioned that he didn't understand, if Ms. Mundell had put a stop to the issue why was she here discussing it today. Ms. Mundell noted that she had taken off a couple of days and while she was gone Ms. McGuire had Mr. Lunt drive her home when she went off call. Commissioner Herschend stated that he thought Ms. Mundell was on a witch hunt. Commissioner Pennel noted that for Ms. Mundell and Mr. Lunt to have Mr. Avery come to a Commission meeting, it seems like there is more you want to discuss. Commissioner Herschend added that for the Commission to take action on an assumption is wrong.

Commissioner Pennel noted that Commissioner Strahan had indicated that he would take over Animal Control should he win the election, and added that he was ready to turn the department over. Commissioner Strahan stated that he would like to officially take over when he receives a revised budget and get some things cleared up.

Commissioner Herschend suggested that job descriptions be created for the positions.

## **RICK HUFFMAN HCW**

Mr. Huffman came before the Commission to request a support letter to MHDC (Missouri Housing Development Commission) for the Valley Ridge Phase 2 project. Mr. Huffman presented the Commission with a complete plan for the project.

Commissioner Herschend made a motion to write a letter of support for the Valley Ridge Phase 2 project. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend exited the meeting.

## **CODE OF ETHICS**

Commissioner Pennel made a motion to approve the Code of Ethics as presented by Clerk Neeley. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Herschend entered the meeting.

# TANEY COUNTY COMMISSION RECORD

## STEVE WEYHER PROCLAMATION

Commissioner Pennel presented the Commission with a draft copy of a proclamation for Steve Weyher.

## RON CLEEK CLAIM AGAINST PRESIDING COMMISSIONER

Ron Cleek, Christian County Prosecutor gave the following report regarding claims of Nepotism against Presiding Commissioner Pennel:

Minutes taken and typed by Tressa Luttrell.



## AUGUST 14, 2008 23<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 1:44 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## SEPTAGON MONTLY MEETING

Commissioner Herschend made a motion to approve PR#48 which is for a monument to be constructed near the front entrance of the courts building in the amount of \$10,630.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve RFI#354 which changed the lavatory faucets and toilet flush valves in Locker Rooms 082 and 083 from sensor operated to manual operated because electrical power was not provided for in the electrical drawings for \$706.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve PR#001 which requested an additional amount of \$692.00 to use fire rated glass on four doors which changed the doors to fire rated doors as no fire rated glass was listed on the bid documents. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

The Commission concurred to drop PR#51 regarding the screens to cover the HVAC units as they will address them at a later date.

Minutes taken and typed by Tressa Luttrell.



## AUGUST 15<sup>TH</sup> 2008 24<sup>TH</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceeding were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## APPROVAL OF AGENDA

Commissioner Pennel made a motion to approve the agenda for August 18, 2008. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## ADMINISTRATIVE & DEPARTMENTAL FUNCTIONS

Commissioner Pennel made a motion to approve payment of 40 hours of compensatory time for Trent Bilyeu, Road & Bridge Employee. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes typed by Nikki Lawrence.



## AUGUST 18, 2008 25<sup>th</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #305176-305268 and manual warrants #4876-4877. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

## TAX ABATEMENT & FLOOD DAMAGE UPDATE

Commissioner Pennel stated that Counselor Paulson sent out a memo regarding tax abatements for flood damage and it read as follows:

I have stated on many occasions in the past that I have not found any authority to abate taxes for damage done after January 1<sup>st</sup>. I spoke with Randy Turley, General Counsel for the STC today. He stated that unless we had passed the occupancy law under Section 137.082 RSMo (attached to this memorandum), then there was no authority to abate taxes for damages during the year. He said when they have said this in the past it has sounded very harsh, but there is no legal authority.

This said, Randy said he is confident that there have been some counties in fact abate the taxes on property that has been damaged by flood, fire, tornadoes, etc. However, there is no legal authority to support such an action.

I tried to reach Mr. Davis, President of the Assessor's Association today without success. He is the Assessor in Jasper County, and he was out of the office this afternoon.

**Bob Paulson**

Commissioner Pennel commented that he supported James Strahan, County Assessor, in the actions he has taken as the Taney County Assessor, relating to fire damage. He also noted that Mr. Strahan has done the right thing in his approach.

Commissioner Pennel asked the Commission to make a commitment to support the efforts of Mr. Strahan regarding BOE abatements concerning flood damaged properties. Commissioner Strahan suggested a letter be sent to both the County Assessor and the State Legislature regarding natural disasters. Commissioner Herschend commented that if an individual is unable to use their property due to a natural disaster, the property owner should not have to pay taxes on it. The Commission concurred to sending letters to both parties.

Mr. Strahan expressed concerns on how the State Legislature would address the issue of tax abatements for flood damage.

# **TANEY COUNTY COMMISSION RECORD**

## **NOLAN ROAD**

Commissioner Herschend stated that he and Mr. Preston have had several conversations with the property owner on the north side of Roark Creek regarding a stretch of road the county has maintained in the past. He also noted that it is located off of Sycamore Log Church/Nolan Road, which is 120 yards to the south side of the creek that has been washed out. Commissioner Herschend noted that the property owner would like to repair the road.

Commissioner Herschend explained that there was a gate on Nolan Road, but it is never closed. The property owner is requesting that he be able to close the gate and maintain the road.

Commissioner Pennel made a motion to send a letter giving permission to the property owner to close the gate and that the county does not consider the road a county maintained road. Commissioner Herschend seconded the motion. Commissioner Strahan commented that he would like to have additional information on the road before he makes a decision on this motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

## **80 & OUT**

Commissioner Herschend requested for the Commission to reconsider 80 & Out as a benefit to attract long term employees, as he had been approached regarding this for years. Commissioner Pennel stated that he had already contacted Mr. Findley, County Auditor, in which Mr. Findley stated that LAGERS would need to be contacted for a cost estimate.

Commissioner Herschend made a motion to have Mr. Findley contact LAGERS and get an annual cost over the next five years for 80 & Out. Mr. Findley commented that he would get in contact with LAGERS with a couple of different scenarios. Commissioner Strahan noted that he was in favor of investigating the annual costs for this benefit. Motion died for lack of being seconded.

James Strahan, County Assessor, stated that Cerf has dropped their retirement age and that may be the county's answer. He also recommended that the Commission look into both options as being possible solutions.

## **CONTRACTS**

Commissioner Pennel made a motion to table contracts until this afternoon's work session due to Counselor Paulson being in court this morning. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **HILLBILLY COUNTRY MOTEL UPDATE**

John Soutee, Sewer Administrator, updated the Commission on the situation that is happening at the Hillbilly Country Motel and the Dam-Site Sub-Division. He noted that last week the Attorney General's Office brought charges against the citizens within the Dam-Site Sub-Division area for their waste water treatment facility and the lack of adequate operation maintenance. Mr. Soutee also noted that there is an area where raw sewage was running out into the environment.

Mr. Soutee stated that he was informed by Ms. White that DNR had exhausted their efforts and the matter had been turned over to the Attorney General's Office. Mr. Soutee also stated that the Hillbilly Country Motel is in a similar situation, which is approximately 500 to 1000 feet east of the Dam-Site. He noted that the treatment plant at that location is being operated below standards, as there has been no submission of reports sent to DNR and samples that have been taken are showing that the wastewater has only been treated at a bare minimum.

Mr. Soutee stated that Ms. White had contacted him late last week and informed him of a meeting that was scheduled for Thursday, August 21<sup>st</sup> at 1:00 p.m. to be held at Table Rock Lake office. He noted that officials from DNR, the Attorney General's office and Mel Eakins of Great River Engineering, will be in attendance to discuss possible options that might be available to address the issue and what the Attorney General's Office plans to pursue and then visit the site, in addition, Mr. Soutee extended an invitation to the Commission to participate in the meeting. Mr. Soutee added that he was informed late last week that Gerth RV Park, which is located next

# TANEY COUNTY COMMISSION RECORD

to Hillbilly Country Motel, also had a similar issue, but indicated that it was not as bad as the other two and that would need to be addressed, due to being under some enforcement action by DNR.

Commissioner Herschend noted that the problem is approximately 2/10 of a mile from Lake Taneycomo and suggested that Mike Cole, Sewer Lab Technician, test the locations and have the results brought to the meeting on Thursday. Commissioner Strahan commented that emergency action may need to be taken for a short term solution until a permanent solution is reached by all parties.

A general discussion ensued regarding possible solutions for the three locations and whether or not the mobile homes at Gerth's RV Park fall within the zoning codes. Dan Nosalek, Planning & Zoning Division I Inspector, commented on the Planning & Zoning policy, which states that as long as the sewer permit is valid, there is no recourse that can be taken.

Commissioner Herschend stated that Mr. Nosalek needed to be prepared for Thursday's meeting to make a recommendation.

## TAX SALE

Sheila Wyatt, County Collector informed the Commission that the annual tax sale would be held Monday, August 25<sup>th</sup>, according to Chapter 140.120 RSMo. She stated that each year the County Assessor inquires whether or not billboards are there. Ms. Wyatt noted that 3 billboards are no longer there and that they should be abated according to the above statute.

Commissioner Herschend moved to abate parcel #08-4.0-19-003-007-001.001B, 08-4.0-19-003-007-013.001B and 17-3.0-06-002-006-010.004B. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Wyatt presented abatement, #20090539, on a mobile home for 2006 and noted that it was abated for 2007, which will be subject to the tax sale. Commissioner Herschend made a motion to approve the abatement as submitted by Ms. Wyatt. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Wyatt stated that 2 parcels were charged under the City of Branson, another one under Taney County, which are also subject to the tax sale. She requested for them to be taken off of the books. Commissioner Herschend made a motion to table until this afternoon at 1:30 for an explanation and requested Ms. Wyatt to bring minutes from BOE meeting where this was discussed. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS 10:16 a.m.

Commissioner Herschend made a motion to take a 5 minute recess. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes were taken and typed by Nikki Lawrence.

## RECONVENE 10:21 a.m.

## EXECUTIVE SESSION

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

It should be noted that no motions were made and no votes taken.

## RECONVENE 1:00 p.m.

# **TANEY COUNTY COMMISSION RECORD**

The County Commission reconvened in the Commission's Office at 1:00 p.m. with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present.

## **MARIE CARMICHAEL SUPPORT LETTER**

Marie Carmichael with the Woodlands met with the Commission to again request a support letter in applying for state funds to build 32 units of housing. Ms. Carmichael noted that the units would run at a rate of \$355 for a two bedroom unit and \$395 for a three bedroom unit.

Commissioner Herschend inquired as to the Keeter project. Ms. Carmichael stated that it was a different type of project where the IDA issued bonds for the project and added that they were only able to produce ½ of the tax equity. The rents had to be raised because of that. Ms. Carmichael stated that she had approached the City of Hollister with the information and they still wanted the housing built.

Commissioner Herschend made a motion to send a letter that asks to consider this project but not as the county's first choice. Commissioner Pennel seconded the motion.

Ms. Carmichael asked if after hearing all the proposals could she come back to request that the county choose a top priority. Commissioner Pennel noted that he was not leaning that way. Commissioner Herschend added that the county would be endorsing projects not singling out which project was top. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **OVERTIME FOR MOVING**

Brenda Neal, Circuit Clerk asked if the county would be paying overtime for her employees should they work packing files for the move noting that the state does not allow overtime pay or allow for the time to be taken off. Commissioner Pennel noted that he did not know how the county could do that.

Ms. Neal stated that it is not her employees' jobs to pack the boxes in the vault. Commissioner Pennel commented that he was not against speaking with the Auditor about the request. Commissioner Herschend added that Ms. Neal's employees were state employees and that the files did belong to her office.

## **GARY MORGAN JUDICIAL FACILITY**

Gary Morgan, IS Administrator noted that the lanyards, clips and the printer was not included in the contract for the new building for the proximity cards so he would be purchasing them to get started. Mr. Morgan also informed the Commission that 55 new phones would need to be purchased. Commissioner Herschend commented that this would not be a one time cost, therefore he would like to review the locations prior to purchasing.

Mr. Morgan presented the Commission with information from Layer3 who will work alongside of the IS Department for the move to the Judicial Facility. Mr. Morgan noted that the cost would be \$7,200.00.

Commissioner Herschend made a motion to approve the expenditure of \$7,200.00 with Layer3 Technology. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **LISA OWEN DISPLAYS FOR OPEN HOUSE**

Lisa Owen, Director with WRVHS requested some input on the displays for the open house at the Judicial Facility. Commissioner Herschend made a motion recommending focusing on historical building sequence and positive people. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

# **TANEY COUNTY COMMISSION RECORD**

## **DEGRAFFENREID PROPERTY**

Randy Haes, Road Coordinator updated the Commission regarding dirt work at the Degraffenreid property. Commissioner Herschend noted that any work done for the Degraffenreid's should be a part of the settlement.

Lost quorum.

Commissioner Herschend stated that he would let Herion get rid of the dirt. Commissioner Pennel added that he would like to discuss the issue with the Degraffenreid's. Commissioner Herschend commented that he believed the county should be giving them an estimate of damage not just a wish list. Commissioner Pennel made a motion to table the issue. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **LANDSCAPING PLAN**

Renee Brusca presented the Commission with a landscaping plan for the new Judicial Facility with trees, benches, plants and planters. Ms. Brusca indicated that she located 36 3" Cleveland Pears in Tennessee for \$4,800 with shipping of \$1,565. The benches would be \$8,928 for 6-8' and \$7,128 for 6-6'. The planters are \$108 each for 12.

Ms. Brusca discussed placing crown vetch on the slope on the 160 side of the building. Commissioner Pennel noted that he was not in favor of that and would like to address the issue at a later date.

Ms. Brusca noted that the ashtray combo's are \$388.52 each for 3 and for 2 trashcans they are \$665 each. Commissioner Pennel noted that he was alright with the plan. Ms. Luttrell indicated that this was over the bid limits.

Commissioner Herschend made a motion to approve the purchase of the outer benches from a safety standpoint as the county has created a skateboard area. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve the purchase of all trees from Altimont due to the need to finish the tree grates and lighting prior to the end of August. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **PERSONNEL POLICY**

Commissioner Herschend made a motion to approve the Personnel Policy as presented dated August 11, 2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **CATS**

Commissioner Pennel informed the Commission that 70 some cats had been picked up from a residence in Hollister and asked if the Commission would give the owners father a break in the cost of those cats. Commissioner Pennel further asked if the County should have him pay directly to the County or to the City of Hollister.

Commissioner Herschend made a motion to charge only the actual costs for caring for the cats as this gentleman has gone out of his way to take care of the situation. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **SHEILA WYATT TAX SALE**

Commissioner Herschend made a motion to abate #17-3.0-01-006-002-007-004.000 City of Branson 2006; #08-4.0-19-004-008-001-000.000 City of Branson 2005; #08-7.0-36-000-000-

# **TANEY COUNTY COMMISSION RECORD**

006-000.000 Taney County 2005-2006 as presented. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **INMATE SUPPLIES**

Commissioner Herschend made a motion to approve the bid as submitted from Bob Barker Company for inmate supplies. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **REFRIGERATORS/MICROWAVES**

Commissioner Herschend made a motion to deny requests to purchase refrigerators and microwaves. Commissioner Pennel noted that he would need to think about the areas where the public is being served in the courts areas. Commissioner Herschend noted that if we haven't needed it before this brand new building, it's a want versus a need. Motion died for a lack of a second.

## **EMPIRE EASEMENT**

Counselor Paulson presented the Commission with an easement from Empire Electric for the Branson Airport. Commissioner Herschend made a motion to approve the easement contingent upon a centerline survey. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021.(1). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Pennel made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes taken and typed by Tressa Luttrell.



## **AUGUST 19<sup>th</sup>, 2008 26<sup>th</sup> DAY OF THE JULY ADJOURNED TERM**

The Commission met at the Hollister City Hall at 1:30 p.m. pursuant to adjourn with Commissioner Pennel and Commissioner Herschend present and the following proceedings were had and made a matter of record.

## **TANEY COUNTY REGIONAL SEWER DISTRICT**

Commissioner Pennel and Commissioner Herschend attended the Taney County Regional Sewer District Meeting to hear updates on Bee Creek and Ozark Beach projects as well as discussing the Dam Site Subdivision issue.

Minutes were typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD



**AUGUST 20, 2008 27<sup>TH</sup> DAY OF  
THE JULY ADJOURNED TERM**

The County Commission met in the Commission Office at 9:17 a.m. pursuant to adjourn with Commissioner Pennel and Commissioner Herschend present and the following proceedings were had and made a matter of record.

## **PAYROLL**

Commissioner Pennel made a motion to approve the following payroll warrants:

General County Revenue # 104702-104703, 104733-104754

Road & Bridge # 104705-104727

Assessment Fund # 104704, 104728-104729

Transfer Station # 104730-104732

Accounts Payable warrants # 305425-305446, manual warrants # 4878-4879

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

Minutes taken and typed by Nikki Lawrence.

## **YOUNGLOOD PROPERTIES DUMPING OF FILL DIRT**

Counselor Paulson presented the Commission with an agreement between Taney County and Youngblood Properties for the dumping of fill dirt. Commissioner Herschend made a motion to approve said agreement as recommended by Counselor Paulson. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **WALK THROUGH SECURITY**

Commissioner Herschend made a motion to approve the purchase of a walk through metal detector and a scanner from Rapiscan in the amount of \$26,200.00 contingent upon contacting the Springfield Branson Airport or the Federal Courthouse. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **JOURNAL ENTRIES**

Commissioner Herschend made a motion to approve the following journal entries:

Courthouse Sidewalk - \$1,095.92

Dispatch Repair - \$837.07

Courthouse Roof - \$162.50

Sewer Overlay - \$109,976.47

Marsha Lay project - \$1,943.66

Judicial Facility - \$5,211.40

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

## **RECESS**

9:47 a.m.

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## AUGUST 21<sup>st</sup> 2008 28<sup>th</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met at the Dewey Short Auditorium at 1:00 p.m. pursuant to adjourn with Commissioner Pennel and Commissioner Herschend present and the following proceedings were had and made a matter of record.

### SEWER VIOLATIONS / DNR

Commissioner Pennel and Commissioner Herschend attended a special meeting to discuss possible, long-term and short-term, solutions referencing the sewer problems at the Dam Site Subdivision, Hillbilly Country Motel and Gerth's RV Park. Also in attendance were representatives from the Missouri Attorney General's Office, Missouri Department of Natural Resources, City of Branson, Taney County Health Department, Great River Engineering, Taney County Regional Sewer District and David Walsh, property owner.

Minutes typed by Nikki Lawrence.



## AUGUST 22, 2008 29<sup>th</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 1:32 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

### EMERGENCY MEETING DAM SITE SITUATION

The County Commission called an emergency meeting without 24 hour notice for posting due to the nature of the situation with raw sewage running into Lake Taneycomo and Branson's drinking water.

Commissioner Pennel suggested that the County be the continuing authority for the sewer plant. Commissioner Herschend commented that it was a good idea. Commissioner Pennel added that the area is connected to public water therefore could be shut off for non-payment.

Counselor Paulson noted that the County should be sure that we will not be liable for anything prior as the AG indicated that they would be doing something. Commissioner Herschend added that what Counselor Paulson didn't hear is that the AG would go get an injunction but if they didn't have the money to pay the penalties, there was nothing the AG could go after.

Commissioner Pennel asked if the County could enter into an agreement with the DNR and the AG that would provide a document that wouldn't slap the County with anything prior. John Hooker, Sewer Utility Supervisor asked if the County was going to be able to keep the plant in compliance. John Souttee, Sewer Administrator indicated that the County could enter into a contract with an operator to keep the plant in compliance.

Commissioner Herschend asked why the county would want to do that. Commissioner Pennel asked by doing that is there some way that the costs incurred would be attached to a lien for those property owners and have the cooperation of the DNR and the AG. It's not realistic that the individuals there are going to be responsible.

Commissioner Herschend noted that his concern was that we end up with the home owners saying great...the county is going to fix the problem but we are not going to pay for anything. Commissioner Herschend asked why the County was between the DNR and the property owners. Why don't we get the AG to shut their water off. It could be turned on when they have a working system. Commissioner Pennel added a continuing authority as well.

# TANEY COUNTY COMMISSION RECORD

Mr. Soutee noted that the rate would have to be changed as it could not be the normal rate. Commissioner Pennel questioned if the Circuit Court could do anything. Counselor Paulson indicated that they have previously caused a place to be inhabitable.

Commissioner Herschend noted that once the County becomes the continuing authority for one area, we start getting all the sewer problems. Then the County has inherited their problems.

Several ideas were discussed regarding pumping options. Commissioner Pennel noted that the private sector has stepped up to help with the immediate crisis, the County needs to figure out if we are going to do anything. Mr. Soutee asked if anyone had contacted the City of Branson noting that the liability is what is going to scare most people.

Commissioner Herschend noted that it would be more realistic to place a \$10,000 lien on a house. Commissioner Pennel asked if it was something the County is going to take on, my sense is that the local government will have to do something.

Mr. Soutee commented that if the AG comes and files on the motel, we are right back in the same situation, should we put a lien on it as well and add it to the mix. Counselor Paulson suggested speaking with the AG and noted that it makes more sense to work towards costs versus fines.

Commissioner Pennel suggested having Mel with Great River draw something up and Counselor Paulson to contact the AG.

Mr. Soutee asked about the individuals getting paid for the work they are doing. Commissioner Pennel suggested contacting the White River Basin for funding. Commissioner Herschend noted that they should seek private funding.

Mr. Soutee asked about on going pumping costs. Mr. Hooker stated they should contact Mr. VanGilder with the City of Branson for their help too. Commissioner Herschend noted that it is their drinking water being affected.

**RECESS**  
2:48 p.m.

Minutes taken and typed by Tressa Luttrell.



**AUGUST 25, 2008 30<sup>TH</sup> DAY OF  
THE JULY ADJOURNED TERM**

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

Commissioner Herschend stated that he received a telephone call from Mr. Doug Meadows, informing him of Wade Meadows' passing away, the funeral will be held in the later part of the week.

## **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #305269 – 605424, 305447 – 305548 and manual warrants #4880 – 4881. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# **TANEY COUNTY COMMISSION RECORD**

## **PRIOR MINUTES**

Commissioner Herschend made a motion to approve prior Commission Minutes dated 8/11/2008, 8/13/2008 and 8/14/2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **SYCAMORE VIEW DEVELOPMENT**

Mr. Greg Rodewald with Preservation Resources, L.L.C appeared before the Commission representing PTTW, Inc., along with representatives, Mr. Tom and Mr. Ed Thornton, respectfully requesting a resolution of support for Sycamore View Development.

Mr. Rodewald stated that the development is an all brick 48 unit apartment complex for workforce housing, which consists of 32/3 bedroom units and 18/2 bedroom units. He also noted that the complex is located just off of Highway 248 in Branson, Missouri. Mr. Rodewald commented that part of the financing will come from tax credits that comes from the Internal Revenue Service and is administered by the Missouri Housing Commission.

Commissioner Herschend expressed concerns referencing zoning and topography. A general discussion ensued. Commissioner Herschend made a motion to table the letter of support for Sycamore View until the County Commission has an opportunity to visit the location. Commissioner Pennel seconded the motion for discussion. Commissioner Herschend commented that he would be willing to place it back on the agenda for next week. Commissioner Strahan noted concerns of safety, turnaround and sewer system. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PURVIS LANE**

Commissioner Pennel made a motion to return to maintaining Purvis Lane, which is located off of Fruit Farm Road. Commissioner Strahan stated that he had not visited the road and would be uncomfortable seconding the motion. Motion died for lack of second.

Commissioner Herschend expressed concern of road work being done due to property owners not holding up their end of the bargain, in the past.

## **BLUE RIDGE DRIVE**

Commissioner Herschend made a motion to table Blue Ridge Drive until the Commission could take a look at the road. Commissioner Pennel seconded the motion. Commissioner Strahan noted Blue Ridge Drive is ½ mile from Purvis Lane and that he was uncomfortable making any decisions prior to seeing the road. A general discussion ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **HOMESTEAD ESTATES**

Commissioner Pennel made a motion to take into the county maintenance system, the remaining roads that were originally petitioned, which are Montana Road, Big Sky Court and Wild Prairie Lane. He noted that these roads were table because of the road standards not being completed.

Commissioner Herschend commented on not following the 4 year guideline policy. Commissioner Pennel stated that the roads in the sub-division were built according to county standards and there are several homes on the roads in question. Motion died for lack being seconded.

Commissioner Strahan re-stated an earlier motion, in the petition process, to take in to the county maintenance system, which is part of Montana Road where it meets Big Sky and Big Sky Court contingent upon a turn around at the top of the cul-de-sac. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Commissioner Herschend made a motion to deny Wild Prairie Lane. Motion died for lack of being seconded.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Pennel made a motion to table Wild Prairie Lane and the remainder of Montana Road. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

## **COUNTRY VILLAGE DRIVE**

Commissioner Pennel stated that the petitioner contacted the Commission Office last week in reference to the petition. He also noted that the petition was approved contingent upon getting the needed right-of-way and an easement for the turn-around and/or a cul-de-sac on the 30<sup>th</sup> of May, 2006.

Mr. Frank Preston commented that he had spoken with Mr. Randy Haes and that there was issue with the turnaround. Commissioner Strahan commented that if the property owners would give an additional 5 feet, he would be favor of going forward.

Commissioner Herschend made a motion to direct Mr. Haes to give proof of right-of-way and to proceed with the cul-de-sac. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RESOLUTION FOR THE APPOINTMENT OF A REPRESENTATIVE TO THE SOUTHWEST MISSOURI SOLID WASTE MANAGEMENT DISTRICT N EXECUTVE BOARD & COUNCIL**

Commissioner Herschend made a motion to approve the resolutions for this year that would mirror last year, as far as the appointment of a representative of Southwest Missouri So0lid Waste Management District Council and Executive Board. Motion died for lack of being seconded.

Commissioner Herschend made a motion to appoint Chuck Pennel, Presiding Commissioner, to Southwest Missouri Solid Waste Management District Council and to appoint Dan Nosalek, as the alternate to represent the county when Commissioner Pennel is unable to attend. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to appoint Danny Strahan, Eastern District Commissioner, to represent the county on the Southwest Missouri Solid Waste Management District Council as written. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

Commissioner Herschend made a motion to Chuck Pennel, Presiding Commissioner, to represent the county on the Southwest Missouri Solid Waste Management District N Executive Board and to appoint Dan Nosalek, as the alternate to represent the county when Commissioner Pennel is unable to attend. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

## **BRADLEYVILLE ROAD SHARING PROJECT**

Ms. Luttrell stated that she had previously come before the Commission and asked for funds up front to pay for the invoice for Taneyville and Bull Creek projects, as they don't have the monies to be reimbursed and this is the same situation as Bradleyville had.

Commissioner Pennel moved to pay the up front monies that are needed for Bradleyville's project. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **2009 BUDGET REQUEST**

Ms. Luttrell stated that the Commission suggested last week that she speak with Mr. Rick Findley, County Auditor, to see if he would give us an extension on the budgets that need prepared, as several offices will be busy with relocating of offices and the judicial facility deadline.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend made a motion to respectfully requested 2 weeks to get the initial budget paperwork, so that all parties involved can get past the September 2<sup>nd</sup> deadline. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **SCHEDULE OF MOVE**

Commissioner Pennel noted that the schedule of move is as follows:

The Sheriff's Department, Circuit Clerk, Associate Clerk Divisions I & II, Juvenile & Public Administrator were scheduled to move on September 2<sup>nd</sup>.

The Prosecuting Attorney and the Recorder's Office were scheduled to move on September 3<sup>rd</sup>.

The County Clerk was scheduled to move on September 4<sup>th</sup>.

Road & Bridge Department was scheduled to move on either September 5<sup>th</sup> or September 8<sup>th</sup>.

Commissioner Strahan noted the limited services that county offices will be able to offer.

## **SHERIFF RUSSELL**

Sheriff Russell questioned whether there was a time limit on county maintained roads that had been abandoned by the county.

Counselor Paulson commented that in order to have a road abandoned, it must be vacated and thus go through the proper channels.

## **COMMISSIONER HERSCHEM**

Commissioner Herschend expressed a public compliment to Mr. Chris Berndt, as there was a house fire and his performance was questioned by the homeowner, he went back and revisited the home owner and explained why he made certain decisions. Commissioner Herschend also noted that the home owner was very satisfied and thankful for his service.

## **RECESS 10:07 a.m.**

Commissioner Pennel made a motion to go into executive session per Section 610.021.12 RSMo. after a 5 minute recess. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

## **RECESS 11:08 a.m.**

## **RECONVENE 11:18 a.m.**

## **EMERGENCY MEETING DAM SITE SITUATION**

The County Commission conducted an emergency meeting without 24 hour notice due to the nature of the sewer situation at Dam Site.

# TANEY COUNTY COMMISSION RECORD

John Soutee, Sewer Administrator and Mel Eakins with Great River Engineering presented the Commission with a plan for the Dam Site location. Commissioner Herschend commented that if the three heroic individuals did the work that was needed for the emergency, then why are we here. Mr. Eakins noted that he wasn't sure what was done was working.

Mr. Soutee noted that he hadn't been over there today, but was afraid that it will fall right back to the current situation. Mr. Eakins added that it would be another \$40-45,000 to put the Hillbilly Motel on the plan. Commissioner Herschend asked why it was the county's responsibility.

Commissioner Pennel noted that it would be bumping up the project on the matrix as it was an emergency. Mr. Eakins commented that it would only be a temporary fix as it would not meet the City of Branson's requirements. Commissioner Herschend added that the County should tell the City of Branson that we are stepping up, why don't they. Commissioner Pennel noted that he thought they would step up.

Commissioner Herschend made a motion that under the emergency situation of raw sewer going into the drinking water of Branson that the county approve up to \$85,000 towards this process contingent upon the City of Branson accepting the resolution. Commissioner Pennel questioned the bidding procedure. Commissioner Herschend noted that he would rather not have raw sewer on the ground. That we go out and select a contractor to perform the work.

Commissioner Pennel repeated the motion...Commissioner Herschend added that it would include by passing the normal bid process due to the emergency situation. Mr. Eakins suggested doing the project at costs plus reasonable markup. Commissioner Strahan asked if the county would be criticized, knowing it is an emergency, but how long has it been an emergency. Commissioner Strahan added that he would like to have the Sewer Board member's agreement. Commissioner Herschend noted that he would make the motion contingent upon sewer board ratification.

Commissioner Pennel asked about an agreement with the water district. Mr. Eakins noted that at this point it has not been determined if the system will be the county's or the city's.

Commissioner Pennel asked if the motion would add contingent upon the City of Branson's acceptance of the wastewater. Ms. Luttrell clarified the parts of the motion. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to direct Mr. Soutee and Great River Engineering to go to the owner of the motel and talk about the quick fix situation and see if they would like to participate with \$40,000 so they could be done as well and be included as part of the project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion that the Presiding Commissioner go back to whoever wrote the article regarding this issue and explain county process. The motion died for a lack of a second.

## **RECESS**

11:53 a.m.

## **RECONVENE**

1:08 p.m.

## **COUNSELOR PAULSON WORK SESSION**

Counselor Paulson met with the Commission to go over pending cases and his current schedule. Commissioner Pennel presented the Commission with a resolution from the IDA regarding a \$550,000 bond for the Hospital. Commissioner Herschend made a motion to approve said resolution. Commissioner Strahan requested that Counselor Paulson take a look at the document.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend added to his motion that it be contingent upon Counselor Paulson looking the document prior to Wednesday morning. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **JUDICIAL FACILITY WEEKLY UPDATE**

Commissioner Herschend noted that he had spoken with Chief Berndt who stated that by installing the button for the generator would indeed save the citizens money on their home insurance. Commissioner Strahan suggested contacting K&R to provide the installation.

Commissioner Strahan made a motion to approve PR#43 for \$5,344.00 which is for the extra tile needed, as there was a tremendous savings by changing the sealer previously. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve \$463.00 for the casework, toe boards to be finished. 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(17). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **JUDGES CHAIRS**

Tressa Luttrell, County Administrator informed the Commission that the Judges have indicated that the chairs previously picked out will not suit them. Ms. Luttrell added that they have given her specifications for a lazyboy chair that runs \$1,200 each.

The Commission concurred to discuss the issue on Wednesday.

## **COUNTY CLERK DESK**

Ms. Luttrell presented the Commission with a recommendation from the County Clerk for the purchase of a new desk. Commissioner Herschend made a motion to approve the purchase of a new desk for the County Clerk. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **UNIFORMS**

Frank Preston, Road Superintendent asked the Commission how critical wearing the uniforms is to the Commission. Mr. Preston previously sent a letter and the crews did better however it is back to not wearing them now.

Commissioner Herschend made a motion to instruct Mr. Preston to send a letter insuring the staff that uniforms are to be worn, if not they go home. Commissioner Strahan asked how strongly Mr. Preston felt. Mr. Preston noted that he was pretty strong, the county is supplying them.

Commissioner Strahan noted that the county has turned into one of the top three places to work within the county and they should obey. Commissioner Herschend commented that they are testing us like kids would. Commissioner Strahan noted that he would write them up after the first time. Commissioner Pennel agreed. Commissioner Pennel noted that now that we agree is there any reason for them not to.

# TANEY COUNTY COMMISSION RECORD

Mr. Preston commented that the way it is set up now there is three options to choose from so there shouldn't be any reason not to. Commissioner Herschend commented that for them to not wear what has been given to them, they are not representing the county. The motion died for a lack of a second, however the Commission concurred with writing a letter.

## ROUND MOUNTAIN ROAD

Mr. Preston reported that individual's have been camping out as well as stopping up the culverts with hay bales to make the water deeper. Commissioner Strahan recommended placing signs at that location.

## HOLLY PERRYMAN RACETRACK ISSUES

Holly Perryman commented that she was present to get information regarding the Board of Adjustment process and added that Commissioner Herschend had recommended her coming in for a discussion. Counselor Paulson explained the BOA process and answered questions regarding conflict of interest and establishment of quorums.

**RECESS**  
4:52 p.m.

Minutes taken and typed by Tressa Luttrell.



## AUGUST 26, 2008 31<sup>ST</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met at the Keeter Center in Hollister at 11:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present and the following proceedings were had and made a matter of record.

## OZARKS REGIONAL ECONOMIC PARTNERSHIP

The County Commission attended a county wide economic development meeting to discuss economic development issues within Taney County.

Minutes typed by Nikki Lawrence.



## AUGUST 27, 2008 32<sup>ND</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 10:02 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## DEB MUNDELL POWELL ROAD

Deb Mundell met with the Commission to discuss the vacation of Powell Road. A discussion regarding easements, signed documents and the county's intention ensued. Ms. Mundell was directed to get all property owners signatures on easements and present to the Commission. In a letter written by Counselor Paulson, the County will do the necessary legal work to accomplish the road vacation. Should the Commission not proceed with the vacation of the road all easements will be returned to the property owners unsigned.

# **TANEY COUNTY COMMISSION RECORD**

## **WOODLANDS SUPPORT LETTER**

Commissioner Herschend made a motion to sign the support letter for the Woodlands project. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **CERTIFICATE OF ELECTED REPRESENTATIVE REGARDING PUBLIC APPROVAL FOR QUALIFIED SECTION 501(c)(3) REVENUE BONDS**

Commissioner Herschend made a motion to sign the certificate regarding the revenue bonds for the Industrial Development Authority. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **CEDAR SPRINGS ROAD DEDICATED PLAT**

Commissioner Pennel made a motion to accept the street dedicated plat for Cedar Springs Road. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS 11:20 a.m.**

Minutes taken and typed by Tressa Luttrell.



## **AUGUST 28, 2008 33<sup>RD</sup> DAY OF THE JULY ADJOURNED TERM**

The County Commission met in the Taney County Judicial Facility at 2:56 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## **CENTURYTEL TELEPHONES**

Commissioner Strahan made a motion to approve the purchase of CenturyTel telephones in the amount of \$17,004.97 due to an emergency and that there was not an opportunity to post this meeting 24 hours in advance. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Minutes taken by Donna Neeley, via telephone, and typed by Nikki Lawrence.



## **AUGUST 29, 2008 34<sup>TH</sup> DAY OF THE JULY ADJOURNED TERM**

The County Commission met at the Recycle Center in Branson at 11:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **ROAD TRIP**

The County Commission met with Frank Preston, Road & Bridge Superintendent, to discuss concerns at the Recycle Center with Ms. Debbie Redford, in addition to viewing Blue Ridge Drive and Purvis Lane.

Minutes typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD



## SEPTEMBER 2, 2008 35<sup>TH</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom II at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #305549-305668 and manual warrant #4882. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

There are no prior minutes available for approval at this time.

### SUPPORT LETTER FOR SYCAMORE VIEW

Mr. Greg Rodewald appeared before the Commission seeking a letter of support for Sycamore View Development. He noted that concerns that were brought to his attention last week, have been addressed and the site plan has been revised.

Commissioner Pennel made a motion to approve a letter of support for Sycamore View Development. Commissioner Herschend commented on concerns with construction oversight, as well as water run-off issues. Motion died for lack of being seconded.

A brief discussion took place with Mike Stahlzer, Project Engineer, and the Commission. Mr. Stahlzer discussed road access and that it will be held to state standards.

Commissioner Pennel made a motion to approve a letter of support for Sycamore View Development. Commissioner Herschend seconded his motion with noted concerns. Commissioner Strahan commented on road entrance concerns. Mr. Rodewald and Mr. Stahlzer both stated that the plans for the entrance of the development were completed and approved by Missouri Department of Transportation. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel left the meeting at 9:20 a.m.

### PRESIDING COMMISSIONER

Clerk Neeley, swore in Commissioner Herschend as temporary Presiding Commissioner for the duration of Commissioner Pennel's absence pursuant to RSMo.

### FINAL 2007 AUDIT PRESENTATION

Andy Marmouget, with Davis, Lynn & Moots CPA, presented the final 2007 audit to the Commission reviewing highlights of the financial statement and discussed some recommendations.

### ROAD PETITION MARLIN, CRAPPIE AND PERCH

Commissioner Herschend read road reviews into the record, which are as follows:

**Marlin Street** > Located in Lakeway Village, Section 8, Township 23W, Range 21W  
This road is in poor condition with little or no drainage. It also has three connecting roads that have residents. The roadway needs to be reconstructed with ditches and culverts where needed. It

## TANEY COUNTY COMMISSION RECORD

is suggested to have the road surveyed to understand where the right-of-way should be. In order to bring this road up to standards, it would cost approximately \$20,000-\$25,000. If taken in, a Class VI is recommended.

### **Crappie Street** > Located in Lakeway Village, Section 8, Township 23N, Range 21W

This road intersects with Marlin and runs through to Catfish Road. There is no culvert at Catfish and it appears not to be drivable beyond the only residence on the road. There is also a water tower located on this road. The road is rough where it intersects with Marlin and then fair at the top of the hill. The rest of the road does not appear to be passable. If taken into the county system, I would recommend a Class VI and would not recommend taking it in past the water tower, as there are no residences and it is not passable.

### **Perch Street** > Lakeway Village, Section 8, Township 23N, Range 21W

This road intersects with Marlin and runs through to Catfish Road. This road needs to be reshaped with ditches and base rock added to the roadway. The brush needs cut from right of way and big rocks removed from edge of roadway. It is recommended a Class VI if taken in.

Mr. Frank Preston stated that there would be a significant expense that would go into these roads to have them brought up to county standards. He also noted concerns with the water lines not meeting a specific standard.

Commissioner Strahan made a motion to table. Commissioner Herschend noted several concerns. Motion died for lack of being seconded.

Ginger Findley, property owner at 235 Perch, approached the Commission with concerns that there is no garbage pick-up or emergency service due to the roads not being passable.

Commissioner Herschend made a motion to table Crappie Street, which is the road the water tower is on. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny Perch Street and Marlin Street as those surfaces are sub-standard in width and are both gravel and in rough condition and that it would take \$20,000 - \$25,000 to bring roads up to county standards. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

## PICKETT RIDGE ROAD PETITION

Commissioner Herschend read road review into the record, which is as follows:

### **Pickett Ridge Court** > Located in Smoke Tree Hills, Section 21, Township 21N, Range 20W

This road is in good condition and drainage is working well. The one entrance culvert that appears to be blocked is not causing any runoff issues at this time. The recommendation would be a class IV if taken into the county system.

Mr. Preston stated that he had no objection to the recommendation.

Commissioner Strahan made a motion to take in Pickett Ridge Court to the county maintenance system as a Class IV. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

## FORSYTH ROAD ~ TRANSPORTATION DEVELOPMENT DISTRICT

Clerk Neeley informed the Commission that she had received a verified petition approving a sales tax resolution submitted by the Forsyth Road Transportation Development District from Lathrop & Gage, L.C.

## 2008 LEVY PUBLIC HEARING

Clerk Neeley presented the Commission with a copy of the 2008 Levy for General County Revenue and Road & Bridge. She noted an increase in the total real estate property of \$65,597,024 and there was also an increase in the total personal property of \$3,858,054 for a total increase of assessed valuation in Taney County of \$69,455,078.

# TANEY COUNTY COMMISSION RECORD

Clerk Neeley commented that the current year tax ceiling rate is at .2391 for General County and for Road & Bridge Department is .1836.

Commissioner Strahan moved to establish the General County Levy at .2391 and Road & Bridge Levy at .1836. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to roll back both the General County & Road & Bridge levy to "0". Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

## PUBLIC COMMENT

Art Beck commented on concerns of the generator location at the Judicial Facility.

Bobby Clay noted his disappointments at the Judicial Facility Open House, as he was unable to get into the building with the amount of citizens/officials that were present.

## COMMISSIONER HERSCHEND

Commissioner Herschend stated for the record that there was an article that Taney County Times printed, which several portions in the article were incorrect. He also noted that last Thursday the Commission was invited to a meeting regarding the Dam Site Sub Division, but that there were no motions and/or no votes taken.

## RECESS 10:30 a.m.

Minutes taken and typed by Nikki Lawrence.

## RECONVENE 11:30 a.m.

## WHITE RIVER VALLEY HISTORICAL SOCIETY 2009 BUDGET

Lisa Owen, Director for the White River Valley Historical Society met with the Commission to present their request for the 2009 budget.

Commissioner Pennel entered the meeting at 11:55 a.m.

Commissioner Herschend made a motion to move forward with this request as a part of the Commission's budget submission. The motion died for a lack of a second. Auditor Findley commented that he saw this as an ongoing expense that doesn't have to be.

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021(3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny the request of Charles Edwards for additional vacation time. The motion died for a lack of a second.

Commissioner Pennel made a motion to pay Mr. Edwards his 29 hours of vacation that has been accrued. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD

## TANEY COUNTY REGIONAL SEWER DISTRICT

Commissioner Pennel and Commissioner Strahan attended the Taney County Regional Sewer District Meeting to hear updates on Bee Creek and Ozark Beach projects as well as the discussion of a utility truck purchase and the Amended Sewer Services and Exclusion Territorial Agreement.

Minutes typed by Nikki Lawrence

### TANEYCOMO COST SHARING APPLICATION

Commissioner Pennel and Commissioner Strahan attended a cost sharing meeting regarding the Taneycomo Bridge. Let it be noted that Commissioner Herschend was in attendance via telephone.

Commissioner Pennel commented on the total liability the county has for the cost share application, in addition to the language in the application concerning overrun of funds, as 40% would be the responsibility of the county.

Mr. Dean Kruithof, City Administrator with the City of Branson, explained each entities responsibility for the overrun and that if the bid comes in over the application amount, it could be renegotiated or sent for bid again.

Mr. Rick Zigenfuss, City Administrator with the City of Hollister, noted that there was a good possibility the project would come in under the engineers estimate and reminded everyone that is only the application, not the contract. Mr. David Miller, City Engineer with the City of Branson, stated that MoDOT requested the application by 4:30 p.m. today.

Commissioner Herschend made a motion to approve the cost share of any cost overruns being shared proportionally among the local partners with Taney County paying 40% of the total cost overrun, City of Branson 8% and City of Hollister 2%. Commissioner Pennel seconded the motion. Commissioner Strahan commented that he was not against the application process but he had spent a lot of time trying to acquire federal funding for the bridge project. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

Commissioner Herschend was disconnected from the meeting, due to his mobile phone dropping the call.

**RECESS**  
**3:29 p.m.**

Minutes taken by Susie Braden and typed by Nikki Lawrence.



**SEPTEMBER 3, 2008 36<sup>TH</sup> DAY OF  
THE JULY ADJOURN TERM**

The County Commission met in the Commission Office at 9:05 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceeding were had and made a matter of record.

### **PAYROLL**

Commissioner Strahan made a motion to approve the following payroll warrants:

General County Revenue #104784 through #104811

Road & Bridge #104756 through #104778

Assessment Fund #104779 through #104780

Transfer Station #104781 through #104783

# **TANEY COUNTY COMMISSION RECORD**

Accounts Payable warrants #305682 through #305701, manual warrants #4883, #4884

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

## **RECESS**

Minutes taken and typed by Nikki Lawrence.

## **RECONVENE**

1:05 p.m.

The County Commission met in the Commission Office at 1:05 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following procedures were had and made a matter of record.

## **TAX CREDIT SUPPORT LETTERS**

The County Commission worked on the wording of two tax credit support letters from the presentation on Tuesday as well as a request from Mark Weisz.

## **HPL AMENDMENT**

Commissioner Strahan made a motion to approve the amended contract with HPL until the due date of March 15, 2009. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **RESIDENTIAL FURNITURE BIDS**

Tressa Luttrell, County Administrator presented the Commission with bids for Judge Justus' office furniture noting that the only complete bid was for over \$13,000.00. Ms. Luttrell noted that in speaking with Mr. Justus, he indicated to both Commissioner Herschend and herself that he was willing to pay for some of the furniture out of his regular budget.

The Commission suggested taking the bids back to Mr. Justus for his recommendation of what he would be willing to fund.

## **CASEY ROAD DEGRAFFENREID PROPERTY**

The Commission along with Frank Preston, Road Superintendent and Randy Haes, Road Coordinator met with Jerry Degraffenreid to discuss the damage done to his property on Casey Road and a possible compromise for the replacement of trees and damage to his fencing.

The Commission agreed to go to the location and work out the negotiations as setting around a table may not show the whole picture.

## **ROAD STANDARDS**

Mr. Preston informed the Commission that he had met with Great River Engineering on the "Road Standards" and would be proceeding with a more finalized document. Mr. Preston noted that he would let the Commission review said document for a week to ten days.

## **ASSIGNMENT OF VEHICLES**

Mr. Preston informed the Commission that he had started the assignment of vehicles which would create a level of accountability.

# TANEY COUNTY COMMISSION RECORD

## “Y” HIGHWAY SEWER PROJECT

Mr. Preston commented that he had briefly reviewed the plans for the sewer project on “Y” Highway and would like to have some direction as to whether the road & bridge department would be conducting the road repairs or would it be a part of the contract with the Sewer District.

Commissioner Pennel commented that he was hearing from Mr. Preston that the roads being included in the contract is common practice. Mr. Preston indicated yes, but not always.

### EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan made a motion to increase Bill Morpeth’s pay to \$14.75 an hour effective 9/1/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.



### SEPTEMBER 4, 2008 37<sup>TH</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Commission Office at 4:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### ROCK RIDGE SUPPORT LETTER

Commissioner Pennel made a motion to approve a resolution of support for the Rock Ridge project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Minutes were taken and typed by Nikki Lawrence.



### SEPTEMBER 8, 2008 38<sup>TH</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Associate Circuit Courtroom II at 8:59 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approved accounts payable warrants #305669 – 305681, #305703 – 305748 and manual warrants #4885 – 4887. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# **TANEY COUNTY COMMISSION RECORD**

## **PRIOR MINUTES**

Commissioner Strahan made a motion to approve prior Commission Minutes dated 8/15/2008, 8/18/2008, 8/19/2008, 8/20/2008, 8/21/2008, 8/22/2008 and 8/27/2008 with corrections. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **PURVIS LANE & BLUE RIDGE DRIVE**

Commissioner Pennel stated that the Commission has looked at Purvis Lane & Blue Ridge Drive, which are both located off of Fruit Farm Road. Commissioner Strahan noted that he would need more information before a decision is made to accept into the county maintenance system. He also expressed concern of Commissioner Herschend not being present.

Commissioner Strahan made a motion to table Purvis Lane & Blue Ridge Drive. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **JAMES STRAHAN, COUNTY ASSESSOR**

Assessor Strahan questioned whose responsibility it was to inform his department when roads are taken into the county maintenance system, in order that the systems are correctly mapped. Tressa Luttrell, County Administrator stated that the Assessor's Office is supposed to get a copy of the petition once it is approved by the Commission.

## **COMMISSIONER PENNEL**

Commissioner Pennel commented on attending the Branson City Council Meeting and that he was very impressed with the company that presented their financial information. He also noted that he has the presentation of the meeting if anyone would like to see it.

Commissioner Pennel also mentioned that the Taneyville School was building a new building and discussed trying to get some type of exemption for government entities in regards to prevailing wage. Commissioner Strahan stated that he would be in favor of sending a letter of support to the legislature.

## **PUBLIC COMMENT**

Art Beck commented on the new generator at the Judicial Facility and making sure that it was serviced on a regular basis.

## **RECESS 9:13 a.m.**

Minutes were taken and typed by Nikki Lawrence.

## **RECONVENE 1:42 p.m.**

## **JOHN LAVENDER ADDITIONAL HELP**

John Lavender, Maintenance Supervisor met with the Commission to ask for an additional employee as the janitorial work with the added Judicial Facility was overwhelming. Mr. Lavender indicated that they had already interviewed an individual and would ask that the Commission consider hiring Amy Sanders at a rate of \$10.00 an hour.

Commissioner Pennel noted that he would like to see the application prior to making a decision.

# **TANEY COUNTY COMMISSION RECORD**

## **RESIDENTIAL FURNITURE JUDGE JUSTUS' OFFICE**

Commissioner Strahan made a motion to approve the bid as offered by Wheelers Furniture in the amount of \$7,174.00 for the furniture in Judge Justus' office. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **JOHN LAWLER LEASE AGREEMENT**

Commissioner Pennel made a motion to approve the lease agreement between Taney County and John Lawler for airplane maintenance. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **ADDITIONAL MAINTENANCE CONT.**

Commissioner Pennel made a motion to approve the addition of Amy Sanders with a 90 day probationary period. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **FORSYTH STUDENT PROGRAM**

Frank Preston, Road Superintendent informed the Commission that the Forsyth School has a student program where ten to twelve students would work at the recycling center for two hours on Mondays. The Commission questioned as to who would be supervising the students. Mr. Preston noted that he would get additional information.

## **GENERAL UPDATE**

Mr. Preston let the Commission know that they were looking at paving the end of Casey next week. A meeting with the Degraffenreid's will be scheduled for Wednesday morning to discuss their request regarding the replacement of trees and a fence along Casey Road.

Mr. Preston noted that FEMA has indicated that 80% of John Rider's salary will be reimbursed from the beginning of the declaration by FEMA.

Mr. Preston also noted that the cleaning of the retention ponds by Sunbelt Environment will be completed soon, and that both Mr. Preston and Sunbelt has been in contact with the DNR.

## **RECESS**

3:05 p.m.

Minutes taken and typed by Tressa Luttrell.



## **SEPTEMBER 9, 2008 39<sup>TH</sup> DAY OF THE JULY ADJOURN TERM**

The County Commission met in the Commission Office at 4:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## **EMPLOYMENT INTERVIEW**

The Commission participated in an interview for the IDA Director along with Cy Murray and Jerry Jeske from the IDA Board.

Minutes typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## SEPTEMBER 10, 2008 40<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:07 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### MINUTES

Commissioner Pennel made a motion to table the minutes. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### BOB PAULSON WORK SESSION

The Commission met with Counselor Paulson to get an update on legal issues as well as his weekly schedule. Commissioner Pennel asked that Counselor Paulson work up whatever he thinks is needed for the building on 139 David Street to start the 90 day buy back with Peter Rea. Counselor Paulson indicated that he would have a document ready prior to the meeting on the 11<sup>th</sup>.

Counselor Paulson updated the Commission on some discussions he had regarding the reclassification of the time shares. Commissioner Pennel noted that he would like to have a copy of his information.

### BUILDING MOVE DISCUSSION

Tressa Luttrell, County Administrator commented that no matter who will be housed in the current Planning & Sewer areas that the Commission should probably get someone like Sunbelt to come in a take a look at the area for mold etc. Commissioner Pennel noted that John Lavender, Maintenance Supervisor should conduct a deep clean, even power wash the area.

Frank Preston, Road Superintendent commented that he agreed with Ms. Luttrell and felt it would make the employees feel better about the situation. Commissioner Strahan noted that he would just like to make it clear that after the cleaning of the area, no matter who goes in there, we call someone in to have it checked out.

Commissioner Pennel noted that he thought he made himself very clear in shop talk regarding the moving of offices in that it is still just ideas, however Mr. Rider and Ms. Roberts went down to the Planning & Zoning and Sewer District to do some measurements which keeps stirring the pot, so to speak. Mr. Preston noted that he was unaware that that had been done.

### CONNELL INSURERS

Representatives from Connell Insurers discussed the County's insurance needs and informed the Commission that they were very interested in participating in the RFQ for health insurance.

### CASEY ROAD DEGRAFFENREID PROPERTY

The Commission along with Mr. Preston met on site at the Degraffenreid Property on Casey Road to discuss the recent request for trees and fencing.

Minutes taken and typed by Tressa Luttrell.

# TANEY COUNTY COMMISSION RECORD



## SEPTEMBER 11, 2008 41<sup>st</sup> DAY OF THE JULY ADJOURNED TERM

The Commission met in Judge Justus' office at 1:15 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### SECURITY ISSUES

The Commission discussed various security issues with the Judicial Facility, including, location of locks on doors, securing particular hallways and security problems involving access to hallways. To date, all individuals who enter the building are to be checked with the wand, according to Circuit Judge Orr.

The Commission also made some mention of a security system that would communicate to judges and others what to do in the event of a threat.

Minutes were taken by Bob Paulson and typed by Nikki Lawrence.



## SEPTEMBER 12, 2008 42<sup>ND</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 8:30 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 8/25, 8/26, 8/29, 9/2, 9/4. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### EMERGENCY SEWER LINE REPAIR

Counselor Paulson noted that it came to the Commission's attention yesterday that some sewer lines and manholes are exposed and could be damaged, possible property damage and even a bridge wash out should the county receive the rains that are forecast for the weekend, therefore there wasn't a possibility to post as required for 24 hour notice but was posted late yesterday afternoon.

Commissioner Strahan noted that the weather forecast from Hurricane Ike was for the possibility of 10" of rain. Counselor Paulson noted that he would like to wait until Tuesday for the Sewer District Meeting but that there is no assurance that the damage wouldn't be done or the bridge washed out so it needs to be brought up today.

Commissioner Pennel made a motion to direct the road & bridge to get the gravel removed from the bridge, at the head of the bridge and do what's needed to protect the manhole that is exposed. Tressa Luttrell, County Administrator asked for a location of said repair. Commissioner Pennel noted that it was located at the Harold Plott property in Hollister. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### PERSONNEL INTERVIEWS

The Commission participated in personnel interviews for the position of IDA Director along with members from the IDA Board.

# TANEY COUNTY COMMISSION RECORD

Minutes taken and typed by Tressa Luttrell.



## SEPTEMBER 15, 2008 43<sup>rd</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the County Commission Hearing Room at 9:03 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner and the following proceedings were had and made a matter of record.

Prayer was led by Helen Souttee, County Treasurer, followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #305749 through #305853 and manual warrants #4888, #4889. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### PRIOR MINUTES

Commissioner Pennel tabled prior Commission Minutes dated 8/28/2008, 9/3/2008, 9/8/2008, 9/9/2008 and 9/10/2008. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### CHRIS BERNDT, EMERGENCY MANAGEMENT DIRECTOR, FLOODING UPDATE

Chris Berndt, Emergency Management Director, updated the Commission on the effects of the storm throughout Taney County this past weekend.

Mr. Berndt noted that it flooded along Lake Taneycomo as well as Bull Creek. He also commented that residents were concerned that the Corp of Engineers would be releasing additional water over the weekend but added that that was untrue.

In addition to the flooding, Mr. Berndt noted that there were many trees down throughout the county due to high winds and the power companies are continuing to restore power.

Commissioner Herschend entered the meeting at 9:10 a.m.

Mr. Berndt commented that he is compiling a list of those who need assistance and will work towards gaining public and individual assistance through FEMA.

The Commission complimented Mr. Berndt and his staff, as well as the Road & Bridge Department for all their efforts during this storm.

**RECESS**  
**9:15 a.m.**

Minutes taken and typed by Nikki Lawrence.

**RECONVENE**  
**11:30 a.m.**

The County Commission reconvened in the Commission Office with all members present.

# TANEY COUNTY COMMISSION RECORD

## “K” HIGHWAY EMERGENCY ROAD

Frank Preston, Road Superintendent informed the Commission that he had received a phone call regarding the water rising over “K” Highway and that the residents couldn’t get through the locked gate.

Ed and Allan Wilson, owners of the property known as the “K” Highway Emergency Road had previously sent in a request for the Commission which is as follows:

“Items for Taney County to do prior to opening of roadway and after closing (dated September 11, 2008)

1. Raise the roadway at pond. There is a survey stake for height. From 6/13/02 contract. Road was closed August 2, 2002.
2. Road fixed when closed.
3. Gate on north side of road has post pulling out of ground. Result of original contract.
4. Gravel road from north side of road at creek to main road. From original contract.
5. Adjust gates. People have removed gates. They are sagging. Need to be welded.
6. Remove stumps off property by creek.
7. Trees down on left coming off K-10. From original contract. Need to be removed.
8. Center gate. Fence need to be tied to gate posts with wire ties and not plastic like was used originally.
9. Trash at east side of property from original road building. Old fencing and posts. Dixon pushed it over the hill to the east on roadway.
10. Need clay to build pond. County crews pushed what we bought over the hill.
11. 3-3 ft heavy duty chains and 4-4 ft chains to replace ones that were stolen on August 4 and July 26, 2008. On 3-22-05 drug bust at motel, 1 lock and two chains cut by Taney County Sheriff. Gates were left open.
12. Gravel at all cattle guards where traffic has worn it out.
13. Make sure Sheriff has keys to get thru when road is open. Don’t call us for entrance. This happened July 20, 2008.

Items 1, 3, 4, 6, 7, 8, 9, 10 are from the original building of the road. The original contract was signed on 6/13/02. All these items were to be done by the time the road was closed.

Items 2, 5, 11, 12, 13 are things that need to be repaired or replaced from this opening.

Per wording in the original contract dated 6/13/02, the County is the one that has not stood up to the agreement not the landowners. We have bent over backwards to accommodate the residents and landowners. We have been thanked by chains being cut, gates being taken off hinges, gates being left open, calls from people who have boats at K-Dock and the Dock Owner and littering on our property.

Before the road can be opened again, we as landowners need to assured in writing that the above mentioned items will be taken care of in a timely manner. A letter signed by the commissioners will suffice.

Ed Wilson”

Commissioner Pennel suggested that all parties go to the site for review. Commissioner Strahan noted that the County would replace what they broke. Commissioner Herschend made a motion to approve all requests with the exception of #1 and #4, replace the clay and line the pond.

Commissioner Pennel stated that most of the requests are maintenance and would want to look at #1, 4 and 10. Motion died for a lack of a second.

Commissioner Herschend made a motion to approve #2, 3, 5, 6, 7, 8, 9, 11, 12 and 13. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
**12:30 p.m.**

**RECONVENE**  
**2:13 p.m.**

The Commission reconvened in the Commission Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

**FRANK PRESTON & TRESSA LUTTRELL**  
**WORK SESSION**

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

# TANEY COUNTY COMMISSION RECORD

1. Weekend Storm: Mr. Preston updated the Commission on the storm damage from the weekend.
2. Fall Clean Up: Mr. Preston noted that the Fall Clean Up was scheduled for October 18<sup>th</sup>.
3. No Parking Signs: Commissioner Pennel commented that he had been requested to place four “no parking” signs at the senior housing complex located across from the new Judicial Facility so that their parking spots would not be taken up by citizens going to the facility.

After a brief discussion, Commissioner Pennel made a motion to provide four “no parking” signs of some sort, to be paid for out of the judicial facility budget and after consulting with the City of Forsyth. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

4. Flood Victims: Commissioner Strahan noted that he had received a call from the Village of Bull Creek regarding the dumping of items at the transfer station due to the recent flooding. Commissioner Strahan questioned as to whether the Commission wanted to extend the free dumping or approve them as a case by case basis.

Commissioner Strahan made a motion that with the expense that the individuals at Bull Creek have incurred personally, that the County would extend free dumping at the transfer station. Commissioner Pennel noted that he would like to continue with how the transfer station has been handling these cases from the last flood, in which Karen Custer was using her judgment when the residents would come to dispose of items. The motion died for a lack of a second.

Commissioner Strahan made a motion to continue the use of Ms. Custer using her judgment on the dumping for the flood victims for Bull Creek. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

5. Animal Control Adoption: Commissioner Strahan made a motion to allow Animal Control to conduct adoptions at Autumn Days for 4 -5 hours. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).
6. “K” Highway Emergency Road: Commissioner Strahan made a motion to pay Allen Wilson \$700.00 for clay purchased by Mr. Wilson and used by the county for other purposes on the “K” Highway Emergency Road. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## RECESS

Minutes taken and typed by Tressa Luttrell.



## SEPTEMBER 16, 2008 44<sup>th</sup> DAY OF THE JULY ADJOURNED TERM

The Commission met at the Hollister City Hall at 12:03 p.m. pursuant to adjourn with all members present and the following proceeding were had and made a matter of record.

### EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo.610.021(1). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to request the City of Branson to pursue litigation with JC Industries Incorporated on the Table Rock Acres sewer project under the following conditions:

- 1) The County will pay/or reimburse the City for all legal expenses.
- 2) The City will remit to the County all proceeds and awards from the lawsuit.

## **TANEY COUNTY COMMISSION RECORD**

- 3) The cost of litigation and any award will come out of the sewer sales tax fund and any award will be placed back in the sewer sales tax fund.

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

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken by Susie Braden and typed by Nikki Lawrence.

### **TANEY COUNTY REGIONAL SEWER DISTRICT PRE-MEETING**

The Commission attended the Taney County Regional Sewer District Pre-Meeting to hear a presentation from Mr. Rick Ziegenfuss, City of Hollister's Administrator.

### **TANEY COUNTY REGIONAL SEWER DISTRICT MEETING**

The Commission attended the Taney County Regional Sewer District Meeting to hear updates on Bee Creek and Ozark Beach projects as well as discussing utility truck information and staff wages / overtime benefits.

### **TANEY COUNTY REGIONAL SEWER DISTRICT WORK SESSION**

The Commission attended the Sewer Board Work Session to discuss priority projects and financial options.

Minutes typed by Nikki Lawrence.



### **SEPTEMBER 17, 2008 45<sup>TH</sup> DAY OF THE JULY ADJOURN TERM**

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

#### **PAYROLL**

Commissioner Pennel made a motion to approve the following payroll warrants:

General County Revenue: #104813, #104814, #104845 through #104868

Road & Bridge: #104816 through #104838

Assessment: #104815, #104839 through #104840

Transfer Station: #104841 through #104843

911 Administration: #104844

Accounts Payable warrants #305866 through #305887, manual warrants #4890, #4891

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

# TANEY COUNTY COMMISSION RECORD

## APPRAISAL CONTRACT

Counselor Paulson presented the Commission with a contract between Taney County and Gary Coleman to provide appraisals for 36 properties that was previously done by Randall Walker for the State Tax Commission. Counselor Paulson noted that it was his and Attorney McCullah's intention to have appraisals done on the same properties to show that they were not accurate.

Commissioner Pennel asked when these appraisals had been done. Counselor Paulson noted within the last 8 – 10 months. Commissioner Pennel stated that he would like to see these appraisals. Counselor Paulson explained that Mr. Coleman has stated the methodology for these appraisals is all wrong and stated that he would locate a copy for Commissioner Pennel.

Commissioner Pennel made a motion to table said contract until 1:00 p.m. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**RECESS**  
**9:10 a.m.**

**RECONVENE**  
**9:38 a.m.**

### **MIKE COLE** **CASEY ROAD SEWER ISSUE**

Mike Cole, Lab Technician for the Taney County Regional Sewer District met with the Commission to report back on a reported problem at 281 Casey Road. Mr. Cole noted that after conducting tests, that the issue should resolve itself and noted that the problem resulted because of the ground water.

Commissioner Pennel questioned if Mr. Cole was ok with the results for the environment. Mr. Cole confirmed that he was satisfied.

**RECESS**  
**9:47 a.m.**

Minutes taken and typed by Tressa Luttrell.



**SEPTEMBER 18, 2008 46<sup>TH</sup> DAY OF**  
**THE JULY ADJOURN TERM**

The County Commission met in the Commission Office at 12:50 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **SHERIFF RUSSELL** **REPLACEMENT VEHICLE**

Sheriff Russell spoke to the Commission via the telephone regarding the replacement of one of the patrol vehicles that had recently been wrecked. Sheriff Russell noted that insurance would issue a check for \$15,500 however to replace the vehicle there is a \$7,500 difference and requested that the Commission allow those funds to come from the contingency fund.

Sheriff Russell explained that the wrecked vehicle had around 60-70,000 miles and would not have been scheduled to be replaced this next year. Commissioner Herschend asked Tressa Luttrell, County Administrator if replacing this vehicle would need to be bid out. Ms. Luttrell answered yes, that even the difference in the price is over the bid limit.

# TANEY COUNTY COMMISSION RECORD

Sheriff Russell questioned why they couldn't use the previous bid. Ms. Luttrell explained that if it had been an annual bid, no matter how many vehicles was purchased would have been alright, however the county bid out for a specific number of vehicles.

Commissioner Strahan asked when the state bids would be awarded. Both Ms. Luttrell and Sheriff Russell noted that they start in October and go through December. Commissioner Herschend made a motion to have Ms. Luttrell bid out for the replacement of the vehicle. After a brief discussion, Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## SEPTAGON MONTHLY UPDATE

Discussions were had on various issues concerning the new Judicial Facility and some recent issues that had arrived since the building had been occupied.

- Rental Boxes are in the location of the new parking lot and will need to be emptied out by Wednesday, September 24<sup>th</sup> and moved. Commissioner Herschend to notify the Sheriff.
- The location of the current dumpster at the Courthouse will not be accessible once the new parking lot is constructed. John Lavender, Maintenance Supervisor to coordinate with road & bridge and relocate to the area where the old tower is located.
- Problems with the elevators and who is allowed to use the "Judges" elevator was discussed. Both Septagon and HMN noted that it was a code issue and therefore would need to be a policy and procedure clarification.
- Ms. Luttrell was directed to keep a list of all issues, requests, etc. through the end of October and that the building to proceed as is, then all parties come back together and discuss the list and possible resolutions.
- The Laundry Room does not have automatic soap dispensers and is not in the specs as such. Mr. Lavender directed to contact his vendors and have them locate a self feeding dispenser.
- HMN is working on the resolution to make the granite on the staircase slip resistant.
- Ms. Luttrell to get some verbiage for three door locations noting that they are emergency exits only and will sound an alarm if opened. Mike Smith, Construction Manager will also look at an audible alarm.
- Circuit Clerk Neal is looking for an answer per Judge Orr's request to place vending/soda machine in the Jury Assembly room. At this time no decision has been made.
- HMN to get back with the Commission by 9/24 regarding liquidated damages.
- Jury seats, foot rails and benches were again discussed as per the Judges request and will be addressed along with the other issues at the end of October.
- Metroplex to verify all UPS locations are working correctly.
- The stack for the emergency generator was discussed as requested by a citizen. Mr. Lavender to purchase a carbon dioxide detector and the county to look at additional pipe as well.

Commissioner Strahan made a motion to deny RFI 197 requesting an additional \$1,340.00 for the glass adjacent to door 160-A as HMN does not see the justification in the request. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to deny RFI 338 requesting an additional \$1,022.00 for additional wiring for the clothes dryer exhaust fan as Henderson Engineers does not believe the County should be responsible for any additional costs. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to proceed in not asking for a deduction for the deletion of shelving in the dayroom video visitation units but to construct the remaining shelves as recommended by Karen Opplinger from HMN. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve PR #53 for a credit of \$6,452.00 to delete bypass valves that were not needed. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend left the meeting at 3:03 p.m.

**RECESS**  
**3:14 p.m.**

Minutes taken and typed by Tressa Luttrell.



## **SEPTEMBER 19, 2008 47<sup>th</sup> DAY OF THE JULY ADJOURNED TERM**

The County Commission met in the Commission Office at 2:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western District Commissioner present and the following proceedings were had and made a matter of record.

### **COLEMAN CONTRACT**

Commissioner Pennel made a motion to approve the contract as presented for appraisal services with Gary Coleman and as this issue is scheduled for 4:30 today, and as the Commission may not be available the vote would be taken up at this time and ratified via the telephone. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

**RECESS**  
**2:35 p.m.**

**RECONVENE**  
**4:35 p.m.**

The County Commission met in the Commission Office at 4:35 p.m. pursuant to adjourn with Ron Herschend, Western Commissioner, present and Danny Strahan, Eastern Commissioner, via telephone and the following proceedings were had and made a matter of record.

### **APPOINT PRESIDING**

Clerk Neeley, swore in Commissioner Herschend as temporary Presiding Commissioner in the absence of Commissioner Pennel pursuant to RSMo.

### **COLEMAN CONTRACT**

Commissioner Herschend made a motion to ratify action taken earlier today at 2:30 p.m. to approve the Coleman Contract as signed. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.



## **SEPTEMBER 22, 2008 48<sup>th</sup> DAY OF THE JULY ADJOURNED TERM**

The County Commission met in the County Commission Hearing Room at 9:01 a.m. pursuant to adjourn with all members present and the following proceeding were had and made a matter of record.

Prayer was led by Mr. Gary Groman followed by the pledge.

# TANEY COUNTY COMMISSION RECORD

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #305854 – 305865, #305888 – 305986 and manual warrants #4892 – 4894. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 8/28/2008, 9/3/2008, 9/8/2008, 9/9/2008, 9/10/2008, 9/12/2008, 9/15/2008, 9/17/2008 and 9/18/2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PURVIS LANE

Ms. Pat Woodbury and several area residents appeared before the Commission to discuss Purvis Lane.

Commissioner Pennel stated that the Commission, along with Mr. Preston, Road & Bridge Superintendent, visited Purvis Lane.

Ms. Woodbury recalled the county working on Purvis Lane approximately 10 years ago, but was never touched again. She also commented that she was told by the Commission at that time, Purvis Lane would be maintained by the county. Ms. Woodbury noted concerns of emergency vehicles or propane service being able to make it down Purvis Lane.

Commissioner Strahan stated Purvis Lane was not in our county maintenance system. Ms. Woodbury noted that when she initially spoke with Commissioner Herschend, she was told that Purvis Lane was on the grater maintenance schedule and now its not. She also questioned how that happened.

Commissioner Strahan discussed cost estimate and what it would take to bring the road up to meet the county standards according to our road standards policy. Mr. Preston noted that it would take \$30,000 to \$50,000 to bring Purvis Lane up to standards. He also commented that to have the bare minimum work done and to make it passable, it would take \$5,000, as there is no ditch work, but it would only last until the next rain storm.

Commissioner Pennel made a motion to direct Road & Bridge staff to schedule Purvis Lane for a Class V, grater maintenance. Commissioner Strahan questioned whether or not it had been through the petition process.

Mr. Gerald Freese, property owner, stated the county had in fact worked on the road to make it passable and spent a lot of time, money and effort. He also questioned why they would put that into it and not maintain it.

Motion died for lack of being seconded.

Commissioner Strahan commented that he wanted to see proof of a completed petition, signatures and written documentation it has been taken into the county maintenance system.

Commissioner Pennel made a motion to take in Purvis Lane as a Class VI contingent on evidence the county expended funds in the past.

Motion died for lack of being seconded.

Commissioner Herschend made a motion to table until the evidence of approval is found. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (opposed), Herschend (yes), Strahan (yes).

## LAKE BEACH LANE ROAD PETITION

Commissioner Pennel read road review into the record, which is as follows:

# TANEY COUNTY COMMISSION RECORD

Located in Lakeland Beach > Section 34, Township 23N, Range 22W

This road is a through street that runs from Lakeland Avenue to Scenic. There are no houses that have main access off this road at this time, but a couple of lots are being cleared. The road needs a ditch line excavated and shaped for drainage and a cross culvert installed at the corner of the road. The surface has cracks appearing in the edge of pavement, due to there are no stable shoulders to support the road edge. There are two entrances off this road, one new entrance to a lot being cleared and an entrance to a lot on Scenic. If taken into the county system I would recommend a Class VI until homes are established.

Mr. Chris Cooper, petitioner, appeared before the Commission to get Lake Beach Lane adopted into the county maintenance system.

Commissioner Herschend made a motion to table as he would like to have Mr. Preston take a look at the road and noted his concerns of not following the road standards. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COMFORT LANE ROAD PETITION

Commissioner Pennel read road review into the record, which is as follows:

Located in Lakeshore Drive Estates > Section 33, Township 23N, Range 21W

This road is a through road that runs from North Fork to Deano. The intersection at North Fork has drainage problem with the culvert filled in on the flow outside, causing the standing water and pothole problem. The culvert should be replaced to a larger size and graded out for drainage on the flow outside. The surface will require some patching in a couple of areas, one of these being a utility cut that has settled and an area that chip and seal is missing. The other cross culvert needs to be cleaned on the flow outside and one driveway culvert needs cleaning. The surface should be widened and chip sealed. I would recommend a Class V if taken into the county road system. Cost to the county for patch repair, culvert work and chip seal surface is \$10,000 to \$15,000 estimated cost.

Mr. Pat Barnett, petitioner, appeared before the Commission to get Comfort Lane adopted into the county maintenance system. He explained where Comfort Lane was located, as well as informing the Commission there are 8 to 10 homes located on the road.

Commissioner Herschend made a motion to take in Comfort Lane to the county maintenance system. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend urged the Commission to schedule a work session to discuss whether or not it is prudent to the county to take in additional roads due to the flooding and the incomplete work orders.

## FLOODING UPDATE

Chris Berndt, Emergency Management Director, stated officials from FEMA were scheduled to tour our county on Tuesday, September 23<sup>rd</sup> for individual assistance and on Wednesday, September 24<sup>th</sup> for public assistance.

Commissioner Strahan questioned whether there was assistance for those who owned property that had down trees on it. Mr. Berndt stated that unfortunately there was no assistance for those individuals.

## GARY MORGAN & BOB DIXON

Gary Morgan, I.S. Administrator, and Bob Dixon, Recorder of Deeds, approached the Commission on a time sensitive issue. Mr. Morgan stated that Mr. Dixon backs up his Docuware system on a device called a snap server, which is unfortunately not working correctly. He also stated that by obtaining pricing through a bid process, for a new backup device, it may exceed the time limit. He also commented that he had already begun obtaining quotes from various companies.

Mr. Dixon stated that the value of his Docuware system is approximately \$300,000, which is basically everything in the vault in his office. Commissioner Pennel asked if waiting

# TANEY COUNTY COMMISSION RECORD

twenty-four (24) hours to make a decision would make a difference. Both Mr. Dixon and Mr. Morgan stated that would be fine. The Commission concurred.

## COMMISSIONER HERSCEND

Commissioner Herschend publicly thanked Mr. Morgan and his staff for all of their hard work during the move of offices, as well as Ms. Tressa Luttrell, County Administrator, for all of her years of hard work and dedication of all the facets of the Judicial Project.

Commissioner Herschend was concerned that a tax credit support letter from the Commission for Sycamore View, as well as Rock Ridge, had not been through the Planning & Zoning process.

## SHEILA WYATT

Collector Wyatt informed the Commission that the City of Branson approved CID (Community Improvement District) and the county would receive 1%, which would go into General County Revenue Fund. She also indicated she would like to see it on her tax bills.

Commissioner Herschend noted concerns of additional staffing, if necessary and also appreciates the efforts of Ms. Wyatt and her staff. He also expressed a possibility of scheduling a work session to discuss any additional needs.

## DONNA NEELEY

Clerk Neeley commented that she was asked questions about salaries for office holders, due to assessed valuation. She was requesting to be able to go outside the county for an opinion.

Counselor Paulson noted that he had no objections with Clerk Neeley's request. Commissioner Herschend requested for Clerk Neeley to submit her request to the Commission in a meeting. The Commission concurred to meet with Clerk Neeley on Tuesday.

## PUBLIC COMMENT

Mr. Art Beck commented on the Greene County Crime Lab and what a great resource that will be for our county. The Commission noted how they had already toured the facility and stated that it would save our county money.

## RECESS

10:41 a.m.

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

Minutes were taken and typed by Nikki Lawrence.

## RECONVENE

1:13 p.m.

## BOB PAULSON WORK SESSION

Counselor Paulson met with the Commission to discuss current legal issues as well as review upcoming events on his calendar.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Maintenance Issues: Commissioner Herschend noted that John Lavender, Maintenance Supervisor is being pulled is several different locations as well as his staff.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend commented that he would like to send out an email regarding some changes being made in the maintenance department.

Commissioner Herschend added that a maintenance form shall be filled out and turned in for items to be done by priority. Also those issues that deal with the new Judicial Facility can be checked as well. Commissioner Strahan noted that the Judicial Facility issues needed to be tracked for warranty work.

2. Misc. Roads: Mr. Preston noted that he would be looking into a complaint of water damage at Scenic and Lakeland. The property owner at the end of Shady Lane is concerned that the cul-de-sac is prior to their property and when it rains, they can not get to their property. Commissioner Strahan noted that he did not want to build a road to a house that is not even there yet. Commissioner Pennel noted that he would go take a look at the issue.

Mr. Preston commented that the paving to the end of Strawberry is finished and there will be a final walk through next week. Commissioner Herschend asked about the wall on Blackhawk that was failing. Mr. Preston noted that the work should be close to being finished.

Mr. Preston commented that the flooding at Trout Hollow is caused by the work previously done on the county road and would be looking at the issue with Commissioner Herschend to see what options the county has.

Commissioner Herschend asked for Purvis Lane petition to be tabled until the next week as he would be out of town. Commissioner Strahan commented that he would like to see a summary of what has taken place with Purvis Lane.

3. Carte Graph training: Mr. Preston noted that a training for the Carte Graph system was going to be held in Debuque, IA for \$2,400 which covers the airfare/motel and training and he would like to send Kathy Roberts and John Rider. Mr. Preston added that the county currently gets maintenance training but had not received any in depth training.
4. Shelving request: Ms. Luttrell informed the Commission that the County Clerk had requested some shelving for the vault and would like for the Commission to pay for out of the Judicial budget. Clerk Neeley noted that she considered this expense to be a part of the moving expenses. Commissioner Herschend commented that he would argue, not against the shelving, but that it is not a part of the move.

Commissioner Pennel made a motion to table the issue. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes). Clerk Neeley commented that she would like to go ahead and purchase the shelving with the purchase card and figure out where to pay for it later. Ms. Luttrell commented that she would still need a budget code for the purchase order. Commissioner Pennel stated that she should hold off on the purchase.

## EXECUTIVE SESSION

Commissioner Strahan made a motion to go into executive session pursuant to RSMo. 610.021.3 Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

## RECESS

3:10 p.m.

# TANEY COUNTY COMMISSION RECORD



SEPTEMBER 23, 2008 49<sup>TH</sup> DAY OF  
THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 10:30 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## **GARY MORGAN SNAPP SERVER**

Gary Morgan, IS Administrator and Recorder Dixon met with the Commission to continue the discussion regarding a failed server as previously discussed on Monday. Mr. Morgan presented the Commission with the costs for replacing the server with a HP at \$13,968.00. Mr. Morgan noted that the HP was by far a better quote.

Commissioner Strahan made a motion that due to the emergency situation with the amount of documents that could be lost and the time to replace that data, that the quote from HP for \$13,968.00 be approved. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

A discussion regarding placing a mirrored server to be located at the Underground ensued.

## **EMAIL REQUEST**

Commissioner Pennel noted that he had received a request from an employee to send a group email advertising a CD for sale. Counselor Paulson commented that he had answered the same email and commented that the county has a policy for email and either it is enforced or not.

Mr. Morgan expressed his concern with the amount of band width the county will be paying for all of those "group" emails but how do you enforce it.

Commissioner Herschend entered the meeting at 10:42 a.m.

A suggestion of getting all the department heads and elected officials together to discuss the issue was briefly discussed.

## **OUTSIDE COUNSEL CLERK NEELEY – SALARY COMMISSION**

Clerk Neeley commented that until Auditor Findley came into her office and noted that there may be an alternative way to interpret the statutes it was her intension to certify the salaries of the incoming Commissioner at \$49,000.00. Commissioner Herschend stated that it was Commissioner's, there are two. Clerk Neeley added that according to Auditor Findley counties are doing it different and if you Commissioners are alright with it, she would certify at \$49,000.00 and if the incoming has a problem with it then we will go out for a legal opinion. Commissioner Strahan stated that it is not fair, it's a salary commission issue, what your doing is putting it on our shoulders, and for us to think it's fair for us to have a raise, I don't think that is right Ms. Neeley. Clerk Neeley then commented that she felt the issue did need to go outside.

Counselor Paulson asked what the assessed evaluation was for the county to determine what the Commission's salary would be set at. Clerk Neeley noted that she thought it was at least \$51,000.00 but hadn't checked to see if it was \$53,000.00. Counselor Paulson asked if it was at least \$51,000.00 then why would you set it at \$49,000.00. Clerk Neeley noted that the Presiding Commissioner has to be \$2,000.00 more than the Associates. Counselor Paulson noted that it also says that they will be set at the same percentage and based on the assessed valuation. Counselor Paulson added that the first thing you have to do is look at all the statutes, if they are conflicting then you have to harmonize, if you can't then you have to take the latest over the oldest and the more specific over the more general. Clerk Neeley again stated that the county needed to go out for an opinion.

## TANEY COUNTY COMMISSION RECORD

Commissioner Herschend stated that for that last few years there has been a discrepancy in the salary of the Associates versus the Presiding and the Clerk never brought up the issue that there was a problem. Commissioner Herschend further added that if they stand on the fact that the Presiding makes \$2,000.00 more than the Associates, then this county owes both Commissioner Strahan and myself some money. Clerk Neeley added that you also have to add in the fact that there is no midterm raises.

Commissioner Herschend stated that the Presiding was making more than \$2,000.00. Clerk Neeley pointed out that they were harmonizing the statutes. Counselor Paulson commented that not all the statutes were being harmonized.

Counselor Paulson added that quite frankly he didn't care if Clerk Neeley took the question to an outside Attorney but he didn't see how another Attorney wouldn't agree with the point of view that I just described. That you harmonize the statutes the best you can and that this Presiding shall receive \$2,000.00 more than an Associate is a problem when you have a change in the assessed valuation. As long as the change in assessed valuation is constant then it's real easy, but when the assessed valuation is not constant then it creates a problem and you have to harmonize the statutes. And salaries go up with other peoples salaries and when you don't change those you are changing the schedules and the percentages of increases and then violating other statutes. Commissioner Herschend added that you are then changing the decision of the salary commission to be at 100% of the schedule.

Counselor Paulson asked what the statute number was for the certification that the Clerk had to give. Clerk Neeley stated that she doesn't necessarily have one, that Auditor Findley said as the secretary of the Salary Commission, I have to certify the salaries. Counselor Paulson asked what Clerk Neeley thought her duties as secretary were. Clerk Neeley stated that she was to report to the Auditor and the Chairperson the results of the Salary Commission meeting. Counselor Paulson commented that he still didn't understand, do you just report what happened or do you have to set the actual numbers. Clerk Neeley noted that Auditor Findley has stated I am to certify the actual salaries of the individuals.

Counselor Paulson asked if this was something that a special Salary Commission meeting would need to be called adding that he still didn't understand what it was that she was to certify. Clerk Neeley pointed out that by the argument that is going on here there are two different ways this should go. Commissioner Herschend noted that there was the Clerk's and then there was everyone else's and you are saying that you need a legal opinion. Clerk Neeley stated that she wouldn't certify it without a legal opinion. Commissioner Herschend added that she was not required to do that by statute. Clerk Neeley noted then that she was done, she was not going to have to worry about it and asked Counselor Paulson to confirm that she didn't have to certify.

Counselor Paulson again commented that he was asking under what statute did the Clerk have to certify, and you are telling me that there is no statute. Commissioner Strahan stated that he didn't want to discuss the issue but did have an opinion. Commissioner Herschend noted that for eight years the assessed value has gone up and he hadn't had a raise, we are working for the salary, but he didn't think that this was right. And now here we are going to handicap Commissioner Strahan and the new Associate to not get 100% of the table as the Salary Commission voted. Counselor Paulson read aloud the statutes. Commissioner Strahan noted that the interpretation of the statute is that the Presiding makes \$2,000 more than the Associates no matter what the Associates salaries are at.

Counselor Paulson noted that the only problem is that you can't give mid term raises. Commissioner Pennel pointed out that over and over we have picked out the statute where the Presiding Commissioner makes \$2,000.00, but what hasn't been mentioned is that the Presiding is to make the same as other elected officials like the Auditor, the Clerk and the Recorder. Commissioner Pennel asked why don't we call a special meeting of the Salary Commission, keeping Commissioner Strahan out of it since it affects him, and look at the issue. Commissioner Pennel pointed out that we all know that the Associates put in just as much work as the Presiding or the Clerk.

Counselor Paulson read statute 50.333.8 "The report of compensation shall be certified to the clerk of the county commission for the county and shall be in substantially the following form: The salary commission for Taney County hereby certifies that it has met pursuant to law

## TANEY COUNTY COMMISSION RECORD

to establish compensation for county officers to be paid to such officers during the next term of office for the officers affected. The salary commission reports that there shall be (no increase in compensation) (an increase of \_\_\_ percent) (a decrease of \_\_\_ percent) (county officer's salaries set at \_\_\_ percent of the maximum allowable compensation). Salaries shall be adjusted each year on the official's year of incumbency for any change in the last completed assessment that would affect the maximum allowable compensation for that office."

Clerk Neeley commented that 50.343.1 states the Presiding Commission shall be compensated the same as the Recorder, Clerk, Auditor, Collector, Treasurer, Assessor and salaried Public Administrator and what I currently believe our assessed valuation would put him at \$53,000 but it is not at his term of office so he has to stay at \$51,000. And then you have subsection 2 that states the Presiding Commissioner shall receive a salary of \$2,000 more than the salary received by the Associate Commissioners. So it's the same statute that says the Presiding shall make the same as the Clerk also says that the Presiding has to make \$2,000 more than the Associates.

Counselor Paulson asked what the statutes state the Associate's make. Clerk Neeley commented that they are not on the schedule. Counselor Paulson added that if they are not on the schedule, and the Presiding is to receive the same as the other officials and the Associates are to make \$2,000 less, then it would beg the question. Commissioner Strahan commented that it might as well say \$4,000 difference because you are never going to match. Clerk Neeley pointed out unless the assessed valuation stayed the same then it would catch up.

Counselor Paulson noted that what they are doing by statute is setting the Associate Commissioners \$2,000 less than what is scheduled to set others at. Auditor Findley commented then you are going to have to look at whether those that will take office. Counselor Paulson commented that the Presiding would go up to \$53,000 but he is not eligible to take it, which means that those coming in would be at \$51,000 which is a possible interpretation.

Commissioner Pennel asked Counselor Paulson to write an opinion and that that is what we hang our hat on and not spend any money on it, and we will be done with it. Clerk Neeley further asked that it be determined if she was responsible, because if she is not responsible she is done.

Commissioner Herschend added that when we jumped from a third class to a first class we were at \$27,000.

Commissioner Herschend made a motion to adjourn for lunch. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).



### SEPTEMBER 24, 2008 50<sup>TH</sup> DAY OF THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

#### EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021.3. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

# **TANEY COUNTY COMMISSION RECORD**

## **PRIOR MINUTES**

Commissioner Pennel made a motion to approve prior Commission Minutes dated 9/19/08 and 9/16/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **ACACIA CLUB RETAINING WALL BLOCKS**

Tressa Luttrell, County Administrator presented the Commission with the bids for blocks to build the retaining wall at Acacia Club Road. Ms. Luttrell noted that there was only one bidder, Dura-Kast. Ms. Luttrell added that the bid was reviewed by road & bridge and recommended for approval.

Commissioner Herschend made a motion to approve the bid as offered by Dura-Kast. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **LEE MALAN SECURE TECH**

Lee Malan representing Secure Tech gave a presentation to the Commission on a wireless panic alarm system for both the Judicial Facility and the Courthouse. Commissioner Strahan made a motion to go out for bid for this technology. Commissioner Pennel seconded the motion. Commissioner Herschend asked for a detail listing of the areas Mr. Malan was suggesting. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **JERRY ADAM SB 930 & 947**

Jerry Adam met with the Commission to discuss Senate Bill 930 & 947 regarding ATV's and UTV's. After a general discussion, Commissioner Herschend made a motion to amend the current county ATV Ordinance to allow UTV's. Commissioner Strahan seconded the motion.

Commissioner Strahan noted that he thought it was ridiculous to have a county permit if you already have to have a state permit. Mr. Adam mentioned that if the equipment was purchased as "farm" equipment, there is no title so a permit can't be applied for. Commissioner Herschend commented that they would approve the change today but that they would look at the County's Ordinance as he felt the same way. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS TO THE JUDICIAL FACILITY**

## **JUDGE ORR / CIRCUIT CLERK NEAL ADDITIONAL REQUESTS**

The County Commission met with Judge Orr and Circuit Clerk, Brenda Neal to discuss various additional issues at the new Judicial Facility.

Commissioner Herschend made a motion to purchase a refrigerator for the jury assembly room and let the Clerk's Office stock it. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Strahan was present in Judge's chambers.

Commissioner Herschend made a motion to provide a one amp system for the witness area. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to allow for a vending machine, which overrides the previous motion, both a snack and soda machine in the jury assembly room. Commissioner

# TANEY COUNTY COMMISSION RECORD

Strahan seconded the motion. Commissioner Herschend asked that the motion include Maintenance Supervisor Lavender taking a look at the area to determine as to the placement of tile or a mat for underneath the machines.

The Commission to make the arrangements for the machines and the Clerk's Office will be responsible for all restocking. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to approve for the purchase of two more benches in the Circuit Courtroom as per the Judge and Circuit Clerk's request and that they not be ordered until the Judge and Circuit Clerk contact the Commission with the sizing. Commissioner Strahan seconded the motion.

Commissioner Herschend noted that he would be voting against the motion as the Commission has previously stated that we would wait and let the building run for 30 days, I think this is jumping the gun. Commissioner Pennel noted that he trusted Judge Orr knows what is needed or will know and will then let the Commission know. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Commissioner Pennel made a motion for Ms. Luttrell to go out to bid on the La-Z-Boy chairs as requested by Judge Orr. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

11:55 a.m.



## SEPTEMBER 29, 2008 51<sup>st</sup> DAY OF THE JULY ADJOURNED TERM

The County Commission met in the County Commission Hearing Room at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants, except for #306068, Sunny Hills Nursery, due to an error on the invoice, #605987 – 306067, 306069 – 306078 and manual warrant #4895. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## PRIOR MINUTES

Commissioner Pennel stated there are no prior minutes available for approval at this time.

## LAKE BEACH LANE ROAD PETITION

Mr. Chris Cooper appeared before the Commission to clarify ownership of lots on Lake Beach Lane, as the Commission expressed concerns of following the county road guidelines.

Commissioner Pennel read the following remonstrance into the record and it read as follows:

### REMONSTRANCE TO THE SEPTEMBER 22, 2008 PETITION TO ESTABLISH LAKE BEACH LANE AS A COUNTY ROAD

In response to your letter dated August 14, 2008, we object to the petition to establish Lake Beach Lane as a County Road. We own the home at 290 Scenic Drive, Hollister, MO, which adjoins Lake Beach Lane.

# TANEY COUNTY COMMISSION RECORD

We were never consulted about the type, size, or location of the road or how the road would affect our property. Was any consideration given to routing the water to avoid drainage and damage from the road to the adjoining neighboring properties? We telephoned the original developer, Mr. Hodges, who said in a phone call from us as he was leaving the country, that he talked to the county and the county approved his plan for the project that included culvert(s).

Since the developer constructed the road without deep ditches, culverts and drainage consideration, we have constant water into our basement. The water moves like a river through our property and washes out our driveway regularly.

The water problem can be fixed and should be the responsibility of the developer, not the County and taxpayers of Taney County.

Diane and Vic Mitchell  
989 NW Colbern Road, Apt. 10A  
Lee's Summit, Mo 64086  
816-519-5291

Mr. Frank Preston, Road & Bridge Administrator, commented that he drove Lake Beach Lane this past weekend. He noted visual drainage concerns as well as questioning if and when the lots were developed, whose responsibility would it be to correct the drainage issue / make improvements.

Commissioner Strahan commented that it was unusual for more than one (1) property owner to have a remonstrance towards taking a road into the county maintenance system.

Commissioner Pennel made a motion to table until the Commission could evaluate the drainage issue with Mr. Preston. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## CASEY ROAD

Mr. Preston stated that the paving on Casey Road is completed and also noted that he has received many positive comments on the project. He commented that there will be a post-construction meeting with Great River Engineering and Herion next week and in the near future a ribbon cutting ceremony.

Ms. Helen Souttee, County Treasurer, commented how much better Casey Road looks and drives.

## ELECTION

Ms. Neeley noted that her staff has sent out over 300 absentees, which indicates a large voter turnout for Taney County.

## JAMES STRAHAN COUNTY ASSESSOR

Mr. Strahan applauded the Sheriff's Department for their continued service at the intersection of Highway 160 & Highway 76, as the traffic runs smoother than it has in the past.

## SEWER LINE

Mr. James Strahan stated that his father, Mr. John Strahan, Jr., wanted a letter read into the minutes that was sent to him from Mr. Larry VanGilder, City of Branson Public Works Director and it read as follows:

June 17, 2008

Mr. John Strahan, Jr.  
142 Strahan Road  
Kirbyville, Missouri 65679

Dear Mr. Strahan:

# TANEY COUNTY COMMISSION RECORD

A couple of years ago during Bee Creek Project discussions between Branson and the County, it was stated several times by the City that the Taney County Regional Sewer District had constructed a sewer line onto John Strahan, Jr.'s property and to date no sewer connection had been made to that line.

I provided this information regarding sewer line location to Paul Link, our City attorney for City/County discussions, based on past information I had understood while I was on the Taney County Regional Sewer District Board.

After being challenged by the Strahan family regarding this matter, I obtained maps from John Soutee, Administrator of the Taney County Regional Sewer District, and researched the issues. I learned that the sewer line was not on Strahan property as I had believed, and in fact, was actually more than 4,000 feet from any Strahan property.

I would like to sincerely apologize to John Strahan, Jr., and his family for the misinformation I provided for public discussions. Mr. Strahan was a long-time County Commissioner and in my research on the sewer line in question I found out that Commissioner Strahan had explicitly stated he did not want the County sewer line anywhere close to his property to avoid any perceived conflict.

The public discussion regarding the location of this line in respect to the Strahan property should never have happened and I regret that I provided inaccurate information. Please accept my heartfelt apology. I assure you I have learned a valuable lesson from this situation.

Sincerely,

Larry VanGilder  
City of Branson Public Works Director

Cc: Taney County Regional Sewer Board  
Taney County Commissioners  
Mayor Raeanne Presley  
Frank Schoneboom, Interim City Administrator

He also expressed on behalf of the Strahan family that he appreciated the letter and stated that it was a very honorable thing to do. Commissioner Strahan stated that Mr. Paul Link had personally apologized for the untruths that were told, as well as the Mr. VanGilder's willingness to find the truth.

## MoDOT SIGNAGE AGREEMENT

Commissioner Pennel stated that he had received a telephone call from Mr. Andy Miller, MoDOT District Planning Manager, regarding the Signage Agreement. He also discussed the route and roads that the signage would take place on and stated that a new agreement would be sent out including pictures of the signs.

Commissioner Strahan voiced concerns regarding Taney County being placed on the signs and that citizens may get confused during an emergency situation and think it is county instead of city. Assessor Strahan commented that the Commission should check into the 911 addresses and if changes needed to occur that there were several addresses along the signage path that would need to do so.

Commissioner Pennel stated that tentatively the county will go out for bid in November 2009 and will start working on placing signs by early 2010.

## PUBLIC COMMENT

Mr. Art Beck commented on the 911 addresses in that the Commission should look into the amount of changes that would need to occur. He also expressed that someone in the county should be designated to remove animal carcasses.

Mr. John Strahan Jr. commented that everyone makes mistakes, but appreciate Mr. VanGilder vocalizing this.

**RECESS**  
**9:36 a.m.**

Minutes were taken and typed by Nikki Lawrence.

**RECONVENE**  
**11:30 a.m.**

# **TANEY COUNTY COMMISSION RECORD**

## **WILLA DERBY & LINDA BLUNK COUNTRY MART**

Willa Derby and Linda Blunk representing Country Mart of Forsyth met with the Commission to inform them that the deli was rearranging and adding a dining room. Ms. Derby added that Doug Girard had asked if the County would be interested in putting up a bulletin board.

The Commission thought that that would be a great opportunity.

## **BOB PAULSON WORK SESSION**

Counselor Paulson met with the Commission to discuss various legal issues as well as reviewing his weekly schedule.

1. Justus Case: Counselor Paulson noted that Shannon Justus would like an opportunity to present his case to the Commission regarding the determination of deeming his dog vicious. The Commission agreed that either the 6<sup>th</sup> or 20<sup>th</sup> of October at 1:00 p.m.
2. Groom Building: Counselor Paulson updated the Commissioners regarding the Groom Building and Mr. Peter Rea.
3. Harold Plott: Commissioner Strahan questioned if Counselor Paulson was working on the Harold Plott issue for the sewer district. Counselor Paulson noted that he was waiting to speak with Sewer District Administrator, John Soutee.
4. Nuisance Cases: Commissioner Pennel asked if Counselor Paulson or Nikki Lawrence could put together the files of those nuisances in litigation as he would like to review the progress.

## **ANNEX STORAGE**

John Lavender, Maintenance Supervisor informed the Commission that the doorway to the Jail Annex was not wide enough to move desks in and out, and requested that the concrete be cut for two double doors. Commissioner Pennel asked if one door would work versus two. Mr. Lavender noted that it was just him that was available to move the furniture and the doorway is not wide enough to get them in there. Frank Preston, Road and Bridge Administrator mentioned that Carpenter, Steve Biggs would be available to cut the hole. Commissioner Pennel noted that they should have Mr. Biggs cut the hole.

## **JUDICIAL FACILITY WEEKLY UPDATE**

The County Commission discussed contacting the supplier regarding the smooth black granite at the staircase and the new parking area in front of the existing courthouse.

## **MAYOR OLIPHANT DOZER WORK**

Mayor Oliphant approached the Commission, asking if the City of Forsyth were to rent a big dozer, for approximately a month, would the County have an operator available and that cost could come out of the \$50,000.00 the County granted the City. Commissioner Pennel noted that he was ok with the idea but wanted to know when they would need to be available as it would have to be discussed at Shop Talk.

## **FRANK PRESTON & TRESSA LUTTRELL WORK SESSION**

1. Coy Boulevard/MoDot contract: Ms. Luttrell presented the Commission with the contract for Coy Boulevard. Commissioner Strahan made a motion to approve said contract. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **TANEY COUNTY COMMISSION RECORD**

2. Retention Ponds: Mr. Preston informed the Commission that the retention ponds had been taken care of and a final report was being prepared for the DNR.
3. Casey Road: Mr. Preston noted that the paving was finished and that the lawn work was approximately half finished. Mr. Preston commented that he would like to change the message boards and would also be going door to door to tie up any loose ends.
4. General Update: Mr. Preston updated the Commission on various projects and operations within the road department.

### **ANIMAL CONTROL DEPARTMENT OF AGRICULTURE**

Commissioner Pennel commented that the Department of Agriculture was going to be picking up as many as 100 animals in another area of the state and had requested that the County's Animal Control Officer assist with the pick up and hauling of said animals. Commissioner Pennel further noted that this would not be a reimbursable expenditure.

Commissioner Strahan inquired as to if the Animal Control vehicle had been fixed yet, if not, he would not agree.

### **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021.3. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).



### **SEPTEMBER 30, 2008 52<sup>nd</sup> DAY OF THE JULY ADJOURNED TERM**

The County Commission met at the City of Branson at 8:19 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceedings were had and made a matter of record.

### **BEE CREEK SEWER PROJECT**

Mr. Mike Zimmerman, Archer Engineering's Project Manager, stated the project was coming to a close and wanting to make sure the communication level between Archer Engineering and Taney County was above average in order to make sure the public was taken care of. He also commented on the procedure for complaint forms and that he would be in the area once a week to review them.

Commissioner Strahan questioned if all involved were doing what they needed before the complaints came in. Mr. Bob Hall, Archer Engineering's Chief Inspector, stated that Commissioner Herschend was unable to attending this meeting, but that Commissioner Herschend commented earlier that he would like to tour the area to see the complaints firsthand.

Commissioner Strahan suggested walking the projects with a video camera after the contractor has completed their part of the project, in order to pinpoint the root of the complaint. Commissioner Pennel recommended handing out a letter to property owners before future projects begin. Mr. Zimmerman stated he would compile a form and send out with future easements.

Mr. Hall noted he would set up a tour of the area with the Commissioners, Taney County staff, Sewer Board and anyone else who would like to go on Thursday at 1 p.m.

Mr. Zimmerman stated for the record that with paying the final retainage to contractors, make sure the contractor's one (1) year warranty is up to date.

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to adjourn at 9:07 a.m. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Minutes were taken by Susie Braden and typed by Nikki Lawrence.

## **EMERGENCY LEVEL C COOPERATIVE AGREEMENT**

An emergency public meeting took place today in the Commission Office at 3:05 p.m. and held without notice due to the fact that the County Commission was just informed this afternoon that the Level C Cooperative Agreement with the State of Missouri Division of Family Services had to be fully approved and executed by Taney and in the mail today, or no reimbursements would be funded to Taney County.

Commissioner Pennel made a motion to approve the execution of the Level C Cooperative Agreement with the Division of Family Services. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes were taken by Bob Paulson and typed by Nikki Lawrence.



## **OCTOBER 1, 2008 53<sup>RD</sup> DAY OF THE JULY ADJOURN TERM**

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding via telephone and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### **PAYROLL**

Commissioner Strahan made a motion to approve the following payroll warrants:

General County Revenue #104948 through #104969

Road & Bridge #104920 through #104941

Assessment Fund #104942 through #104943

Transfer Station #104944 through #104946

911 Administration #104947

Accounts payable warrants #306165 through #306183, manual warrants #4896, #4897

Commissioner Pennel seconded the motion. The motion passed.

### **CULVERT BID**

Tressa Luttrell, County Administrator presented the Commission with a bid for culverts. Ms. Luttrell noted that the bid was sent for review and the recommendation was to accept the bid from Thompson Culvert.

Commissioner Strahan made a motion to accept the bid as offered by Thompson Culvert. Commissioner Pennel seconded the motion.

**RECESS**  
9:04 a.m.

# TANEY COUNTY COMMISSION RECORD



OCTOBER 2, 2008 54<sup>TH</sup> DAY OF  
THE JULY ADJOURN TERM

The County Commission met in the Commission Office at 9:05 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## COMMISSIONER HERSCEND COMMUNICATION ISSUES

Commissioner Herschend stated that he had called this meeting as he had a real concern and would like to better understand what happened last Thursday as Commissioner Strahan had contacted him noting that Commissioner Pennel had went to the road barn with Mr. Preston to apologize to the employees. Commissioner Herschend added that that is not the action that was determined by the Commission in executive session on Monday.

Commissioner Pennel noted that he had spoken with Mr. Preston and not only informed him that it was only one Commissioner speaking but that he taped what he spoke to Mr. Preston about. Commissioner Strahan noted that he would like a copy of what was said.

Counselor Paulson asked if this was an open meeting. The Commission agreed yes.

## NUISANCE CASES

Commissioner Strahan made a motion to send the first letter on case #08-0052. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to send the first letter on case #08-0030. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send a notice of concern letter on case #04-407. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to send the 1<sup>st</sup> letter on case #08-0021. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to send the 1<sup>st</sup> letter on case #08-0022. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan stepped out of the meeting.

Commissioner Pennel made a motion to close case #04-397. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to send the 2<sup>nd</sup> letter on case #04-396. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend stepped out of the meeting; quorum lost.

Both Commissioners stepped back in; quorum established.

Commissioner Pennel made a motion to send a notice of concern letter on case #08-0020 (214 Holyoke). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to send a notice of concern letter on case #04-398. Motion died for a lack of a second.

Commissioner Herschend made a motion to continue with litigation post haste on case #08-0020 (230 Holyoke). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send the 2<sup>nd</sup> letter on case #04-398. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to close case #04-393. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend requested Counselor Paulson to update the Commission on all the nuisance cases in his possession on Monday.

Commissioner Pennel made a motion to send the 1<sup>st</sup> letter on case #08-0024 as soon as a Commissioner has visited the property. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send the 1<sup>st</sup> letter on case #08-0045, and that the letter be sent to the son, not the property owner. The motion died for a lack of a second.

Commissioner Pennel made a motion to send the 1<sup>st</sup> letter on case #08-0045. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

Commissioner Pennel made a motion to send a notice of concern letter on case #08-0050. Motion withdrawn.

Commissioner Herschend made a motion to send a notice of concern letter on case #08-0050. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

Commissioner Pennel made a motion to send an amended 1<sup>st</sup> letter to case #08-0049. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to direct Counselor Paulson to continue with litigation on case #08-0051 as well as turning the case over to the Prosecutor. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan stepped out of the meeting.

Commissioner Pennel made a motion to send an amended 1<sup>st</sup> letter to case #04-390. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

**RECESS**  
11:05 a.m.

# TANEY COUNTY COMMISSION RECORD



## OCTOBER 6, 2008 1<sup>st</sup> DAY OF THE REGULAR OCTOBER ADJOURNED TERM

The County Commission met in the County Commission Hearing Room at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Auditor Findley followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #306079-306164 and manual warrants #4899-4900. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

Commissioner Herschend made a motion to approve prior Commission Minutes dated 9/11/2008, 9/22/2008, 9/30/2008 and 10/1/2008. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PURVIS LANE

Commissioner Herschend made a motion to deny taking in Purvis Lane to the county maintenance system at this time. Commissioner Strahan directed Frank Preston, Road & Bridge Administrator, to read his summary of Purvis Lane into the record before a decision is rendered.

Mr. Preston read the following:

#### Summary of Purvis Lane

1. Original petition with signatures dated 10-17-01.
2. Letter of denial. No records of Purvis Lane ever being taken in to the county road system. 11-7-01.
3. Road petition review dated 5-12-03.
4. Letter of denial of petition until right-of-way is granted dated 5-03.
5. Interviewed 2 long term employees that stated they were told to fix the road on a one time only basis.
  - a. Sam Yarnell
  - b. David Stottle
6. Quit Claim Deed (road easement) 5-22-91. Mary Purvis
7. Quit Claim Deed (road easement) 5-3-01. Robert Didier
8. Taney County Commission record from 1998 on Purvis Lane – Commissioner Meadows made a motion to take Purvis Lane into the County Road System for grader maintenance for a period of 1 year and added that the road should be declared a disaster. Commissioner Gann seconded the motion. The motion passed by vote: Gann (yes), Meadows (yes), Keys (yes).

Commissioner Strahan seconded the motion as there was no evidence that it had been a county maintained road in the past. Commissioner Pennel expressed his opposition as it was no different than Peppertree, which was accepted into the county maintenance system as a Class VI. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

### RICK FINDLEY

Mr. Rick Findley, County Auditor, submitted the monthly budget report via email and it read as follows:

FUNDBALANCE  
09/30/08

TANEY  
COUNTY  
BUDGET  
FUND  
BALANCES

PERIOD TO  
DATE  
ACTUAL

YEAR TO  
DATE  
ACTUAL

# TANEY COUNTY COMMISSION RECORD

<b>GENERAL COUNTY REVENUE</b>		
BEGINNING BALANCE	\$0.00	\$18,628,344.77
REVENUES	2,015,372.18	11,984,282.89
	-	-
<b>TOTAL REVENUES GCR</b>	2,015,372.18	30,612,627.66
	-	-
<b>TOTAL GCR EXPENDITURES</b>	1,775,598.01	16,289,137.11
	=	=
<b>TOTAL GCR FUND BALANCE</b>	239,774.17	14,323,490.55
<b>ROAD &amp; BRIDGE</b>		
BEGINNING BALANCE	0.00	7,004,998.91
REVENUES	99,695.22	1,092,864.06
	-	-
<b>TOTAL RB REVENUES</b>	99,695.22	8,097,862.97
	-	-
<b>EXPENDITURES</b>	971,663.55	4,583,043.64
	=	=
<b>TOTAL RB FUND BALANCE</b>	(871,968.33)	3,514,819.33
<b>ROAD &amp; BRIDGE TRUST</b>		
BEGINNING BALANCE	0.00	3,693,493.95
REVENUES	1,112,127.06	5,541,423.01
	-	-
<b>TOTAL RBT REVENUES</b>	1,112,127.06	9,234,916.96
	-	-
<b>EXPENDITURES</b>	1,248,324.96	6,558,879.40
	=	=
<b>TOTAL RBT FUND BALANCE</b>	(136,197.90)	2,676,037.56
<b>ASSESSMENT FUND</b>		
BEGINNING BALANCE	0.00	3,099.75
REVENUES	42,730.20	462,189.50
	-	-
<b>TOTAL AF REVENUES</b>	42,730.20	465,289.25
	-	-
<b>EXPENDITURES</b>	44,378.03	464,943.83
	=	=
<b>TOTAL ASSEMENT FUND BALANCE</b>	(1,647.83)	345.42
<b>ELECTION FUND</b>		
BEGINNING BALANCE	0.00	31,698.41
REVENUES	85.05	12,451.35
	-	-
<b>TOTAL ELECTION REVENUES</b>	85.05	44,149.76
	-	-
<b>EXPENDITURES</b>	1,125.97	12,546.43
	=	=
<b>TOTAL ELECTION FUND BALANCE</b>	(1,040.92)	31,603.33
<b>TRANSFER STATION FUND</b>		
BEGINNING BALANCE	0.00	747,493.99
REVENUES	95,973.85	855,148.35
	-	-
<b>TOTAL TS REVENUES</b>	95,973.85	1,602,642.34
	-	-
<b>EXPENDITURES</b>	94,185.02	852,840.45
	=	=
<b>TOTAL TS FUND BALANCE</b>	1,788.83	749,801.89

# TANEY COUNTY COMMISSION RECORD

FUNDBALANCE 09/30/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL
<b>LEPC FUND</b>		
BEGINNING BALANCE	\$0.00	\$11,839.45
REVENUES	9.58	1,961.07
	-	-
<b>TOTAL LEPC REVENUES</b>	<b>9.58</b>	<b>13,800.52</b>
	-	-
EXPENDITURES	177.73	4,731.31
	=	=
<b>TOTAL LEPC FUND BALANCE</b>	<b>(168.15)</b>	<b>9,069.21</b>
<b>LAW ENFORCEMENT TRAINING FUND</b>		
BEGINNING BALANCE	0.00	3,608.14
REVENUES	427.35	3,767.11
	-	-
<b>TOTAL LET REVENUES</b>	<b>427.35</b>	<b>7,375.25</b>
	-	-
EXPENDITURES	0.00	5,159.93
	=	=
<b>TOTAL LET FUND BALANCE</b>	<b>427.35</b>	<b>2,215.32</b>
<b>PROSECUTING ATTORNEY TRAINING FUND</b>		
BEGINNING BALANCE	0.00	6,364.77
REVENUES	113.58	1,137.76
	-	-
<b>TOTAL PAT REVENUES</b>	<b>113.58</b>	<b>7,502.53</b>
	-	-
EXPENDITURES	412.83	1,267.51
	=	=
<b>TOTAL PAT FUND BALANCE</b>	<b>(299.25)</b>	<b>6,235.02</b>
<b>COUNTY INSURED FUND</b>		
BEGINNING BALANCE	0.00	96,313.14
REVENUES	137.54	3,162.85
	-	-
<b>TOTAL COUNTY INSURED REVENUES</b>	<b>137.54</b>	<b>99,475.99</b>
	-	-
EXPENDITURES	13,885.71	57,341.75
	=	=
<b>TOTAL COUNTY INSURED FUND BALANCE</b>	<b>(13,748.17)</b>	<b>42,134.24</b>
<b>911 FUND</b>		
BEGINNING BALANCE	0.00	1,099,556.88
REVENUES	43,183.29	415,612.44
	-	-
<b>TOTAL 911 REVENUES</b>	<b>43,183.29</b>	<b>1,515,169.32</b>
	-	-
EXPENDITURES	479,212.79	644,671.64
	=	=
<b>TOTAL 911 FUND BALANCE</b>	<b>(436,029.50)</b>	<b>870,497.68</b>
<b>USE TAX</b>		
<b>FUNDBALANCE</b>	<b>TANEY COUNTY</b>	

# TANEY COUNTY COMMISSION RECORD

09/30/08	BUDGET FUND BALANCES	PERIOD TO DATE ACTUAL	YEAR TO DATE ACTUAL
<b>SEWER FUND</b>			
BEGINNING BALANCE	\$0.00		\$23,082,218.45
REVENUES	1,533,480.29		10,518,958.01
	-		-
<b>TOTAL SEWER REVENUES</b>	<b>1,533,480.29</b>		<b>33,601,176.46</b>
	-		-
EXPENDITURES	1,031,968.60		6,453,868.64
	=		=
<b>TOTAL SEWER FUND BALANCE</b>	<b>501,511.69</b>		<b>27,147,307.82</b>
 <b>SEWER DESIGNATED FUND</b>			
EXPENDITURES			
	=		=
<b>TOTAL ALL SEWER FUNDS</b>	<b>501,511.69</b>		<b>27,147,307.82</b>
	=		=
 <b>SHERIFF CIVIL FUND</b>			
BEGINNING BALANCE	0.00		97,171.17
REVENUES	144.24		60,709.39
	-		-
<b>TOTAL SHERIFF CIVIL REVENUES</b>	<b>144.24</b>		<b>157,880.56</b>
	-		-
EXPENDITURES	2,924.75		21,565.54
	=		=
<b>TOTAL SHERIFF CIVIL FUND BALANCE</b>	<b>(2,780.51)</b>		<b>136,315.02</b>
 <b>TAX MAINTENANCE FUND</b>			
BEGINNING BALANCE	0.00		111,445.25
REVENUES	6,958.31		91,914.84
	-		-
<b>TOTAL MAINTENANCE FUND REVENUES</b>	<b>6,958.31</b>		<b>203,360.09</b>
	-		-
EXPENDITURES	857.47		89,895.59
	=		=
<b>TOTAL MAINTENANCE FUND BALANCE</b>	<b>6,100.84</b>		<b>113,464.50</b>

## COMMISSIONER HERSCHEND

Commissioner Herschend questioned whether the Industrial Development Authority's office would continue to stay in the old Sheriff's Office or switch offices with the Veteran's Administration. He also had concerns that if there was a relocation of the Veteran's Administration it would be extremely difficult for people to climb stairs.

Ms. Luttrell stated there would be discussion of this nature at this afternoon's work session.

Commissioner Herschend also commented on installing double doors at the annex to remove old furniture, as it will not fit through the existing door, due to a conversation that he had with Mr. John Lavender, Maintenance Supervisor. Commissioner Pennel suggested the process change as far as if a department head has a question or an issue, he/she needs to speak to the entire Commission. He also requested the presence of Mr. Lavender at the afternoon work session.

# TANEY COUNTY COMMISSION RECORD

## COMMISSIONER PENNEL

Commissioner Pennel announced there will be a bulletin board designated for the county to inform the public of agendas, notices and postings located inside Country Mart. Commissioner Herschend suggested half of the board used for official county business and the other half for public notices. A general discussion ensued.

## PUBLIC COMMENT

Art Beck commented on voting and registering on the same day, as well as noting the work that had been accomplished on Casey Road.

**RECESS**  
**9:32 a.m.**

Minutes were taken and typed by Nikki Lawrence.

**RECONVENE**  
**10:38 a.m.**

## CASEY ROAD DEGRAFFENREID PROPERTY

Jerry Degraffenreid met with the Commission to discuss the previous proposal for damages sustained to his property during the construction of Casey Road.

Commissioner Strahan made a motion to award the amount of money to replace the woven wire fence with labor and material being \$2,116.95. Commissioner Herschend noted that he would like to see the Commission do something more than what was there as the County stored material, damaged their property and they have been very patient. Commissioner Pennel asked what the County had done to previous areas where they had taken down a fence. Mr. Preston stated that he didn't know all the details. Commissioner Pennel suggested looking at the trees first noting that he thought the Commission had already agreed on replacing the trees. Commissioner Strahan commented that he had checked the minutes and no action was ever taken.

Mr. Degraffenreid commented that his goal was not to spend as much money as he could but added that these trees were a harder tree as they were subject to the wind and ice. Commissioner Pennel made a motion to compensate Mr. Degraffenreid \$12,000 for the trees and the fencing with the county not performing the work. Mr. Degraffenreid questioned why they had to come up with the additional fencing as the trees are now gone, it's not the type of fencing that would have been there if the trees were there. With the trees gone it leaves you with either putting up a wooden or vinyl fence, there was a lot of value in those trees.

Commissioner Herschend made a motion to pay \$9,080.00 for the trees, \$500.00 for the watering system and \$4,750.00 for the labor. Commissioner Strahan commented that he was trying to picture what exactly we have here. There was trees taken out that were both inside and outside of the right-of-way. Commissioner Strahan added that by looking at the pictures that the electric company took, to a certain level those trees were the county's to take out. Commissioner Herschend commented that he thought they should clearly go back to the construction company and if they took out those trees the county should be reimbursed. Commissioner Herschend noted that there is a clear difference in a 4" tree versus a full grown tree and the county did change the value of the property.

Commissioner Pennel made a motion to compensate Mr. Degraffenreid \$20,000.00 for the damage done to his property for fencing and trees and that Mr. Degraffenreid sign a release that he is satisfied. Commissioner Herschend seconded the motion.

Commissioner Strahan noted that he would like for Mr. Degraffenreid to agree to support the county's efforts to get reimbursed. Mr. Degraffenreid stated absolutely. Mr. Preston commented that another factor is that neither the Degraffenreids nor the County authorized for those additional trees to be removed. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend noted that the Commission would ask Counselor Paulson to write up a release.

**RECESS**

**RECONVENE  
1:05 p.m.**

**BOB PAULSON  
WORK SESSION**

Counselor Paulson met with the Commission to discuss various legal issues as well as reviewing his schedule.

Commissioner Pennel made a motion to ask Counsel to pursue the nuisance at 150 Quincy Road. Motion withdrawn.

## 1. Salary Commission Opinion: Counselor Paulson gave the following opinion:

**TO:** Taney County Commission  
**Taney County Clerk**

**FROM:** Taney County Counselor  
Robert R. Paulson II

**RE:** Calculating County Commissioner Salaries

**DATE:** October 6, 2008

### Commissioner Salaries

According to Section 50 343 of the Revised Statutes of Missouri, Presiding Commissioners have the same salary schedule as the recorder of deeds, the clerk, the auditor, the collector and the treasurer Section 50 343 1(2) RSMo states that presiding commissioners shall receive a salary of two thousand dollars more than the salary received by associate commissioners

There is no statute section specifically setting forth the salary for an associate commissioner An associate commissioner's salary must be derived from the salary schedule for presiding commissioners

Does a presiding commissioner not get 100% of the salary schedule amount on his year of incumbency when voted by the Salary Commission if that would put the presiding commissioner's salary at more than \$2,000 00 above the salary then being received by the two associate commissioners?

Does an associate commissioner not get \$2,000 00 less than 100% of the salary schedule amount for a Presiding Commissioner on the associate's year of incumbency when voted by the Salary Commission, if that amount would place the associate's salary within \$2,000 00 of the amount currently being received by the Presiding Commissioner? Remember that a Presiding cannot take a mid-term raise per Missouri Constitution, Article VII, Section 13

Following this line of reasoning, the Presiding would never get a raise that would put his salary at \$4,000 00 more than an associate commissioner Further, an associate commissioner would never get a raise that would cause him to receive the same salary the Presiding was currently receiving Therefore, in counties where the Presiding Commissioners are elected two years after the two Associate Commissioners are elected, neither the Presiding nor the Associate Commissioners would ever get an increase in salary per the salary schedule, even if the Salary Commission voted for it

As the assessed valuation increased, the Commissioner's salaries would not stay on a level with the salaries for the other officers listed in the same schedule Such an interpretation would contradict the intent of the Salary Commission voting all officers salaries to be set at 100% of the applicable salary schedule Therefore, such an interpretation is not logical

Further, Section 50 333 7 RSMo would have to be harmonized with the applicable sections of Section 50 343 RSMo regarding the issue being considered in this memorandum Section 50 333 7 RSMo states in pertinent part, "[i]f the salary commission votes to increase the compensation, all officers or offices whose compensation is being considered by the commission at that time shall receive the same percentage of the maximum allowable compensation " Clearly, it would violate the provisions of Section 50 333 7 RSMo for a Commissioner to not receive the same percentage increase in order to strictly comply with Section 50 343 1(2) RSMo

The best and perhaps the only way to harmonize the different statutes and statute subsections, and at the same time to give effect to the legislative intent in calculating salaries would be to add an imaginary separate table in Section 50 343 RSMo for Associate Commissioners The imaginary table would set the Associate Commissioners' salaries at \$2,000 00 less at each assessed valuation level than that set forth in the existing table

The County Clerk and others have also asked about how the assessed valuation year is chosen The assessed valuation level is calculated by taking the total assessed valuation in Taney County for the **year next proceeding the first day of the new term** of office If an official takes office on January 1, 2009, the next preceding year is 2008 The actual language is **"the year next preceding the computation."** The date of computation is not set forth in the statutes, however, logically the computation is not made until the salary must be paid

# TANEY COUNTY COMMISSION RECORD

2. County Clerk, Secretary for the Salary Commission Opinion: Counselor Paulson gave the following opinion:

**TO:** Taney County Clerk  
Donna Neeley

**FROM:** Taney County Counselor  
Robert R. Paulson II

**RE:** Clerk's Salary Commission Duties

**DATE:** October 6, 2008

## County Clerk's Salary Commission Duties

The statutes regarding the Salary Commission set forth that the County Clerk shall keep the minutes of the Salary Commission meetings Section 50 333 5 RSMo The statutes also state that the report of compensation shall be certified to the County Clerk Section 50 333 8 RSMo This subsection 8 of the statute sets forth substantially the form in which the certification shall appear This subsection implies that the County Clerk shall receive the certification, and shall keep it with the minutes of the Salary Commission meeting from which it was generated

The best procedure would be to have the certification prepared at the meeting and be a part of the minutes Even if separate from the minutes, there is a fair inference that the County Clerk is to prepare the certification from the decision of the meeting This does not mean that the County Clerk is the entity making the certification, that entity is the Salary Commission The County Clerk would merely prepare the certification, and the certification would be in the required form and would include the information provided by the Salary Commission

Nowhere does the statute grant the power to the County Clerk to interpret the certification delivered to her to determine the actual amount in dollars that the individual officeholders are to be paid The duty to determine this amount is a ministerial duty for [my best guess] the budget officer and the county commission There should be no discretion in calculating the amount, and that amount should be very clear from the report of compensation

A potential problem exists due to the form However, the statutory form of the report of compensation requires that the salaries be stated in percentages of the maximum allowable compensation In the event an actual salary amount is unclear from the certification of the Salary Commission, and more than one amount is possible, there is a problem The best solution to this problem would be to get an official opinion of the County Counselor who serves as legal advisor for all county entities including the budget officer, the County Commission and the Salary Commission

In conclusion, the duties of a county clerk regarding the salary commission as set forth in Section 50 333 RSMo are as follows:

- 1 County clerk is a voting member of the Salary Commission
- 2 County clerk presents a financial condition of the county report to the commission, once a chairman is elected
- 3 County clerk shall keep the minutes of the meeting
- 4 County clerk shall receive the report of compensation that is certified to her by the salary commission

\* [1 through 3 are from Section 50 333 5 RSMo, and the duty in 4 is implied from Section 50 333 8 RSMo ]

3. Wilson Agreement: Counselor Paulson read the Wilson Agreement and noted all changes. Commissioner Strahan made a motion to approve said agreement. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).
4. ABL Amendment: Ms. Luttrell noted that the amendment changes the starting date of operation, as the prisoners were not moved by the original date of the contract. Commissioner Strahan made a motion to approve said amendment. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
5. Davis Aviation contract: Commissioner Strahan made a motion to table said contract questioning whether the Airport Board had had a chance to approve said contract. Commissioner Herschend seconded the motion noting that he would like to know what type of operation it was as well. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ANNEX BUILDING / AUCTION

John Lavender, Maintenance Supervisor was present at the Commission's request to discuss the placement of double doors at the annex as well as the removal of existing furniture/fixtures in the jail annex. It was determined that the existing items would not be removed in a timely fashion for the auction being held on the 11<sup>th</sup> of October and may be of more value to scrap.

Mr. Lavender did indicate that he has a set of double doors taken from the old Recorders office just waiting to be installed, however because of the air handlers and some other misc things, there is only one location that the door can be installed.

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan made a motion to put the double doors in the annex since it would split the building and benefit whoever is placed in there. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## BUILDING MOVES VETERAN / IDA OFFICE

Commissioner Herschend brought up the issue of moving the IDA office to the new Veteran office location noting that the Veteran office would not be handicapped accessible.

Commissioner Strahan made a motion to locate the IDA office at the Taney County Airport. Commissioner Herschend seconded the motion. Commissioner Herschend noted that he would make the move until we are totally done with the remodeling since the office is already in place.

Commissioner Pennel stated that he was not ready to make that decision and questioned as to where the office would be located at the Airport and how would the expense be paid for. Commissioner Strahan commented that there are three little offices of which two are taken up by the Chamber and the car rental.

Commissioner Pennel asked what budget would pay for this. Commissioner Herschend noted that it couldn't be more than \$2,000 and the IDA should have some money left in their budget since they were without an employee for some time. Commissioner Pennel added that he was not necessarily against having an office at the Airport but that he wasn't prepared to discuss it today. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

## SEPTAGON WEEKLY UPDATE

Commissioner Herschend made a motion to approve the following:

ASI#9: Changing glass types for an additional cost of \$145.00  
RFI#178: Enlarged window frames for an additional cost of \$402.00  
RFI#23: Decreased curtain wall frame width for a credit of \$727.00  
RFI#21: Changed curtain wall dimensions for a credit of \$1,322.00  
RFI#22: Adding glazing for an additional \$3,071.00  
RFI#20: Combine 2 separate window frames for an additional \$860.00  
RFI#19: Change glass type for a credit of \$122.00  
Field Change: Added suspended ceiling to elevator room 084; required to pass elevator inspection for an additional cost of \$1,382.00  
Field Change: Add a heat detector and smoke detector to each elevator as required by state elevator inspector for an additional cost of \$1,811.00

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

Mike Smith, Construction Manager updated the Commission on a few items that were still lingering to get decisions on. Commissioner Herschend stated that he had spoken with Rick Quint and informed him that the Commission needed to set down and talk about the liquidated damages. Commissioner Herschend requested that Mr. Smith document when the building was turned over to the County and when the Sheriff was able to move the prisoners in. Mr. Smith noted that there is no substantial completion date in the contract, that there is only a completion date which is September 8, 2008.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road & Bridge Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Waste Corp request: Ms. Luttrell commented that she had received a request from Waste Corp. "Waste Corp has purchased Advantage Waste which had minimal services in

# TANEY COUNTY COMMISSION RECORD

Taney County. Advantage Waste has a charge account at the Transfer Station for the roll-off operation and we would ask permission to empty 2 loads per day under the Advantage account as well as our normal 2 loads per day under the WCA account until we can integrate the customer base. WCA is responsible for any Advantage charges therefore there will be no payment issues, but, we definitely need the transfer access for 4 loads per day for a short period of time. We certainly do not want to alienate the transfer station personnel therefore I would appreciate your response/approval as quickly as possible.

Commissioner Herschend made a motion to approve said request through 1/1/09. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend left the meeting at 3:05 p.m.

## **DAN WATTS, SMACOG FRANK MILLER, MODOT**

Dan Watts representing SMACOG and Frank Miller representing MoDot along with Buddy Roberts met with the Commission to discuss transportation needs within Taney County. Mr. Watts presented the Commission with a compilation of needs within Taney County and their ranking within the 10 county region that Mr. Watts represents.

Mr. Watts indicated that he would like to see the Commission take this listing and rank the importance of each one within the County.

## **REMAINDER OF MEETING TABLED**

Commissioner Pennel made a motion to table the remainder of the meeting until Tuesday, October 7<sup>th</sup> at 9:00 a.m. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).



## **OCTOBER 7, 2008 2<sup>nd</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **FRANK PRESTON & TRESSA LUTTRELL WORK SESSION CONTINUED FROM PREVIOUS DAY**

Frank Preston, Road & Bridge Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Davis Aviation contract: Ms. Luttrell presented the response from Counselor Paulson noting that the Airport Board had previously approved the contract and that the services are similar to Wings of the Ozarks in that it is a Helicopter Tour and Charter operation.

Commissioner Herschend made a motion to approve said contract. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Blansit Road: Mr. Preston informed the Commission that Blansit road was impassible again. This road was turned over to FEMA and the County will be reimbursed \$35,000, however we have fixed this road and it has washed out only to fix again.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend commented that the County needs to keep the road passible but was concerned that it is the third time this year that the road has been fixed. We have spent thousands of dollars and it is not productive.

3. Parking Issue at Judicial Facility: Mr. Preston noted that if the center line was moved, there would still be plenty of room for adequate driving space. Mr. Preston commented that he would set up a meeting on location to discuss options.
4. Buchanan Road: Mr. Preston commented that there is a site hazard where the new bus barn is located. A phone call was received as to when the "hump" in the road would be removed. Mr. Preston added that in doing that there is a sewer force main that will have to be moved and the cost just for the cutting machine is \$35,000.00.

Commissioner Herschend noted that Great River Engineering has a design and cost estimate and added that they should have another meeting at that location. Commissioner Strahan asked what responsibility the County has if the City of Branson has initiated this. Commissioner Strahan further stated that the County has stepped up for the entrance on Buchanan, the stop lights on "F" Highway, why isn't the City of Branson taking any responsibility, why did they approve it through their Planning & Zoning and without any input from the County.

Commissioner Herschend stated that he approached Rick Huffman over a year ago regarding the line of site. Commissioner Strahan commented that the Commission should take a road trip. Commissioner Pennel added that there should be a meeting scheduled as well.

5. Minimum Flow: Commissioner Pennel noted that Representative Wallace has requested a letter on the minimum flow issue, commenting on the issues of the Corps not doing what they said they would as well as have another public hearing.

Commissioner Herschend commented that he thought the Commission was out of their league and that the Commission should hire an attorney to write a good letter.

**RECESS**  
**11:07 a.m.**

**RECONVENE**  
**12:30 p.m.**

## **TANEY COUNTY REGIONAL SEWER DISTRICT**

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates on the Bee Creek and Ozark Beach Projects, as well as discussions on utility truck purchase and Kirbyville sewer request for additional sales tax.

## **TANEY COUNTY REGIONAL SEWER DISTRICT SPECIAL WORK SESSION**

The Commission attended a special work session to discuss the City of Hollister's proposed sewer rate increase.

Minutes typed by Nikki Lawrence.



**OCTOBER 8, 2008 3<sup>rd</sup> DAY OF  
THE OCTOBER ADJOURN TERM**

The County Commission met in Akers & Arney Office at 7:30 a.m. pursuant to adjourn with all members present and the following proceeding were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## HEALTH INSURANCE

Akers & Arney representatives reviewed the 2008 program and its results. They also discussed items they would like to include in the 2009 plan. A general discussion ensued.

It should be noted that while the meeting was posted as executive session per section 610.021.12, only county and contractor representatives were present, so it was unnecessary to go into a closed session meeting.

## SOUTHWEST MISSOURI ASSOCIATION OF COUNTY COMMISSIONERS MEETING

Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, attended the Southwest Missouri Association of County Commissioners Meeting in Ozark, Missouri, at the Riverside Inn.

Minutes typed by Nikki Lawrence.



## OCTOBER 9, 2008 4<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 1:30 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### JOHN LAVENDER CABLE ISSUES

John Lavender, Maintenance Supervisor commented that he was requested by Sheriff Russell to speak about the delay with Media Comm. After numerous calls and no responses, the Sheriff and I have spoken with Herb Stuart at Stuarts Sales and Sound and found should we put a satellite in rather than cable it will cost \$4,000 for installation and \$75 a month.

Commissioner Strahan questioned the amount of receivers being placed. Commissioner Herschend asked Mr. Lavender to clarify the numbers as well as inquiring about local channels.

Commissioner Herschend noted that he would contact the Springfield boss for Media Comm and that the project should be coordinated with Mike Smith from Septagon.

### NUISANCE CASES

Commissioner Herschend made a motion to commence with litigation on 04-126. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny but to send a notice of concern on 04-392. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

Commissioner Pennel made a motion to table the approval of minutes until Wednesday. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### COMMUNITY SERVICE

## **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend made a motion to deny a request to perform community service at the Animal Control Facility for Curtis Price from a liability and safety concern. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **TRANQUILIZER GUN**

The Commission discussed the idea of Animal Control using a tranquilizer gun noting that the City of Hollister has one that they would give the facility, however it would require additional training for the Animal Control Officer.

Commissioner Strahan made a motion to receive the gun from the City of Hollister and to send Rick Lunt to the required classes. Commissioner Herschend seconded the motion.

Commissioner Herschend stated that he would like to look at the liability the county would have. Commissioner Strahan noted that some of the concerns had already been addressed and that the classes are very specific. Commissioner Strahan further noted that he did not want to keep a large amount of the drug at the facility.

Commissioner Herschend stated that knowing the turnover at the facility, should Mr. Lunt leave, will the county then have to send someone else to all the training classes. Commissioner Pennel commented that he would like to know who currently has the drug, and the availability of said drug. Commissioner Pennel further noted that he would feel more comfortable after doing some additional research.

Commissioner Herschend made a motion to table the issue until the Commission can obtain the answers. Motion withdrawn.

Commissioner Strahan made a motion to receive the gun from the City of Hollister and research the chemical issues. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **CABLE ISSUES**

Commissioner Herschend made a motion that due to time issues, to go forward with the placement of a satellite as Mr. Lavender has answered all the questions asked of him. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **TANEY COUNTY REGIONAL SEWER DISTRICT SPECIAL WORK SESSION**

The Commission attended a special work session to discuss proposed upcoming sewer projects, as well as updates on current projects.

Minutes taken by Susie Braden and typed by Nikki Lawrence.



### **OCTOBER 10, 2008 5<sup>TH</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **CITY OF FORSYTH PARKING ALIGNMENT**

The County Commission met with Mayor Oliphant and Chris Robertson from the City of Forsyth regarding the parking alignment along the new Judicial Facility.

## **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend asked what the City was wanting from the County. Mr. Robertson commented that they would like to have Shorty Cooper aligned with Allaman like originally platted. Robertson noted that there wasn't a set of plans turned into the City for the design, when the costs of moving the road came in the county just moved forward without the approval of the City.

Commissioner Strahan stated that there had been some visiting with the City on the site and noted that there was another important player that wasn't present, MoDot. Commissioner Strahan added that MoDot visited with us on site along with a representative of the City to talk about taking off a part of the bluff for the beginning of the three way through the City. Commissioner Strahan noted that Bob Becker with MoDot had stated that whatever we did, do not change the alignment.

Mayor Oliphant asked Commissioner Strahan if he remembered the contract he signed with the City and noted that maybe he should review what it says. Commissioner Herschend commented that the problem is the single lane road that comes to the North side. Mr. Robertson added that that is the problem; the County put a road on a non-platted road. Commissioner Strahan added that this was taken to the City Council. Mayor Oliphant noted that he thought that was prior to the agreement.

Commissioner Pennel asked if we could go back to how we got here and asked for Spencer Jones with Great River Electric to give an update. Mr. Jones briefed the Commission on the events that had transpired. Mayor Oliphant commented that all they were asking was to widen the end of Shorty Cooper.

Commissioner Strahan asked if they had an old copy of the plat for Hillcrest and added that when you look at it you are going to find a 30' street, so a request for a 70' street is not out of line per the contract. Mr. Robertson commented that it did say if the street was not going to be in the platted area it should go back to the City. Commissioner Herschend noted that that is what the County should do then as he was hearing that the City wants the County to pay for it, however we haven't encroached on their property at all.

Mayor Oliphant stated that the County's plans did not show any parking, when you moved in is when the issue came up and thought that Commissioner Herschend was twisting the issue. The only issue is to improve the flow of traffic.

Commissioner Strahan made a motion to take the issue to the City Council. Commissioner Pennel noted that it made sense to him to get the roads aligned. After a brief discussion, Commissioner Herschend made a motion that the Taney County Commission, Sheriff, Road Administrator and Engineer set down and see what the County can support. Commissioner Herschend added that he was concerned with having two driveways as we will have the public driving around the building.

Mayor Oliphant commented that if the County could talk to the property owners and get the corner it would be better alignment and that he would commit to the City placing a culvert at the Senior Housing and to do the Paving. Commissioner Strahan added that he would be willing to do a survey to see who owns what property.

Commissioner Pennel made a motion that the County engages Great River Engineering to draw up what is being discussed here. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PLEASANT VIEW**

Commissioner Herschend made a motion to instruct all property owners to remove fences and set them back 25' off of the road. Commissioner Pennel asked if that was county wide or just in this area. Commissioner Herschend noted that it would only address this issue. Commissioner Strahan asked if it would be appropriate to send out and establish the corners.

Commissioner Herschend commented that if the fence is on his property, we can't have him move it but if it is on the county right-of-way then we are taking on the liability.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion that here forward, on any individual wanting to put up a fence, that they have to keep it off the right-of-way.

Commissioner Strahan made a motion to direct Randy Haes, Road Coordinator to get a survey done on this property. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel noted that Mr. Haes should come back to the Commission if the fence is not in the right location. Frank Preston, Road Administrator commented that it would be like a Board of Adjustment decision. Commissioner Herschend commented that the County could issue a letter noting that if the road is ever moved the landowner would have to pay for the moving of the fence.

## FRANK PRESTON JOB TITLE

Commissioner Herschend made a motion that the office of the County Highway Administrator be referred to as the Road & Bridge Administrator. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS 11:39 a.m.



## OCTOBER 15, 2008 6<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 9:03 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

## PAYROLL

Commissioner Pennel made a motion to approve the following payroll warrants:

General County Revenue #104997 through #105018

Road & Bridge #104970 through #104990

Assessment Fund #104991 through #104992

Transfer Station #104993 through #104995

911 Administration #104996

Accounts Payable warrants #306311 through #306328, manual warrants #4905, #4906

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

## ACCOUNTS ALLOWED

Commissioner Herschend entered the meeting, via telephone. Commissioner Pennel made a motion to approve accounts payable warrants #306185 – 306297 and manual warrants #4901-4902. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstained).

Commissioner Herschend left the meeting.

# **TANEY COUNTY COMMISSION RECORD**

## **BOB PAULSON WORK SESSION**

The Commission met with Counselor Paulson to get an update on legal issues as well as his weekly schedule. Counselor Paulson gave an update on the AHC Hearing regarding the Assessment Maintenance Plan.

### **APPROVAL OF MINUTES**

Commissioner Strahan made a motion to table the minutes. Commissioner Pennel seconded the motion. Commissioner Strahan added there were no minutes available at this time due to the absence of Ms. Luttrell. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **SHELVING PURCHASE**

Commissioner Pennel made a motion to approve the purchase of shelving for the County Clerk's office and the money should come out of the remodeling budget account. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **CONNELL INSURANCE CLAIMS REVIEW**

Mr. Tim Connell presented the claims history report to the Commission. Mr. Connell expressed concerns of auto claims and would like to approach Mr. Preston to see what help he could offer; however the overall claims were low, resulting in costs that will stay the same or drop for 2009 budgeting process.

Commissioner Strahan questioned if the claims were below a certain dollar amount, should the county pass on taking the drug tests. Mr. Connell commented that individuals involved in an accident should be drug tested.

Mr. Connell noted that an intranet service could be set up with a health care program, free of charge. He also questioned the Commission on the interest of county group health insurance.

Commissioner Pennel referred to the personnel policy, specifically new hire eligibility for health insurance. Mr. Connell noted that he could offer a plan for new hires until they hit their 90 day qualifying date; however it would be at the employee(s) expense.

**RECESS  
10:30 a.m.**

**RECONVENE  
10:35 a.m.**

### **CIRCUIT CLERK OUT OF STATE TRAINING OPPORTUNITY**

Ms. Brenda Neal, Circuit Clerk, informed the Commission she was invited to attend a conference in Seattle, WA, by other Circuit Clerks and by attending the conference she would gain knowledge of how to become paperless. Ms. Neal also explained that the conference was free, but the cost of air travel was approximately \$750.00 and hotel accommodations were \$158.00 per night.

Commissioner Strahan asked what the cost savings would be to implement the new process. Ms. Neal informed the Commission many of their questions would be answered by her attending. She also expressed that she felt this is the way it would be in the future.

Commissioner Pennel asked if Ms. Neal had the funds available in her budget. Ms. Neal stated she did have the funds available in her budget and wanted to inform the Commission she was attending.

# TANEY COUNTY COMMISSION RECORD

The Commissioner Pennel stated the Commission appreciated her informing them and trust she would use her resources well.

**RECESS**  
**11:05 a.m.**

**RECONVEINE**  
**1:00 p.m.**

## **FRANK PRESTON** **WORK SESSION**

Frank Preston, Road & Bridge Administrator, met with the Commission to discuss various issues.

1. Machine Failure: Mr. Preston informed the Commission about a broken chip and seal machine. He noted he had researched purchasing a new one, but unfortunately there were none to speak of in the Midwest. Mr. Preston explained he will be talking to VanKeppel to inquire fixing machine versus purchasing a new one.
2. On-Call Pay: Mr. Preston inquired about receiving \$40.00 per week for standby “beeper” pay, specifically for after hours sewer issues for another employee that is covering for an ill person, would the individual receive “beeper” pay. He will investigate the specifics of the situation and revisit the Commission.
3. Transfer Station: Mr. Preston reported to the Commission that our county is the cheapest per ton, after completing an area survey. He commented that recently the county had been receiving styrofoam blocks. The Commission requested Mr. Preston to telephone Reeds Springs to inquire about their policy, in addition to contacting Berryville/Green Forest to check rates. Commissioner Pennel requested a monthly work session with the Transfer Station, possibly on site.
4. Shorty Cooper: Mr. Preston informed the Commission work on Shorty Cooper is on hold until the county meets with Great River Engineering.
5. Sally Port: Mr. Preston explained there was a large hole by the Sally Port that needed to be fixed and that it should be back-filled with flowable/slurry mix.
6. Table Rock Acres: Mr. Preston noted six (6) white pines had been taken out by a drainage project. Commissioner Strahan indicated he would like to wait until Commissioner Herschend returns before any decisions are made.
7. Fall Clean-up: The fall clean-up is scheduled for Saturday, October 18<sup>th</sup>.
8. No Parking Signs: Spring Meadows & Country Club Estates have no parking signs posted.
9. Blansit Road: Mr. Preston stated that a stretch of 150 – 200 feet of asphalt needs to be moved out of the creek, as it is a critical priority and that it is scheduled to completed in the near future.
10. ROW Issue: Mr. Preston stated a property on Como Avenue, located in Mount Branson is occupied by the Hensley’s are requesting the county to vacate road and they will give a turnaround, but Mr. Alvie Russell, who owns the property, has not come forward. Commissioner Strahan commented that the occupants do not have a right to grant a turnaround, it would have to be the property owner who initiates the process.
11. Fuel Savings: Mr. Preston informed the Commission of a diesel booster that would generate 8-12% fuel reduction. The Commission instructed Mr. Preston to contact the fleet operators who currently use the product and obtain an opinion.
12. Employee Training: Originally, Mr. Preston asked the Commission to send two (2) office personnel to an out of state training for Cardiograph, but would like for a

# TANEY COUNTY COMMISSION RECORD

## RESOLUTION AUTHORIZING HANGAR LEASE PURCHASE AGREEMENT

Counselor Paulson read the resolution into record and it reads as follows:

**WHEREAS**, in order to facilitate the construction and equipping of certain property (the "Property"), for use by Taney County, Missouri (the "County") and to pay the cost thereof, it is necessary and desirable for the County to enter into a Lease Purchase Agreement (the "Lease") with Regions Bank (together with its successors and assigns, the "Lessor"), pursuant to which the County will lease the Property from the Lessor with an option to purchase;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF TANEY COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1. Approval of the Lease.** The County is hereby authorized to enter into the Lease and the Assignment of Rents and Leases (the "Assignment") between the County and the Lessor, in substantially the forms filed in the records of the County, with such changes therein as shall be approved by the officials of the County executing such document, such officials' signatures thereon being conclusive evidence of their approval thereof.

**Section 2. Execution of Documents.** The Presiding Commissioner, the County Clerk and other appropriate officers of the County are hereby authorized and directed to execute, attest, acknowledge, deliver and record, as appropriate, for and on behalf of and as the act and deed of the County, the Lease, the Assignment and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 3. Further Authority.** The officers, agents and employees of the County, including the Presiding Commissioner and The County Clerk shall be, and they hereby are, authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Resolution, and to carry out, comply with and perform the duties of the County with respect to the Lease and the Assignment, to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

**Section 4. Reimbursement of Expenditures.** The County Commission hereby finds it necessary and declares its intent to finance the costs of the Property through delivery of the Lease and the Assignment. The County has made, or expects to make, expenditures in connection with the Property, and the County may reimburse itself for such expenditures with the proceeds of the tax exempt financing by, or on behalf of, the County. The maximum principal amount of the tax exempt financing expected to be issued for the Equipment is \$600,000.

**Section 5. Effective Date.** This Resolution shall be in full force and effect from and after its passage and approval.

Commissioner Pennel inquired as to how much interest the county would be paying. Counselor Paulson noted that Regions Bank originally bid the interest at 4.25%, they increased to 5.4% and are now currently at 5.8%.

Commissioner Pennel made a motion to abort the lease purchase agreement and use county funds to pay for Airport Hangar Project contingent on a Non-Disturbance Agreement between the College of the Ozarks and Taney County and for the Airport revenue to reimburse the taxpayers investment, in addition to the interest the Commission deems appropriate. A general discussion ensued regarding investment returns. Commissioner Strahan seconded the motion contingent on the Non-Disturbance Agreement. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes). Commissioner Pennel commented for Counselor Paulson to communicate to Gilmore & Bell the deal is off.

## DEGRAFFENREID CONTRACT

Commissioner Pennel moved to approve the Settlement Agreement for Jerry and Marian DeGraffenreid on the basis there will be no more settlements. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

**RECESS**

**3:07 p.m.**

Minutes taken by Jim Yust and typed by Nikki Lawrence.



## **OCTOBER 16, 2008 7<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 1:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### **SEPTAGON CONSTRUCTION MONTHLY MEETING**

The County Commission met with representatives from Septagon Construction and HMN Architects for a monthly update on the Judicial Facility.

Commissioner Strahan made a motion to approve modifying the locks for the holding cell doors that would shunt the alarm for an additional \$2,826.00, however HMN Architects will process a change order. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan made a motion to approve Walton Construction's proposal for the addition of indicator lights and an alarm on the generator, in the amount of \$5,237.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan made a motion to approve the cost of materials, in the amount of \$3,599.00, for two sliding doors to be converted from manual to motorized and the negotiations of the total cost to be approved at a later date. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Strahan made a motion to approve \$793.00 for two (2) handicapped ramps to be installed. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**RECESS**

**2:56 p.m.**

Minutes were taken by Karen Yust and typed by Nikki Lawrence.



## **OCTOBER 20, 2008 8<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the County Commission Hearing Room at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Auditor Findley followed by the pledge.

### **ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #306298 – 306310, #306329 – 306406 and manual warrants #4907 – 4909. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# **TANEY COUNTY COMMISSION RECORD**

Ms. Helen Souttee, County Treasurer, informed the Commission there is a new funding for processing new warrants for a fee of \$10.00.

## **PRIOR MINUTES**

Commissioner Pennel made motion to approve prior Commission Minutes dated 9/24/2008, 9/29/2008, 10/1/2008, 10/2/2008, 10/6/2008 and 10/7/2008. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **AIRPORT HANGAR AGREEMENT DETAILS OF THE DECISION**

Commissioner Herschend made a motion to amend the agenda and ask for Mr. Eddie Coxie and Public Comment to speak prior to his topic, as this was Counselor Paulson's recommendation due to this being a contract with Regions Bank and falls under executive session.

Commissioner Pennel stated the original decision was not acted upon in executive session and was not posted that way.

Commissioner Herschend asked what the terms of the Agreement were and what the interest rate was that was agreed upon. Commissioner Pennel recalled approving to fund the Hangar Project out of GCR instead of through the Lease Purchase Agreement contingent upon getting a Non-Disturbance Agreement between the College and the County. He also noted that there was no interest rate discussed.

Mr. Mark Parent, Airport Manager, commented that there would be funds generated back to the county due to the airport being owned by the county.

Commissioner Herschend questioned whether the Commission considered filing a lawsuit to force Regions Bank to uphold their original bid of 4.25%. Commissioner Pennel noted there was no discussion of a lawsuit. Commissioner Herschend remembers in the original motion that if the first bidder, Regions Bank, fell through, the county was to go with the second bidder and asked why it was not considered.

Commissioner Pennel recalled a lengthy discussion regarding the Lease Purchase Agreement and came to the conclusion that there would be a huge saving if county funds were used for the Hangar Project. He also noted the savings to be \$51, 872.00. Commissioner Herschend expressed concerns of the process of the decision and also commented on risks to the citizens of the county if we do not continue to operate as an airport and the \$600,000.00 structure is sold. Commissioner Herschend stated that when there is a lease purchase agreement with a third party, it's their responsibility; but when we choose to fund a project, it's our responsibility.

Commissioner Strahan commented that it was not fair to make a decision of this magnitude without Commissioner Herschend present. He also noted a decision that was made by the Commission to approve \$133,000.00 to fund the steel and that he felt like it was a forward process to get the project rolling. Commissioner Strahan commented that with the additional hangar, it would free up approximately 24,000 square feet of space for rental, which will increase the revenue to the airport.

Mr. Findley clarified that GCR owns the airport, so if money was borrowed, GCR would be making the payments, which would be mean that the county would be loaning money to itself.

## **RE-STRUCTURED CODE BOOK**

Eddie Coxie, Planning Administrator and Mr. Keith Crawford appeared before the Commission, representing the Taney County Planning Commission, to present the Re-Structured Code Book.

Mr. Coxie noted that no new information has been added, only that the Code Book has been simplified, which made it more user-friendly. He also noted there are some additional graphs and flow charts inserted to help illustrate certain areas. Mr. Coxie welcomed suggestions or corrections before it is approve by the Commission.

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan commented that if there would need to be any changes made in the future, it would be easier to make those changes. Commissioner Herschend stated that he appreciated the flow charts that have been inserted.

Commissioner Strahan recommended that in Appendix L where it refers to Road & Bridge, it should be highlighted, so individuals would know who to contact for more information.

Commissioner Herschend made a motion to approve the re-structured Code Book with the clarification that was discussed, as presented. Commissioner Strahan noted he would like to review it further details and discuss at a later date.

Mr. Preston thanked Mr. Coxie and Mr. Crawford, in addition to the entire Planning & Zoning staff for efforts they put into simplifying the Code Book. He also encouraged the Commission to schedule a work session to review the final changes.

## **PUBLIC COMMENT**

Mr. Dave Woolery, with Missouri Department of Natural Resources, stated that there are new EPA Ozone requirements and at this time, Taney County is in non-compliance.

Department of Natural Resources would like to establish a voluntary compliance program issued and complied by the county. Mr. Woolery commented that the county could challenge the non-compliance by contacting DNR. He also expressed that by not complying, there may be consequences, i.e. reduce highway funding.

Mr. Woolery encouraged the Commission to come up with a plan and that he would help in anyway that he could.

## **RECESS 10:03 a.m.**

Minutes were typed by Nikki Lawrence.

## **RECONVENE 11:00 a.m.**

### **AKERS & ARNEY INSURANCE RENEWAL**

Ms. Vicki Rice, Akers & Arney representative, stated that there was a reduction from 6% to 4%. She questioned the Commission whether or not they needed to go out for bid, as Taney County has been with Cox Health Plans for three (3) years.

Commissioner Herschend made a motion to ask our agent to go out for bid/quotes for us. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel requested for our agent to go out for a competitive bid. Commissioner Herschend added to the motion Commissioner Pennel's request. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan instructed Ms. Rice to hold the current renewals until other bids are received, so that the Commission can review all of them at once, including dental. Ms. Rice informed the Commission that Delta Dental has recommended that the county lower the rates.

# TANEY COUNTY COMMISSION RECORD

## ANIMAL CONTROL

Commissioner Strahan wanted to make the Commission aware that Joplin Humane Society will begin charging \$27.50 per animal and will not take any additional animals until a Performance Contract is signed by Taney County.

## EMERGENCY EXECUTIVE SESSION

Commissioner Herschend made a motion to go into emergency executive session regarding health issues for a citizen of Taney County pursuant to RSMo 610.021.5. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes taken.

## FRANK PRESTON WORK SESSION

Frank Preston, Road & Bridge Administrator, met with the Commission to discuss various issues.

1. Blansit Road: Mr. Preston commented that his crew will be removing the asphalt and laying six (6) inches of material, since the county will be reimbursed by FEMA.

Commissioner Herschend spoke in opposition by saying that before the county spends money on the road that will only need to be fixed again; he recommended giving Great River Engineering the opportunity to report back to the Commission on what it would take to solve the problem. He also noted that the funds the county would receive from FEMA would be better used for a permanent solution.

2. Signage in Bee Creek Area: Mr. Preston is requesting to put a no turnaround sign off of North Street. This road is not a county maintained road and is not named. He also noted that the signage is needed because there is a fence that goes across the road and from a safety standpoint, it would alert individuals turning down the road. Mr. Preston commented that Mrs. Smith, property owner at the bottom of the road, is requesting the county take out the asphalt that was laid during the sewer project.
3. Styrafoam: Mr. Preston stated the cost of disposal at Reeds Springs Transfer Station is \$80.00 per ton.

Commissioner Herschend made a motion to increase the price of Styrafoam to \$90.00 per ton effective November 1<sup>st</sup>. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. Table Rock Acres: Mr. Preston indicated the situation in question of destroying six (6) trees on private property is correct and Commissioner Herschend also recalls the situation.

Commissioner Strahan made a motion to replace six (6) trees with the confirmation that it is exactly what was discussed last week. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

5. Personnel Policy: Mr. Preston commented that a representative from Connell Insurance will be attending the Shop Talk meeting on Tuesday, to discuss the new Personnel Procedures Manual.

# TANEY COUNTY COMMISSION RECORD

6. LAGERS: Mr. Preston noted that he was voted in to be the member delegate for the county to attend the next LAGERS meeting, which will be held in Springfield on October 24<sup>th</sup> & 25<sup>th</sup>.

Commissioner Strahan requested Mr. Preston to report back to the Commission with a detailed update as to the changes of the retirement plan for the county.

7. County-Owned Projector: Mr. Preston asked the Commission about purchasing a projector to permanently keep in the County Commission Hearing Room. He also noted that it could be used for several departments.

The Commission requested Mr. Preston to look into pricing and availability of a projector and a dedicated laptop for this purpose only.

8. Fall Clean-up: Mr. Preston noted the Fall Clean-up to be a success and that on more than one occasion, the traffic was backed up to the Taney Center. He questioned only having this event for one day as it would have been beneficial to hold it for two days.

9. Retention Ponds: Mr. Preston reported that the two retention ponds are removed cleaned up properly and the total cost to have that done was \$58,575.00, in addition to \$8,000.00 for the initial analysis and are in the process of gathering all information to put into a finalization report to submit to Department of Natural Resources. He also brought to the table the question of funding and what account this invoice should be taken out of.

Commissioner Herschend made a motion to charge this to contingency fund. The motion died for lack of being seconded, as it was changed to a suggestion for Mr. Preston.

10. FEMA Reimbursements: Mr. Preston submitted a cost recovery sheet to the Commission and it reads as follows:

Taney County experienced significant storm related damage since March 18<sup>th</sup>. Federal disasters were declared, and the county is being reimbursed for maintenance activities relating to these weather events. Following are the declared events:

FEMA DR1749	March 18 – May 9
FEMA DR1773	June 1 – July 18
FEMA DR1812	September 14 (expected to be declared)

Road & Bridge personnel spent 20,852 hours responding to these events. We used our trucks and equipment for 14,004 hours, and spend \$264,630 on materials. The county was fortunate to be able to document all of these activities using our CarteGraph software. This made reporting very easy and accurate, and the FEMA personnel was very appreciative and complimentary of our reporting capabilities. The ability to use this software allowed us to easily document tens of thousands of dollars that might not have been captured otherwise.

Two of the more significant events during the storms were the destruction of the Acacia Club and the Lakeshore bridges. The cost to repair Acacia Club was \$138, 987, and we recovered 100%. Lakeshore repair costs were \$360,297, and we recovered 95%. These numbers will be less our 15% share.

For the entirety of all the damage between March 18<sup>th</sup> and August 19<sup>th</sup>, the total amount submitted to FEMA is nearly \$1.3 Million. FEMA will reimburse us 75%, the State of Missouri will reimburse us 10%, and our share will be 15%.

11. Beeper Pay: Mr. Preston re-visited the issue of beeper pay for an individual who was ill but continues to receive stand-by pay.

Commissioner Herschend requested that Mr. Preston revert back to using a beeper and receive stand-by pay. Commissioner Strahan noted that the county should only be paying one individual at a time for being on call.

## LONG SHORE DRIVE

Commissioner Herschend questioned where the decision making process was at regarding keeping this road out of the lake. Mr. Preston stated that he had spoken to Great River Engineering and it is on their list as a project, but are behind schedule.

# **TANEY COUNTY COMMISSION RECORD**

The Commission concurred to have Mr. Preston respond to a letter that was received by Commissioner Herschend.

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021.3. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes taken.

## **RED RIBBON RECOGNITION PARTY**

Commissioner Pennel and Commissioner Herschend attended the Red Ribbon Recognition Party, which was located in the Judicial Facility.

Minutes were taken by Karen Yust and typed by Nikki Lawrence.



## **OCTOBER 21, 2008 9<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met at Hollister Town Hall at 1:30 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **TANEY COUNTY REGIONAL SEWER DISTRICT**

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates on Bee Creek and Ozark Beach projects as well as discussion on a utility truck purchase and Rockaway Beach Sewer Sales Tax.

Minutes were typed by Nikki Lawrence.



## **OCTOBER 22, 2008 10<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 12:50 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceeding were had and made a matter of record.

## **LIGHTNING SPRINGS & SHADY SPRINGS**

Commissioner Strahan stated a letter was faxed to Mr. John Hiser, Corp of Engineers, as proof the county had maintained Shady Springs. He also noted that Lightning Spring was never mentioned until he received correspondence back from Mr. Hiser. Commissioner Strahan commented that he would get in contact with Mr. Frank Preston and have him all of the needed documentation to Mr. Hiser to issue an easement to the county.

# **TANEY COUNTY COMMISSION RECORD**

## **CORP OF ENGINEERS ISSUE**

Commissioner Pennel stated that he had received a telephone call from the Corp of Engineers stating that the county owes them \$7,088. He was told that there was an agreement, referencing Beaver Creek Emergency Steam Bank Protection Project, made in 2000 and that the county has already paid \$42,573. Commissioner Pennel also noted the Corp of Engineers is sending the original agreement dated 4/29/99.

## **SEWER DEPARTMENT UPDATE**

Mr. John Souttee, Sewer Department Administrator, stated the Sewer Board has looked at several future projects, including Ozark Beach, Y Highway, Dam-Site Sub Division, and Spring Creek South.

The Commission discussed the bidding process and breaking projects up into sections and concurred to move forward as the Sewer Board had recommended.

It should be noted that Commissioner Herschend entered the meeting at 1:35 p.m.

The Commission also discussed the prior motion to pay \$85,000 for an emergency Dam-Site project. Commissioner Pennel made a motion to bid out two (2) ways, to include Spring Creek and the recommendation of the Sewer Board with the option of the smaller project, which is the 10 homes and the small grinder station. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **PLEASANT VIEW FENCE**

Mr. Randy Haes, Road & Bridge Coordinator appeared before the Commission to discuss Pleasant View fence issue, which he was directed to have Mr. Hefley's property surveyed. Mr. Preston questioned whether the property owner continued to build fence after Mr. Haes visited with him. Mr. Haes commented that he did.

Commissioner Pennel suggested drafting an agreement that allows the property owner to keep the fence on the county right-of-way. Mr. Haes reported that one of the complainers also has their fence built upon the county right-of-way. A general discussion ensued.

Commissioner Herschend made a motion to instruct Mr. Hefley to move his fence because we went to expense of surveying and for the Commission to speak with Ms. Daniels, complainer, and also instruct her to move her fence.

Motion died for lack of being seconded.

Commissioner Pennel made a motion to table this issue, so that the Commission could discuss further and devise a policy. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (opposed), Strahan (yes).

## **BOB PAULSON WORK SESSION**

Counselor Paulson met with the Commission to discuss legal issues as well as review upcoming events on his calendar, including Wallace Nuisance Case.

Commissioner Pennel requested to move forward with Wallace Nuisance case. He indicated that he spoke with Mr. LaCroy, a concerned taxpayer, and informed him that the case was moving forward.

Counselor Paulson noted this case is being called up for hearing on November 6<sup>th</sup>. Commissioner Herschend requested that a letter be issued to Mr. LaCroy notifying him of this.

# **TANEY COUNTY COMMISSION RECORD**

## **PLANNING & ZONING UPDATE**

Mr. Eddie Coxie, Planning & Zoning Administrator, appeared before the Commission to give an update nuisance, code book, policies and procedures of daily operations of the office, as well as embracing the flood plain.

## **RE-STRUCTURED CODE BOOK**

Mr. Coxie commented that his department had done a tremendous amount of work on making sure the Code Book was consistent the whole way through, as well as the interpretation of it.

A general discussion ensued.

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

Mr. Coxie requested for the Commission to review the fee schedule, as charges could be used to cover the daily operations expense. Commissioner Herschend asked if the board was supportive. Mr. Eddie noted that it has not been discussed, but he would review it with his board.

## **SEPTAGON CONSTRUCTION WEEKLY UPDATE**

Mr. Mike Smith, Septagon Construction, presented issues referencing the parking lot. The Commission directed Mr. Smith to remove asphalt in front of parking garage so there would be a smooth and even surface.

## **ROAD & BRIDGE TAX SHARING**

Commissioner Herschend commented on the amount of participants in the tax sharing program. He also requested that Ms. Luttrell send out an e-mail obtaining a general consensus regarding this program if municipalities are still interested in applying for the monies.

Commissioner Strahan noted he agreed with receiving a letter of intent from municipalities.

## **PROJECTOR**

Ms. Neeley, County Clerk, sent over a Purchase Order for a 42" Flat Screen monitor for training purposes and to post election results for the media and candidates, as her office has limited amount of space.

Earlier in the month, Commissioner Pennel suggested to Ms. Neeley, to place it in the County Commission Hearing Room, where it would be centrally location for multi use throughout the county and not be taken out of the election fund.

Commissioner Strahan made a motion to table to discuss further. Commissioner Herschend made a motion to go into executive session for the purpose of personnel pursuant to RSMo 610.021.3. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).



**OCTOBER 23, 2008 11<sup>th</sup> DAY OF  
THE OCTOBER ADJOURN TERM**

# TANEY COUNTY COMMISSION RECORD

The County Commission met at Bull Creek Pavilion pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceedings were had and made a matter of record.

## PARK BOARD

Commissioner Pennel and Commissioner Strahan attended the monthly Park Board meeting.



## OCTOBER 27, 2008 12<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the County Commission Hearing Room at 9:01 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #306407 – 306544 and manual warrant #4910. The Commission questioned a couple of the bills, noting certain ones should be placed in different budget accounts. Commissioner Strahan withdrew his motion.

Commissioner Herschend made a motion to table until 1:30 p.m. this afternoon to discuss it further. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

There are no prior minutes available for approval at this time.

## ROAD & BRIDGE TAX SHARING

Larry VanGilder, City of Branson, appeared before the Commission to request monies to fund the purchase of snow removal equipment, with approval for the project now, and reimbursement after the county budget is approved.

Commissioner Strahan stated there was a letter of intent sent out, to participate in the cost sharing program. He also noted there have been no decisions which municipalities will be awarded. Commissioner Herschend commented information needs to be received by November 15<sup>th</sup> so that the decision can be worked into the budget. Commissioner Pennel noted that he had spoken to 6 out of 9 municipalities and that there would be a decision made within the next few days.

Commissioner Pennel made a motion to table until this afternoon at 1:30 p.m. to discuss further. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## HOUSEHOLD CHEMICAL FACILITY FUNDING

Debbie Redford, Branson Recycle Center, appeared before the Commission to submit a request, which reads as follows:

Opened: November 2006

# TANEY COUNTY COMMISSION RECORD

Funded: The facility itself was funded through a grant from Region M Solid Waste District. Operation of the facility has been funded from start-up until now through a grant from Solid Waste District N.

Total Cost  
To Date: \$15,800

Total Residents  
Served To Date: 287

% Source:	Branson residents	18%
	Hollister residents	9%
	Forsyth residents	5%
	Taney County residents	68%

Requested Funding:	Branson	\$2,500	21%
	Hollister	\$1,500	12.5%
	Forsyth	\$1,000	8.0%
	Taney County	\$7,000	25.0%

Ms. Redford stated all of the funds that were received for the Branson Recycle Center have been depleted and the portion that was requested from Taney County was \$7,000 to continue helping to serve the area.

Commissioner Pennel inquired this cost and if it was an annual fee. Ms. Redford assured the Commission it was an annual fee.

Commissioner Herschend stated he had received two (2) requests from staff at the Transfer Station to have a couple of recycle bins placed on their lot. The Commission asked Ms. Redford to think about placing the recycle bins at the Transfer Station. Ms. Redford indicated the bins would be easy to set up.

Commissioner Pennel questioned if there needed to be an immediate decision made. Ms. Redford commented that as long as she knew this amount would be placed in the budget that she did not need an answer right now.

## PROJECTOR PURCHASE

Clerk Neeley commented on the issue of purchasing a projector had been tabled from a previous meeting and to be discussed this morning.

Commissioner Pennel made a motion to table until this afternoon's work session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## DAM-SITE SUB DIVISION

John Hooker, Sewer Daily Operations Manager, appeared before the Commission to convey that the Sewer Board has recommended to only go to the property line of Gerth RV. He also stated that Mr. Gerth did not want to be annexed into the City of Branson.

Commissioner Herschend noted that the Commission had previously asked the Sewer Department to obtain bids / estimates prior to making a decision and stated Mr. Hooker is seeking clarification whether to obtain a bid or an estimate.

Mr. Hooker stated to complete the large project would approximately cost \$1,032,400.000 and noted the Sewer Board was in favor of doing part of the large project, which could cost approximately \$800,000.

Commissioner Strahan commented that he was in favor of spending \$85,000 to fix the immediate problem, but is unsure about the rest and indicated that it is still under discussion.

# **TANEY COUNTY COMMISSION RECORD**

A general discussion ensued to discuss possible annexation, cost and length of project, and bid process. Commissioner Pennel stated he would like to listen to the Sewer Board minutes before making any decisions.

Commissioner Herschend recommended that the Commission receive a detailed break down of the current options on this project. Commissioner Strahan commented that he is in favor of going out for bid and get the problem solved as soon as possible.

Commissioner Herschend made a motion to move forward on taking the ten (10) homes in and prepare documents to go out for bid with the focus on future planning for this project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

## **COMMISSIONER HERSCHEND**

Commissioner Herschend noted problems with the lines being clogged at the new jail. He requested Sheriff Russell to meet with Mr. John Lavender, Maintenance Supervisor and give an update to the Commission.

## **PUBLIC COMMENT**

Bobby Clay commented on the flag not being displayed a couple of weeks ago and also expressed his appreciation to DAV (Disabled American Veterans) for their services.

A representative with the Forsyth Garden Club presented a 50 year commemorative donation of 6 pear trees to be placed near the Judicial Facility.

Commissioner Herschend made a motion to accept the gift of 6 trees to be placed on Hwy 160 side of the Judicial Facility and to be accompanied by a sign. Motion died for lack of being seconded.

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo 610.021.1. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.

## **RECONVENE**

1:00 p.m.

## **BOB PAULSON WEEKLY UPDATE**

Counselor Paulson updated the Commission on legal issues specifically noting that the State Tax Commission Case would be held 11/7/08 and 11/10/08 in Jefferson City. The Justus case would have to be rescheduled as well.

## **JOHN LAVENDER MAINTENANCE UPDATE**

John Lavender, Maintenance Supervisor gave the Commission an update on various maintenance issues.

1. Courthouse Signs: Mr. Lavender noted that he was currently working on matching all the signs within the courthouse.
2. Judicial Facility security: Mr. Lavender commented that the issue of checking the doors at night is now in the hands of the Sheriff. Commissioner Herschend requested that Mr. Lavender come back to the Commission with the results. Commissioner Pennel stated that Mr. Lavender write a memo regarding his concerns and that the Commission receive a copy.

# TANEY COUNTY COMMISSION RECORD

## CENTURYTEL FCC CHANGES

Scott Farmer and Arlie Smith, representing Centurytel met with the Commission to request that a support letter on behalf of Centurytel be sent to the Legislators on the changes to the Universal Access Fund.

## MAC DELEGATE

Commissioner Pennel made a motion to appoint Danny Strahan as the MAC Delegate for the 2008 conference. Commissioner Strahan made a motion to appoint Chuck Pennel as the MAC Delegate for the 2008 conference. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Workers Compensation: Mr. Preston informed the Commission that a representative from Connell Insurors would be making a presentation on accident follow-up procedures to the supervisors.
2. Projector: Mr. Preston discussed the purchase of a projector for the Commission Hearing Room to be used by all departments. Commissioner Herschend made a motion to spend no more than \$4,000 on a portable computer and projector. Motion died. Commissioner Pennel asked that Gary Morgan, IS Administrator bring the Commission a proposal.

## ACCOUNTS PAYABLE

Commissioner Herschend made a motion to approve an emergency warrant #4911 for \$10,000 to Ozark Mailing Services. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION CONTINUED

3. Employment Application: Mr. Preston requested that the County have one standard application for employment as the process could eliminate someone for a lack of information. Commissioner Strahan made a motion to standardize the application. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
4. Hampton Road 160-20: Mr. Preston presented the Commission with an easement from Richard A. Pinaire (Gertraid A. Smith property). Commissioner Strahan made a motion to approve said site easement. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
5. Sick Leave Abuse: Mr. Preston presented a report to the Commission noting that there is apparent sick leave abuse. Mr. Preston asked if the Commission was ok with a doctor's appointment being a whole day. Commissioner Strahan noted that he was ok as it puts a burden on the supervisors trying to get jobs done with employees coming in at different times. Commissioner Pennel suggested asking the crew leaders.

Mr. Preston pointed out that Jack Cole had only used 16 hours this year and Dalton hasn't used anything. Commissioner Herschend made a motion to give Jack Cole 16 hours and Dalton 24 hours off or paid for because of their dedication. Motion died. Ms. Luttrell noted that there are other departments out there that has the same issues. Commissioner Herschend noted that they have Elected Officials and that is their decision to make.

The Commission agreed that a doctors receipt should be required.

# TANEY COUNTY COMMISSION RECORD

6. Salt Supply: Commissioner Strahan made a motion to increase the salt supply by as much as 50% with an agreement with the Branson Underground for storage. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ACCOUNTS PAYABLE

Commissioner Herschend made a motion to approve accounts payable warrants #306407 through #306544, manual warrant #4910. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## FLAGPOLE PRAYER

Commissioner Pennel requested that should there be bad weather on November 3<sup>rd</sup>, that the County open the Courthouse to allow citizens to have a prayer meeting prior to election day. Commissioner Herschend made said motion. Commissioner Pennel seconded the motion. After a brief discussion, Commissioner Herschend made a motion to table. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS

4:27 p.m.



## OCTOBER 29, 2008 13<sup>TH</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Hearing Room at 9:00 a.m. with all members present and the following proceedings were had and made a matter of record.

## PAYROLL

Commissioner Strahan made a motion to approve the following payroll warrants:

General County Revenue #105019 through #105021, #105049 through #105070

Road & Bridge #105022 through #105042

Assessment Fund #105043 through #105044

Transfer Station Fund #105045 through #105047

911 Administrative #105048

Accounts Payable warrants #306545 through #306550, manual warrants #4912, #4913

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

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 10/9, 10/15 and 10/16/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## SECURITY ISSUE

Commissioner Herschend noted that John Lavender, Maintenance Supervisor's staff had been directed by an Elected Official to leave the doors to the Courthouse open, however the building was never closed back up which is a security concern. Commissioner Herschend added that the maintenance staff takes direction from the Commission and therefore should not be directed to do anything by another Elected Official without the Commission's approval.

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel suggested sending out a form that could be filled out noting when and why the doors were to be open, that way the staff would know when they can close it back up.

## **BOB PAULSON WORK SESSION**

Counselor Paulson met with the Commission to update the legal issues as well as go over his weekly schedule.

## **JEFF BOURKE, BRANSON AIRPORT REVENUE SHARING AGREEMENT**

Jeff Bourke from the Branson Airport met with the Commission to request the approval of a tax revenue sharing program designed to promote tourism to the region and increase county sales tax revenues. The program is designed to use tax dollars generated by the presence of the new airport to further increase tourism to the region via the airport thereby further increasing county tax revenues. The program will reinvest a percentage of the new county tax dollars generated by the presence of the airport to promote tourism.

Mr. Bourke continued, both the on airport and off airport tax benefit to the county is substantial, in the first year and more than doubles within the first 10 years. The airport is proposing a 10 year program that will help ensure the county will generate \$2 million in county sales tax revenue in 2010 increasing each year to over \$5 million by 2020. We are asking for the County to authorize a tax revenue sharing credit, to be issued to the Airport no later than December 1, 2008 or when the first national network carrier announces service. This amount to be fronted is \$418,632.

Commissioner Herschend noted that it was his understanding that the County has committed incremental GCR funds not road & bridge or sewer. Commissioner Pennel stated that he had it in his mind that the money was generated not fronted. Mr. Bourke referred back to the summary presented which indicated \$418,632, then would not be eligible for any more funds until that amount has been generated.

Commissioner Herschend commented on the sales tax the County has already received with the construction of the airport and added that he would like to see the Commission consider that the money fronted is incremental and that the County would not have received anything should the airport not have been built.

Commissioner Strahan asked if out of the \$115 million in bonds, where there not any advertising dollars available. Mr. Bourke noted that the bonds, \$35 million is equity but that it has always been that the marketing dollars would come from local surroundings. Mr. Bourke added that the state will be stepping up and that the County is one of the biggest benefiteres.

Mr. Bourke informed the Commission that they would be receiving their FAA letter in mid December. Commissioner Herschend made a motion that the County advance, upon the receipt of the FAA letter and the announcement of the carrier, \$200,000 which is 2/3 of the tax that has been collected and agree to fund the balance at a later date.

Commissioner Strahan asked Commissioner Herschend if he or his family had any ties to this airport. Commissioner Herschend noted nothing personal, that his family was approached for marketing and to decorate but Big Cedar will be doing that. Commissioner Herschend added that he hasn't spoken to Steve Pete since July but believed that it was a homerun for the County as it is going to increase revenues by 15-18%.

Commissioner Strahan noted that there is no doubt that it is great for the area but that he had questions noting that the tourism tax should have a major part in advertising for the airport. Commissioner Herschend noted that he thought they were.

Commissioner Herschend asked what the City of Branson's commitment was. Mr. Bourke noted that they are paying for performance at \$8.24 for every non-originated passenger to this area. Commissioner Strahan asked what if the City, in their financial commitments, can't come up with the dollars. Mr. Bourke noted that the agreement was a solid lock down deal.

## TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion to fund conceptually at 50% upon the FAA letter and the announcement of the carrier and the remaining 50% forwarded 90 days after the first landing based on actual landings not projections.

Commissioner Strahan asked if Mr. Bourke had anything else. Mr. Bourke noted that he couldn't stress the importance of this funding as we have only once chance to get this right. Commissioner Strahan noted that this was an important decision and knew that Mr. Bourke had lobbied each Commissioner individually.

Commissioner Strahan made a motion to table the issue until they could get into the budget. Commissioner Pennel asked what he meant. Commissioner Strahan stated that it would give the Commission two weeks to see where the County is financially.

Mr. Bourke noted that part of the critical timing is so that they could get back to the second carrier as it is a big part of the selling point. That carrier is in their planning cycle for next spring and if we miss it it will be another year, so this decision has an urge of an emergency.

Commissioner Herschend noted that he could look at any constituent and explain why we did this. Rick Ziegenfuss, Administrator for the City of Hollister commented that it would be worth knowing who would be managing those dollars if we are going to be receiving benefits in this region.

Commissioner Herschend amended his motion to approve the concept and approve the fronting of 50% but that the Commission need to work out post haste a document that spells out how the money will be spent and the ability to audit.

Commissioner Strahan noted that he has been supportive of the Taney County Airport noting the decision that had to be made on what that airport would bring to Taney County and this is at a much larger scale. The economic factor that the decision has to be made on, the best approach for funding and what the County will have available. Commissioner Strahan added that the fact that he wanted to look at the budget is very important.

Commissioner Herschend respectfully asked that Commissioner Strahan challenge the concept as budget is only a one year deal. The \$200,000 can be taken out of the surplus and you have voted to take out \$600,000 already to build a hangar. Commissioner Strahan noted that that decision had already been made and he was tired of discussing that issue. Commissioner Herschend stated that the decision was to go out for funding not the county funding it. Commissioner Strahan noted that he was concerned with the budget.

Commissioner Pennel seconded the motion to table. Commissioner Pennel added that his thoughts are different than Commissioner Strahan's to wait two weeks and added that he was uncomfortable as in the discussions he had with Mr. Bourke it was not made clear that there was forward funding. Commissioner Pennel also commented that Mr. Bourke had made some statements regarding marking with local dollars, crucial decision and scare tactics and didn't see how he could say them. Commissioner Pennel continued noting that Mr. Bourke hadn't mentioned anything about requesting money from the law enforcement tax that he previously discussed.

Commissioner Pennel commented the one big stumbling block is how you are going to tell us it's incremental. This project has been sold over and over that it's a private project.

Commissioner Herschend noted that he would appreciate Commissioner Pennel listing all of his questions so that Mr. Bourke would have a chance to answer them. Mr. Ziegenfuss asked if the issue was with forward funding or funding period. Commissioner Pennel noted that it was both for him.

Gary Groman asked how the money be marketed different than the tourism tax. Mr. Bourke noted that it would be slightly more targeted as they would follow up with more campaigns. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## **EDDIE WOLFE POWELL ROAD**

Eddie Wolfe, Surveyor met with the Commission to discuss the realignment of Powell Road. Mr. Wolfe asked if the county was willing to do the legal and vacation work.

Commissioner Herschend made a motion that the County would pay for the recording of the legal documents and if and when all parties sign off will start the vacation process. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **ANGELA LEIST PARK BOARD ISSUES**

Angela Leist brought the Commission a few issues that needed to be resolved for the Park Board.

Commissioner Herschend made a motion to purchase a tennis net for the Powersite Park. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to carry over \$5,300 of Rockaway Beach's project to the 2009 budget due to the 2008 floods. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to spend up to \$8,500 for playground equipment for the Mincy Park. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **TRESSA LUTTRELL WORK SESSION**

Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Patrol Car Bid: Ms. Luttrell presented the Commission with the bid for the replacement of a patrol vehicle. Ms. Luttrell noted that this was the second time the bid was sent out and only one bid was received by Tri-Lakes Chrysler for a 2009 Charger in the amount of \$23,196.00.

Commissioner Strahan made a motion to approve said bid. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes). Commissioner Herschend commented that he didn't understand why the Sheriff was replacing a truck with a charger.

2. Evidence Storage Bid: Ms. Luttrell presented the bids for the evidence room storage. Ms. Luttrell noted that Sheriff Russell was recommending the bid as submitted by TAB Products in the amount of \$27,055.00.

Commissioner Herschend made a motion to approve the bid as recommended. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan left the meeting.

3. Vacation time request: Ms. Luttrell presented a request from Christy Teel for the payment of 45 hours of vacation time due to a financial need.

Commissioner Pennel made a motion to approve said request. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

4. Planning & Zoning/Sewer: Ms. Luttrell commented that in recent discussions we have talked about having Sunbelt Environment come and take a look at the area where

# TANEY COUNTY COMMISSION RECORD

Planning & Zoning and the Sewer District are to ensure that there is no mold. Now that the prisoners are no longer above those areas, this would be a good time to get them down here.

The County Commission noted that they didn't see the need as maintenance would be totally stripping that area for the remodeling.

5. Road Sharing Projects: Ms. Luttrell commented that in Monday's meeting Commissioner Strahan had indicated that letters had gone out to the municipalities regarding the 2009 road sharing funding and inquired if the procedure had changed so that she could make sure the appropriate person has the paperwork.

Commissioner Pennel noted that letters had not gone out, he had personally spoke with 6 municipalities asking for a letter of intent. Commissioner Herschend added that it was mentioned that when you returned from vacation, letters would go out. However, both Commissioner Pennel and Commissioner Strahan has spoken with most of the municipalities.

Ms. Luttrell noted that she just wanted to ensure that it was being taken care of. The Commission added that the procedure would stay the same. Commissioner Herschend made a motion to budget \$50,000 per municipality again for the 2009 budget and solicit projects. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

6. Judicial Facility: Ms. Luttrell noted that there were still some issues to be cleared up on the Judicial Facility, one being that she still had not received any dimensions from the Judge or Circuit Clerk for the ordering of the additional benches. Ms. Luttrell added that the Commission had approved purchasing a sound system for the witness area, however no information has been brought back by Commissioner Herschend for that purchase. Ms. Luttrell stated that the interior windows on the courtroom doors were approved and the maintenance department eventually will get to placing them, but according to the Judge and Circuit Clerk, they would like for those to be done now.

Commissioner Herschend stated to contact Artisan Construction. Ms. Luttrell further noted that Sheriff Russell has asked if the Commission would be funding the purchase of equipment for his training room. Commissioner Herschend commented that he didn't feel that it was a capital expense as training has been conducted in the past, what was used then.

7. P-Card: Ms. Luttrell informed the Commission that the three year bid for the P-Card service would expire in October and wanted the Commission's opinion on re-bidding. Ms. Luttrell added that she had sent an email to both the Treasurer and the Auditor for their inputs as well.

Commissioner Herschend noted that he didn't know enough about the program to make that decision as requested that Ms. Luttrell provide a report noting the pro's and con's of the program.

8. Day after Christmas: Ms. Luttrell noted that there have already been requests for the day after Christmas, whether the Courthouse would be open or closed. Ms. Luttrell pointed out that the Governor had not yet ruled for the State.

Commissioner Herschend made a motion that the Courthouse would be open on the 26<sup>th</sup>. Motion died for a lack of a second.

9. Journal Entries: Ms. Luttrell presented journal entries for approval. Commissioner Pennel made a motion to table until this afternoon. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

**RECESS**

12:04 p.m.

**RECONVENE**

1:23 p.m.

# TANEY COUNTY COMMISSION RECORD

## HANGAR CONTRACT

Counselor Paulson and the Commission worked through the contract to erect a Hangar at the Taney County Airport with Cornerstone Construction. Commissioner Herschend made a motion to authorize the contract to start erection as the county works to get a contract completed in 10 days.

Counselor Paulson commented that he had a problem with any work being performed without a contract in place. Commissioner Pennel made a motion to approve the contract with Cornerstone Construction contingent upon the changes being made that was discussed here today. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### RECESS

2:17 p.m.



## OCTOBER 30, 2008 14<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the County Commission Hearing Room at 10:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### PRE-BID OZARK BEACH & HOLIDAY HILLS

The Commission attended a pre-bid meeting held to discuss Ozark Beach & Holiday Hills.

Minutes were typed by Nikki Lawrence.



## OCTOBER 31, 2008 15<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 1:00 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### RECOMMENDATIONS ON SJ LOUIS CONTRACT

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021.1. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes were typed by Nikki Lawrence.



## NOVEMBER 3, 2008 16<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the County Commission Hearing Room at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Auditor Findley followed by the pledge.

# TANEY COUNTY COMMISSION RECORD

## ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #306551-#306656 and manual warrants #4914-#4916. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 9/23/08, 10/20/08 and 10/21/08. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## 2009 LEGISLATIVE PRIORITIES

Commissioner Pennel stated he had attended a Legislative Partnership Meeting to discuss 2009 Legislative Priorities and the topics were as follows:

Tourism	Environment
Education	Local Control
Economic Development	Community
Transportation	Appropriations

Commissioner Pennel made a motion to approve the 2009 Legislative Priorities. Commissioner Herschend seconded the motion for discussion.

Commissioner Herschend expressed concerns of “increasing the amount of tax credits given by the Missouri Film Commission”, noting that it may indicate the county supporting a specific organization.

Motion died for lack of being seconded.

Commissioner Herschend made a motion to table to obtain clarification until next Monday’s meeting. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

## DAM-SITE SEWER

Commissioner Herschend informed the Commission the Dam-Site Sewer issue has been resolved during a meeting that was held last Thursday. He also noted that it was decided to move forward to champion the no annexation and to install a collector line for the ten (10) homes by using a low pressure pump station, 2 inch line underneath the road and an 8 inch bore.

Commissioner Herschend discussed the cost of the plan in the amount of \$85,000.00, but commented that there still needs to be an agreement drafted with the City of Branson.

## CRISIS CENTER FUNDING

Helen Souttee, County Treasurer, informed the Commission of an annual request, according to RSMo 455, for the Hiding Place Ministries and Women’s Crisis Center, Domestic Violence Shelters in Taney County, to apply for the funds available within the county.

Commissioner Herschend made a motion to approve the request as submitted by Treasurer Souttee. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## COMMISSIONER STRAHAN

Commissioner Strahan informed the Commission that Missouri Department of Conservation announced there is discussion about charging fees for deer permits for all property owners, which will affect up to 75,000 farmers/property owners; however this was not a permanent solution, but would welcome public comment for the next 30 days.

# **TANEY COUNTY COMMISSION RECORD**

Commissioner Strahan asked the Commission to respond to this by sending a support letter to voice concerns and discontent to the Department of Conservation. Commissioner Pennel suggested for a representative to come down and hold a public meeting.

## **STATE TAX COMMISSION LAWSUIT**

Counselor Paulson stated that the State Tax Commission case will be heard in Jefferson City, Missouri on Friday, November 7<sup>th</sup> and Monday, November 10<sup>th</sup>. Assessor Strahan noted his appreciation for the efforts of Counselor during this lawsuit.

## **EMERGENCY MANAGEMENT UPDATE**

Chris Berndt, Emergency Management Director, updated the Commission on a fuel spill located on Mt. Branson Drive and noted the Department of Natural Resources investigated and found that there was no hazards to the public.

## **COMMISSIONER PENNEL**

Commissioner Pennel stated that Bob Dixon, Recorder of Deeds, mentioned the amount of funding that goes towards Emergency Management for the county.

Mr. Berndt noted there are two (2) contracts between Taney County and the Western Fire District for the service of dispatch, which is routed through the Sheriff's Department, and being employed as the Fire Chief for the county.

Commission encouraged Mr. Berndt to approach his board and suggest them to send a letter to FEMA asking to be compensated for the time Mr. Berndt spent on county disasters.

## **RECESS**

Commissioner Pennel made a motion to recess until 1:00 p.m. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes were taken and typed by Nikki Lawrence.

## **RECONVENE 1:04 p.m.**

The County Commission reconvened in the Commission Office with all members present.

## **BOB PAULSON WORK SESSION**

Counselor Paulson met with the Commission to discuss legal issues as well as go over his weekly schedule. Counselor Paulson noted that other than going to the Sewer District Meeting he would be only working on the STC case that goes to trial on Friday.

## **FRANK PRESTON & TRESSA LUTTRELL WORK SESSION**

Frank Preston, Road Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Pleasant View: Commissioner Strahan noted that he had received a phone call regarding the fence issue. Commissioner Pennel commented that his opinion is that if one has to move their fence they all do unless they are grandfathered in.

Commissioner Herschend made a motion to require the fence to be moved and if rebuilt that it is off the county right-of-way. Commissioner Pennel seconded the motion.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend asked if the county was going to require this of everyone.

Commissioner Strahan noted that it would be any new fences. Commissioner Pennel asked what the county will do if someone comes in noting that we paid for this property to be surveyed, but not theirs. Commissioner Herschend pointed out that this was done because of a dispute between property owners. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

2. Transportation Board: Commissioner Strahan noted that he would like to see the Commission appoint another member to the Transportation Board, someone that would help get the meetings started and pointed out that he would recommend Buddy Roberts who currently sets on the SMACOG Transportation Board. Commissioner Herschend commented that he wasn't sure if the county had the bull by the horns. Commissioner Strahan added that there needs to be priorities set and to get organized.
3. Casey Road: Ms. Luttrell inquired as to the final payment to Herion Construction noting that she thought the final meeting had already been held. Mr. Preston noted that he has been unable to get the parties together for a final review and that a meeting would be held this week.
4. Cable TV: Ms. Luttrell presented a bill to the Commission for a year's payment of Dish Network from the recent changes to the Sheriff/Jail area. Ms. Luttrell added that the Sheriff had sent this bill down stating that he thought the Commission was going to take care of the first one.

Commissioner Herschend noted that the Commission was going to take care of the installation charges but that the actual cable charges would be the Sheriff's responsibility.

5. Joplin Humane Society: Ms. Luttrell presented the Commission with the proposed contract for the Joplin Humane Society. Commissioner Pennel suggested taking a look at all the municipalities' contracts before making a decision.
6. Journal Entries: Ms. Luttrell again presented journal entries for approval. Commissioner Strahan made a motion to approve the following journal entries:
  - Sheriff Department - \$1,511.60
  - Jail - \$2,460.63
  - Sewer Overlay - \$123,755.01
  - Shorty Cooper Road - \$1,704.40
  - Jailsite Fiber Optics - \$1,863.36
  - Transfer Station - \$1,059.00
  - Coon Creek - \$327.00
  - Jailsite/Shorty Cooper Road - \$9,489.44
  - Transfer Station/Repair - \$1,158.62
  - Sewer - \$428.00
  - Transfer Station - \$748.50
  - Sewer Dirt/Rock work various areas - \$7,890.07

All being work performed by the Sheriff's Department and Road & Bridge that need to be reimbursed back to their budget. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

7. Fence issue: The Commission agreed that Mr. Preston should write a press release regarding right of way issues to inform the public of procedures.
8. Acacia Club Washout: Mr. Preston presented the Commission with pictures of an area on Acacia Club where debris was washed up keeping a landowner from being able to get to their boat dock. Commissioner Strahan suggested calling Tablerock Asphalt for the "Gravel Gertie" but commented that this was an act of God not a county problem.

Commissioner Herschend added that if this is in the lake, does the Commission have control of the lake? Commissioner Strahan made a motion to table the issue and get more information. Mr. Preston commented that he had contacted both the Department of Conservation and the Corps of Engineers and got the run-around. They stated that they didn't have any

# TANEY COUNTY COMMISSION RECORD

jurisdiction on Taneycomo. Commissioner Strahan suggested contacting Jon Hiser. Commissioner Pennel asked if this problem came about because of the bridge wash out.

Mr. Preston commented that this area is upstream from where the bridge washed out and commented that he had taken Randy Haes, Road Coordinator out there and he was really surprised to see that much material there. This large amount of material is clearly in the way of getting a boat into the dock.

Commissioner Strahan made a motion to get more corrected information from the Corps of Engineers. Motion died for a lack of a second.

9. Chip Seal Machine Repair: Mr. Preston indicated that he had received a quote for getting the machine repaired by VanKeppel. After a brief discussion, Commissioner Herschend made a motion to strike any pricing quotes out of the minutes so that there is not an unfair advantage for bidders. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

10. Personnel Policy: Mr. Preston stated that Lynette Weatherford, Ms. Luttrell and he had worked on different areas of the recently approved personnel areas and do have a few changes.

- Outside Work: It was felt that the county has the right to know when individuals have outside employment and would like to put some language in the policy to protect the county.
- Uniforms: As soon as the uniform shirts were issued to employees, some immediately cut the sleeves off which now means we can not re-issue those to anyone. It was felt that stronger language needed to be addressed.

Commissioner Strahan commented that those employees who intentionally violate the policy should have a 1-3 day mandatory suspension.

**RECESS**  
4:08 p.m.



**NOVEMBER 04, 2008 17<sup>th</sup> DAY OF  
THE OCTOBER ADJOURN TERM**

The County Commission met at the Old Hollister Depot at 1:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding, and Ron Herschend, Western Commissioner, and the following proceedings were had and made a matter of record.

## **SEWER DISTRICT**

The County Commission attended the Taney County Regional Sewer District Meeting to hear updates regarding Bee Creek and Ozark Beach projects as well as Sales Tax Usage in Rockaway Beach and 2009 Sewer Projects for the City of Branson.

Minutes were typed by Nikki Lawrence.



**NOVEMBER 5, 2008 18<sup>th</sup> DAY OF  
THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 9:10 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

# TANEY COUNTY COMMISSION RECORD

## STC CASE TRAVEL EXPENSE

Commissioner Strahan made a motion to front \$500.00 for travel expenses on the STC Case for Counselor Paulson. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PRIOR MINUTES

Commissioner Pennel made a motion to table the minutes. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## 2009 BUDGET PREPARATION

The County Commission conducted some prep work on the proposed 2009 budget.

**RECESS**  
12:05 p.m.

**RECONVENE**  
12:50 p.m.

## DRAINAGE EASEMENT

Commissioner Pennel made a motion to accept the drainage easement as obtained by Randy Haes, Road Coordinator at the Barth Property on Wisconsin and Acacia Club Road. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Herschend entered the meeting at 1:07 p.m.

## JOHN SOUTEE WORK SESSION

John Soutee, Sewer Administrator met with the Commission to discuss various issues.

1. "Y" Highway Core Drilling: Mr. Soutee presented the Commission with an amendment to the Great River Engineering contract for the performance of drilling 100 holes on the "Y" Highway sewer project in an effort to get the bids more precise.

Commissioner Herschend noted that Mel Eakins with Great River Engineering had brought this issue up in yesterday's meeting stating that this would eliminate all proposed contractors each drilling on various properties.

Commissioner Strahan made a motion to perform the 100 drills for up to \$15,000 by amending the Great River Engineering contract. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Dam Site: Mr. Soutee gave a brief update on the Dam Site project noting that the City of Branson has again asked us to look at yet something else. This time they have requested us to look at a different type of pump, which has not been approved by DNR as yet.

Commissioner Herschend commented that he has a concern in that it has been 12 weeks and we have made a motion to move forward yet the City of Branson is yet again coming to us to look at something else.

Mr. Soutee stated that he knows that Great River is working on the agreement which will take weeks to get finalized, however it will all come down to whether DNR will approve the usage of those pumps. Commissioner Strahan added that he thought we were passed that as we have agreed on this already.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend stated that he would ask Mr. Soutee to contact Mr. Eakins and proceed with the design that has been approved.

3. Sales Tax Guidelines: Mr. Soutee noted that the Sewer Board will be having a work session on the sales tax guidelines as well as the ½ cent being used for the stabilization of sewer rates and operation.

Commissioner Herschend stated that he would be in support of broadening the definition of capital improvement but would caution towards operation labor and expenses.

## NUISANCE CASES

Commissioner Pennel made a motion to send the first letter on case #08-0036. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send the first letter on case #08-0073. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send the first letter on case #08-0072. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send the first letter on case #08-0063. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send the first letter on case #08-0069 (206 Amherst only). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## JOHN LAVENDER WORK SESSION

John Lavender, Maintenance Supervisor met with the Commission to discuss various issues.

1. Continued Employment: Mr. Lavender informed the Commission that he would need to be raised to \$20.00 an hour by 1/9/2009 in order to continue another year with employment; otherwise he would be retiring thus making more money. Mr. Lavender gave the Commission a week to think about the proposal.
2. Courthouse Security: Mr. Lavender informed the Commission that the courthouse had been left open noting that there was no communication but would be resolved.
3. Trees: Mr. Lavender noted that there are 30 trees that still need to be planted. They appear dead but should come back in the spring. Mr. Lavender requested that road & bridge come soon to get the trees in the ground.
4. Circle Driveway: Mr. Lavender informed the Commission that the circle driveway for the new Judicial Facility is 49 feet from curb to curb and the diameter to turn his truck is 53 feet.

Mr. Lavender also noted that the straight parking will be very tight, only 18 feet clearance when two vehicles are parked across from each other. The Commission spoke with Mike Smith, Construction Manager via speaker phone to discuss the issue.

5. Locks: Mr. Lavender noted that the rear lock to the jury assembly room had still not been fixed and would continue to keep on Walton to get the issue resolved. Mr. Lavender also added that the missing 81 locks will be installed today by his staff. Commissioner Strahan requested that any work Mr. Lavender's staff is conducting be noted for future documentation.

# TANEY COUNTY COMMISSION RECORD

6. Lightning Strike: Mr. Lavender noted that the last electrical storm knocked out some of the card readers. The Commission made Mr. Smith aware of the situation as well.
7. Upper Parking Lot: Mr. Lavender stated that the overhead poles at the parking garage are scheduled to be removed on Friday and added that the lot would be closed for a couple of days while driveway is being asphalted.
8. Snow & Ice Removal: Mr. Lavender noted that it would be a good idea to have a plan in place for the snow and ice removal for the parking lots, steep roads, driveways and the sidewalks. The Commission directed Mr. Lavender to coordinate that with Mr. Preston.

Commissioner Herschend left the meeting at 3:13 p.m.

## TRANSPORTATION BOARD

Commissioner Strahan made a motion to appoint Buddy Roberts to the Transportation Board. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## ANIMAL CONTROL CONTRACTS

Commissioner Strahan made a motion to revise the county's contracts with all municipalities. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Minutes were typed by Nikki Lawrence.



## NOVEMBER 7, 2008 19<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met at the Cole County Courthouse at 9:00 a.m. with Chuck Pennel, Presiding, and Ron Herschend, Western Commissioner, present and the following proceeding were had and made a matter of record.

## STATE TAX COMMISSION LAWSUIT

The Commission was present for the State Tax Commission Hearing, which was held at the Cole County Courthouse.

Minutes were typed by Nikki Lawrence.



## NOVEMBER 10, 2008 20<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the County Commission Hearing Room at 8:58 a.m. with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceedings were had and made a matter of record.

Prayer was led by Treasurer Souttee followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #306657-#306747 and manual warrants #4918-4919. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 10/8/08, 10/9/08 (amended), 10/10/08, 10/22/08, 10/23/08, 10/29/08 and 11/5/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## TRANSPORTATION BOARD APPOINTMENT

Commissioner Strahan announced Mr. Buddy Roberts was appointed to the Transportation Board last week.

Commissioner Herschend entered the meeting at 9:02 a.m.

## HANGAR CONTRACT

Counselor Paulson had reviewed the Contract, which was previously approved, and was awaiting signatures.

Commissioner Pennel made a motion to table Hangar Contract until this afternoon. Commissioner Pennel withdrew his motion.

## MONTHLY BUDGET REPORT

Auditor Findley submitted the Monthly Budget Report, which reads as follows:

EXPBYDEPT	TANEY COUNTY EXPENSES BY DEPARTMENT				October 31, 2008	
	2006 ACTUALS	2007 ACTUALS	2008 APPROVED	2008 ACTUALS	ACTUAL %	
	<b>EXPENSES</b>					
101????...	344,288.98	386,701.52	331,012.00	285,280.35	86%	
102-??-???	75,753.41	93,974.73	166,496.00	151,517.62	91%	
103-??-???	241,122.31	117,521.27	181,430.00	135,348.91	75%	
104-??-???	627,115.35	455,873.75	581,564.00	434,356.43	75%	
105-??-???	1,610,317.09	1,358,401.67	1,968,997.46	1,847,183.10	94%	
106-??-???	77,741.81	79,279.48	80,886.00	66,779.02	83%	
107-??-???	207,324.77	207,423.81	217,353.20	174,075.16	80%	
108-??-???	244,360.09	260,377.87	317,390.40	232,414.44	73%	
109-??-???	1,361.12	1,478.94	2,112.00	731.67	35%	
110-??-???	35,486.73	34,898.37	34,350.00	30,713.07	89%	
111-??-???	23,153.31	20,012.99	37,000.00	19,948.27	54%	
112-??-???	35,947.74	31,017.43	55,548.16	45,804.46	82%	
113-??-???	81,924.00	83,947.12	90,315.60	76,556.75	85%	
114-??-???	3,974,891.29	14,161,477.51	18,317,427.68	7,112,117.20	39%	
115-??-???	160,324.72	165,561.59	180,577.00	143,788.91	80%	
116-??-???	26,000.74	28,698.81	30,920.40	22,878.59	74%	
117-??-???	1,918,158.02	1,994,793.36	2,361,346.00	1,995,767.57	85%	
118-??-???	1,015,321.73	1,127,434.60	1,567,704.00	1,237,360.24	79%	
119-??-???	547,615.11	561,581.49	609,557.64	531,316.49	87%	
120-??-???	114,178.37	118,379.58	126,542.18	105,181.33	83%	
121-??-???	43,870.50	53,800.04	48,262.00	32,396.11	67%	
124-??-???	112,800.00	1,520,007.79	2,115,357.97	1,462,479.14	69%	
125-??-???	20,448.19	23,580.76	36,950.00	19,546.05	53%	
126-??-???	28,926.28	24,073.53	36,000.00	25,525.59	71%	
127-??-???	38,909.58	42,382.91	66,200.00	11,263.40	17%	
130-??-???	247,108.12	274,472.75	262,793.40	199,030.91	76%	
133-??-???	46,234.88	46,426.06	49,498.00	36,797.03	74%	
134-??-???	287,972.66	333,532.43	333,381.70	308,411.80	93%	
135-??-???	239,293.77	305,104.41	375,792.98	293,664.47	78%	
136-??-???	79,242.96	148,296.38	131,400.00	140,802.90	107%	
137-??-???	151,575.36	69,605.62	235,145.00	102,543.99	44%	
140-??-???	796,140.84	778,864.91	1,661,717.60	825,880.68	50%	
	<b>TOTAL</b>	<b>13,454,909.83</b>	<b>24,908,983.28</b>	<b>32,611,028.37</b>	<b>18,107,461.65</b>	<b>56%</b>
101-30-000	GCR BEGINNING BALANCE	14,012,380.91	16,017,775.03	(18,628,344.77)	18,628,344.77	-100%
1018???	GCR TOTAL REVENUES	15,619,205.45	27,519,553.02	15,178,598.95	13,372,866.52	88%
	GCR TOTAL EXPENDITURES	13,454,909.83	24,908,983.28	32,611,028.37	18,107,461.65	56%

# TANEY COUNTY COMMISSION RECORD

FUNDBALANCE 10/31/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL
<b>GENERAL COUNTY REVENUE</b>		
BEGINNING BALANCE	\$0.00	\$18,628,344.77
REVENUES	1,388,583.63	13,372,866.52
	-	-
TOTAL REVENUES GCR	1,388,583.63	32,001,211.29
	-	-
TOTAL GCR EXPENDITURES	1,818,324.54	18,107,461.65
	=	=
TOTAL GCR FUND BALANCE	(429,740.91)	13,893,749.64
<b>ROAD &amp; BRIDGE</b>		
BEGINNING BALANCE	0.00	7,004,998.91
REVENUES	106,787.87	1,199,651.93
	-	-
TOTAL RB REVENUES	106,787.87	8,204,650.84
	-	-
EXPENDITURES	752,733.57	5,335,777.31
	=	=
TOTAL RB FUND BALANCE	(645,945.70)	2,868,873.53
<b>ROAD &amp; BRIDGE TRUST</b>		
BEGINNING BALANCE	0.00	3,693,493.95
REVENUES	803,215.41	6,344,638.42
	-	-
TOTAL RBT REVENUES	803,215.41	10,038,132.37
	-	-
EXPENDITURES	571,969.06	7,130,848.46
	=	=
TOTAL RBT FUND BALANCE	231,246.35	2,907,283.91
<b>ASSESSMENT FUND</b>		
BEGINNING BALANCE	0.00	3,099.75
REVENUES	63,482.72	525,672.22
	-	-
TOTAL AF REVENUES	63,482.72	528,771.97
	-	-
EXPENDITURES	64,010.13	528,953.96
	=	=
TOTAL ASSEMENT FUND BALANCE	(527.41)	(181.99)
<b>ELECTION FUND</b>		

# TANEY COUNTY COMMISSION RECORD

BEGINNING BALANCE	0.00	31,698.41
REVENUES	123.27	12,574.62
	-	-
TOTAL ELECTION REVENUES	123.27	44,273.03
	-	-
EXPENDITURES	628.41	13,174.84
	=	=
TOTAL ELECTION FUND BALANCE	(505.14)	31,098.19

TRANSFER STATION FUND		
BEGINNING BALANCE	0.00	747,493.99
REVENUES	125,146.22	980,294.57
	-	-
TOTAL TS REVENUES	125,146.22	1,727,788.56
	-	-
EXPENDITURES	134,608.24	987,448.69
	=	=
TOTAL TS FUND BALANCE	(9,462.02)	740,339.87

FUNDBALANCE 10/31/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL

LEPC FUND		
BEGINNING BALANCE	\$0.00	\$11,839.45
REVENUES	31.20	1,992.27
	-	-
TOTAL LEPC REVENUES	31.20	13,831.72
	-	-
EXPENDITURES	0.00	4,731.31
	=	=
TOTAL LEPC FUND BALANCE	31.20	9,100.41

LAW ENFORCEMENT TRAINING FUND		
BEGINNING BALANCE	0.00	3,608.14
REVENUES	364.62	4,131.73
	-	-
TOTAL LET REVENUES	364.62	7,739.87
	-	-
EXPENDITURES	72.78	5,232.71
	=	=
TOTAL LET FUND BALANCE	291.84	2,507.16

PROSECUTING ATTORNEY TRAINING FUND		
BEGINNING BALANCE	0.00	6,364.77
REVENUES	114.58	1,252.34
	-	-
TOTAL PAT REVENUES	114.58	7,617.11
	-	-
EXPENDITURES	142.37	1,409.88
	=	=
TOTAL PAT FUND BALANCE	(27.79)	6,207.23

COUNTY INSURED FUND		
BEGINNING BALANCE	0.00	96,313.14
REVENUES	304.79	3,467.64
	-	-
TOTAL COUNTY INSURED REVENUES	304.79	99,780.78
	-	-

# TANEY COUNTY COMMISSION RECORD

EXPENDITURES	9,830.84		67,172.59
	=	=	
TOTAL COUNTY INSURED FUND BALANCE	(9,526.05)		32,608.19
911 FUND			
BEGINNING BALANCE	0.00		1,099,556.88
REVENUES	44,427.66		460,040.10
	-	-	
TOTAL 911 REVENUES	44,427.66		1,559,596.98
	-	-	
EXPENDITURES	11,411.89		656,083.53
	=	=	
TOTAL 911 FUND BALANCE	33,015.77		903,513.45

USE TAX

FUNDBALANCE  
10/31/08

TANEY COUNTY  
BUDGET  
FUND BALANCES

	PERIOD TO DATE		YEAR TO DATE
	ACTUAL	ACTUAL	ACTUAL
SEWER FUND			
BEGINNING BALANCE	\$0.00		\$23,082,218.45
REVENUES	769,943.36		11,288,901.37
	-	-	
TOTAL SEWER REVENUES	769,943.36		34,371,119.82
	-	-	
EXPENDITURES	153,449.24		6,607,317.88
	=	=	
TOTAL SEWER FUND BALANCE	616,494.12		27,763,801.94

SEWER DESIGNATED FUND  
EXPENDITURES

	=		=
TOTAL ALL SEWER FUNDS	616,494.12		27,763,801.94
	=		=

SHERIFF CIVIL FUND			
BEGINNING BALANCE	0.00		97,171.17
REVENUES	469.05		61,178.44
	-	-	
TOTAL SHERIFF CIVIL REVENUES	469.05		158,349.61
	-	-	
EXPENDITURES	4,872.22		26,437.76
	=	=	
TOTAL SHERIFF CIVIL FUND BALANCE	(4,403.17)		131,911.85

TAX MAINTENANCE FUND			
BEGINNING BALANCE	0.00		111,445.25
REVENUES	2,920.74		94,835.58
	-	-	
TOTAL MAINTENANCE FUND REVENUES	2,920.74		206,280.83
	-	-	
EXPENDITURES	80.00		89,975.59
	=	=	
TOTAL MAINTENANCE FUND BALANCE	2,840.74		116,305.24

# TANEY COUNTY COMMISSION RECORD

## CLERK NEELEY

Clerk Neeley informed the Commission that she requested office personnel to post on the agenda Forestry Tax for tomorrow morning at 9:00 a.m. Commissioner Herschend indicated it was Veteran's Day and the courthouse would be closed. Clerk Neeley stated she arranged this issue to be handled via conference call.

Commissioner Herschend requested Clerk Neeley to have the meeting in the courthouse, if she needed a motion for Tuesday, November 11<sup>th</sup>, so the public would have an opportunity to attend if they chose. Clerk Neeley noted that she would come in to her office for the call.

## TAX SALES SURPLUS

Collector Wyatt stated she was turning over the Tax Sales Surplus to the County Treasurer, as required by RSMo 140.230 and noted that the original surplus was \$95,989.43.

Commissioner Pennel made a motion to accept the surplus statement from the Collector. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PAYMENT DROP BOX

Collector Wyatt requested to purchase a payment drop box be placed outside of her office.

Commissioner Herschend asked for Collector Wyatt to speak with all vendors and give the Commission an update at that point. The Commission concurred.

## PARKING LOT CONCERNS

Collector Wyatt voiced concerns of the new parking lot located between the Courthouse and the Judicial Facility. She informed the Commission that she had already received complaints/comments on the issue.

Collector Wyatt requested that street parking be left for the public and that the employees use designated lots and further asked the Commission to support her in her efforts.

Collector Wyatt also questioned if the amount of spaces in the parking lot could be increased. Commissioner Strahan noted that there has been a design flaw in the parking lot, but that it is in the re-design phase and that there will be a curb pulled out to widen the lot, but unsure of how many additional spaces it will provide.

Commissioner Pennel commented he could only make available alternative parking, such as the parking structure, but could not require employees to utilize it. He also noted that by freeing up the parking on the street for the public, shows courtesy to the taxpayers.

## RECESS 9:40 a.m.

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

Minutes taken and typed by Nikki Lawrence.

## RECONVENE 1:04 p.m.

## BOB PAULSON WORK SESSION

# **TANEY COUNTY COMMISSION RECORD**

Counselor Paulson gave the Commission an update on legal issues, specifically a water runoff release on Meadow Ridge Road, a dog bite case as well as an STC update. Commissioner Pennel stated that he would like for Counsel to talk about the nuisance cases in the Wednesday morning meeting. Counselor Paulson updated his calendar as well.

## **SHORTY COOPER STREET**

Mel Eakins and Spencer Jones from Great River Engineering met with the Commission to discuss the routing of the new Shorty Cooper Street. A new design that would line up with Allaman Street and remove a portion of an apparent second entrance to the jail.

Commissioner Herschend made a motion to approve the changes but to leave as much of the second entrance for access to the side door for loading and unloading trucks. Commissioner Strahan stated that he would like to see it staked for a visual and noted that if it was only a 15-20,000 it would be a good investment.

## **COUNTY ENGINEER**

Frank Preston, Road Administrator commented that it was common practice to have one firm that would handle all the counties engineering. Mr. Jones noted that Great River Engineering had never formalized an agreement noting that they were the county's engineering firm. Commissioner Pennel asked what the county would do if they wanted to go out to other firms for a bid. Mr. Eakins commented that the agreement would not be an exclusive contract.

Commissioner Herschend asked then why not continue as is, what the benefit for the county is. Mr. Eakins commented that it didn't matter to Great River, just thought it might answer questions as to why the county is using Great River. Commissioner Strahan added that the county is satisfied with Great River but still likes to test the market.

## **JAIL ANNEX – REMODEL**

Planning & Zoning and Sewer District members presented the Commission with a proposed layout for the remodeling of the Jail Annex. After a brief discussion, the Commission agreed to send the layout for bid.

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(3)(12). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes taken.

## **FRANK PRESTON & TRESSA LUTTRELL WORK SESSION**

Frank Preston, Road Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Sick Leave Memo: Mr. Preston informed the Commission that a memo will be sent to the road employees regarding the misuse of sick leave.
2. Acacia Club Bridge: Mr. Preston presented pictures of the finished Acacia Club Bridge but had some concern about the drop off and stated that he would like to put up a fence so pedestrians as well as vehicles would have some sort of protection.
3. Casey Road: Mr. Preston commented that Mr. Wyatt has asked for some additional items that were not on the approved list and wanted to know how the Commission felt. Commissioner Strahan mentioned that they should stick with the original plan.
4. Regions Bank: Ms. Luttrell informed the Commission that she had received a letter from Regions Bank noting that since the county voted to use county funds rather than the banks, they are requesting reimbursement for legal fees that they incurred.

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion that Counsel should write a letter to Regions noting the only reason the county denied their funding was that they changed the terms of the bid after the fact. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
4:09 p.m.



## **NOVEMBER 11, 2008 21<sup>st</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met via the telephone at 10:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Ron Herschend, Western Commissioner and the following proceedings were had and made a matter of record.

### **FORESTRY TAX**

Commissioner Pennel made a motion to approve setting 16% of the monies received from The National Forest Receipts. Commissioner Herschend seconded the motion and added that this is something that is done every year for the citizens of Taney County. The motion passed.

Minutes were taken by Donna Neeley and typed by Nikki Lawrence.



## **NOVEMBER 12, 2008 22<sup>ND</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 9:08 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### **PAYROLL**

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

General County Revenue #105098 through #105118

Road & Bridge #105071 through #105091

Assessment Fund #105092 through #105093

Transfer Station #105094 through #105096

911 Administration #105097

Accounts Payable warrants #306759 through #306774, manual warrants #4920, #4921

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

### **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021.3 Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion to allow Carol Williams to carry over 80 hours of vacation to 2009. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Clerk Neeley further informed the Commission that Ms. Williams has banked 160 hours of compensatory time and would be scheduling that time in December rather than being paid. The Commission concurred.

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## RECESS

9:36 a.m.



## NOVEMBER 13, 2008 23<sup>RD</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 2:05 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### SEPTAGON MONTHLY UPDATE

Mike Smith with Septagon Construction noted that PR#61 was issued by HMN on 9/26/08 requesting pricing to modify the granite steps and landing to make them more slip resistant. Options with related costs were sent by HMN to the Commission. Septagon contacted Walton Construction and asked for Walton to verify that the coefficient of friction of the granite surface meets the written specifications. Walton did not provide the information so Septagon contacted Palmerton & Parrish to schedule the test. Mr. Smith noted that the test results did not meet the .6 minimum value as specified, it was only .48.

Mr. Smith further noted that Palmerton recommended that a sample be provided for testing in order to meet the minimum requirements. Commissioner Herschend made a motion to go with the bush hammering and to ask Walton to fix the problem. Commissioner Pennel asked if he meant to pay for it. Commissioner Herschend noted yes, Walton didn't meet the technical specifications. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Mr. Smith noted that HMN had contacted Johnson Burkholder to design a footing for the precast concrete sign to be placed near Highway 160, however the design for the footing came back extensive and the engineer suggested that it would probably be much less expensive to use a cast-in-place wall.

Commissioner Herschend made a motion to ask Septagon to approach Sharp Signs to design at a not to exceed rate of \$4,000.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Mr. Smith noted that a revised proposal had been received requesting a total of \$6,376.00 for the addition of an indicator light and alarm in dispatch for the generator as requested by the Fire Chief. This amount is hire due to the building now being occupied thus the power not being able to be shut off.

Commissioner Pennel made a motion to approve the additional costs. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to ask Septagon to issue a purchase order for the necessary equipment converting doors J1001A and J1001B from manual sliding doors to

# TANEY COUNTY COMMISSION RECORD

motorized sliding doors. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).



## NOVEMBER 14, 2008 24<sup>TH</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 8:14 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### 2009 BUDGET

The County Commission began the preparation of the 2009 budget.

**RECESS**  
12:25 p.m.

**RECONVENE**  
1:27 p.m.

### 2009 BUDGET

The County Commission began the preparation of the 2009 budget.

### EXECUTIVE SESSION

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.



## NOVEMBER 17, 2008 25<sup>TH</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the County Commission Hearing Room at 9:03 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Strahan made a motion to accounts payable warrants #306748-#306758, #306775-#306841 and manual warrant #4922. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 10/27/08, 10/30/08, 10/31/08, 11/3/08, 11/4/08, 11/7/08 and 11/11/08 with noted corrections. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## WHITE TAIL CROSSING ROAD PETITION

Commissioner Pennel read road review into the record, which is as follows:

Located in Whitetail Crossing Sub-Division > Section 19, Township 24N, Range 21W  
Gabby Lane is a through road that runs from Jack Hollow to Stone Creek. The surface is in poor condition with sub-grade failure for more than sixty percent of the roadway. Ditch-line on the north side should be cleaned and shaped, especially at the intersection of Stone Creek. This road should be scarified and sub grade material added for stability and road properly crowned. This road also has a steep grade and I would suggest a surface of hot mix overlay rather than chip seal. Cost to the county is taken into the system would be approximately \$5,000.00-\$10,000.00 for material. It would be recommended a class V if taken into the county road system.

Located in Whitetail Crossing Sub-Division > Section 19, Township 24N, Range 21 W  
Ridge Wood Lane is a through road that runs from Jacks Hollow to Stone Creek. The surface is in fair condition except at the intersection with Stone Creek. The failure may be due to the steep grade. The roadway needs to be widened to a twenty foot surface and repaired at the Stone Creek Intersection. It would be recommended to lay a hot mix surface rather than a chip and seal as this road has a steep grade similar to Gabby Lane and a class V if taken into the county system.

Located in Whitetail Crossing Sub-Division > Section 19, Township 24N, Range 21W  
Stone Creek Road is a through road that runs from Gabby Lane to Rock Point Drive the surface is in poor condition from Rock Point Drive to Ridge Wood Lane and from Ridge Wood Lane to Gabby Lane the surface is fair by narrow. This roadway should be widened and sub-grade material added for stability. Drainage at the intersections of Ridge Wood Lane and at Gabby Lane should be reshaped. The roadway between Gabby Lane and Ridge Wood Lane should have a guardrail on the lower side of the roadway. Cost to the county for improvement, if taken into the county system would be \$20,000.00-\$25,000.00 and a class V.

Frank Preston, Road & Bridge Administrator, showed a video of the roads that were being petitioned for the county to take into the county maintenance system. He noted that the remaining portion of Gabby Lane and all of Stone Creek Road and Ridge Wood Lane were all in poor condition.

Commissioner Pennel commented that according to the petition there were only a couple of homes on the roads. Mr. Preston stated that there were five (5) homes on the series of roads.

Commissioner Herschend made a motion to deny White Tail Crossing Road Petition at this time, as he has concerns that the responsibility of the roads lie with the developer and/or the homeowners association and that the roads would need to be brought up to county standards.

Commissioner Strahan commented that a portion of Gabby Lane has been working on by the county and would like to see the remaining portion taken in the county maintenance system.

Motion died for lack of a second.

Commissioner Strahan made a motion to take in the remaining portion of Gabby Lane.

Motion died for lack of a second.

Commissioner Pennel made a motion to table until the Commission could view Gabby Lane. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

## PAGING SYSTEM FOR PROSECUTOR'S OFFICE

Gary Morgan, IS Administrator, noted the Prosecutor's Office had researched purchasing a paging system, as their new office is much larger than their old one. He also stated the paging system would be cabled through the current/existing telephone system and Century Tel bid this project at \$1,970.60.

A general discussion ensued referencing the placement of the speakers as it would be necessary and not a hindrance for all office personnel.

## **TANEY COUNTY COMMISSION RECORD**

Commissioner Herschend made a motion to table until the Commission could go to the Prosecutor's Office to look at the set-up and decide what is necessary for their office.

Mr. Morgan noted that Century Tel's bid would be current for 30 days. Commissioner Pennel noted being in favor of the purchase, as he can see the need in their office layout. Tammy Hagler, 911 Administrator, stated she had researched other alternatives and the end result always came back to a paging system.

Commissioner Herschend asked about purchasing a repeater. Ms. Hagler noted it was one of the alternatives she had researched, but found there could only be a maximum of 6 phone lines attached.

Commissioner Strahan stated he was in favor of doing something different, like purchasing a paging system, but wanted to research all options before a decision was made.

Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Mr. Morgan was instructed by the Commission to get in touch with Alltel to get a quote on purchasing a repeater.

### **2009 LEGISLATIVE PARTNERSHIP**

Commissioner Pennel made a motion to support the 2009 Legislative Priorities, which were assembled by the Branson Lakes Legislative Area Partnership. Commissioners Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **FRANK PRESTON ROADS UPDATE**

Mr. Preston noted that Shorty Cooper had been flagged for re-alignment and there has been a meeting scheduled this afternoon to discuss additional details on the project.

### **CERF**

Clerk Neeley presented an annual CERF document to the Commission for their signatures.

Commissioner Strahan made a motion to approve 4% of employee salaries to go towards CERF, which is the same as it has been in the past. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **STATE TAX COMMISSION SETTLEMENT**

Commissioner Herschend questioned Counselor Paulson on the status of the Settlement Agreement. Mr. Paulson noted that he is anxiously awaiting an answer from Mr. Randy Turley, representative for the State Tax Commission of Missouri.

### **RECESS 9:46 a.m.**

Minutes were taken and typed by Nikki Lawrence.

### **RECONVENE 1:14 p.m.**

### **SHORTY COOPER STREET**

Spencer Jones with Great River Engineering met with the Commission to discuss the recent changes to Shorty Cooper Street. Commissioner Herschend asked Mayor Oliphant to take a look at the staking at the site to make sure they are to the City's liking.

# TANEY COUNTY COMMISSION RECORD

## BUENA VISTA ENTRANCE ROAD

Mr. Jones updated the Commission on the status of the entrance for Buena Vista for the Mountain. Mr. Jones noted that some major considerations for the design was because of a portable transformer that would be stored at the Mountain location as well as a substation for White River Valley Electric Company.

Commissioner Herschend asked what the estimated cost would be. Mr. Jones stated that he hadn't ran the numbers as yet as this was just a concept and added that there were some things that needed to be resolved: 1) the Mountain needs to develop a plan of how this would be accessed internally 2) bring that plan to the county for review and 3) the county should determine if this road is adequate for the types of vehicles running on that location.

Commissioner Herschend commented that he didn't stop this work as he was here when this Commission approved 6 years ago to build an access road and added that he got excited when there is 20-40 jobs brought to the county with salaries of 60,000. If the Commission is saying that we are not going to spend any money then I have led them astray. Commissioner Pennel indicated that his understanding was that Jack Henry was coming no matter what. Commissioner Herschend noted that they are there in a small way, however without power it won't happen.

Commissioner Strahan asked why the power company hasn't come to the Commission with their needs which is a concern of his. Commissioner Herschend noted that the Commission voted when it was on the curb and the IDA voted unanimously. Now is the first time I have heard that we wouldn't be supporting the project. Commissioner Herschend reiterated that the Commission went to the IDA with a project and voted and asked that the Mountain, the power company and the Commission get together.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Forsyth Walking Trail: Mr. Preston asked if the Commission was aware that the contract with the City of Forsyth included that the City would pay Taney County \$25,000.00 for signage and traffic control.

Spencer Jones from Great River Engineering noted that the City was going to let the project die if the County didn't step up and added that it was going to cost the City the \$25,000.00 whether they did the project or not as the \$25,000.00 would have to be repaid. We are at the point of finalizing the project. Mr. Jones added that the City was to supply the park benches, trash cans etc., however the County did that and was reimbursed for those expenditures.

Commissioner Strahan noted that he remembered someone stating that the County had \$60,000.00 out of pocket expenses on this project, if there is an agreement noting the City is to pay us, I would like to have that money. Commissioner Strahan added that the City has reaped the benefits from all the County's generosity several times. Commissioner Herschend stated that he thought the contract stated if the County didn't spend the money that we wouldn't be reimbursed. Mr. Jones commented that he was at the meeting with the City and the intent was for the City to pay the County \$25,000.00 as they were going to have to pay that amount back and drop the project.

Commissioner Herschend made a motion for a letter to the City requesting the reimbursement of \$25,000.00 as spelled out in the contract. Commissioner Strahan asked Mr. Jones to provide the letter. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Road Standards: The final draft of the Road Standards was presented to the Commission with various areas discussed for clarification. Mr. Preston noted that the suggested changes would be made and a final copy given to the Commission for approval.

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan requested that the Commission be given a week to do the final review.

3. Justin Gage project: Mr. Preston informed the Commission that he had been invited to a meeting along with Auditor Findley regarding the East/West Corridor and Event Center. Mr. Preston noted that Mr. Gage had handed out a copy of a speech he would start giving to the public which reflects that the County would be giving \$500,000 out of GCR and R&B and supplement with a 1/8 cent sales tax for 15 years.

Ms. Luttrell asked where the million dollars would be coming from with our current budget the way it is. Commissioner Herschend stated that it wasn't there. Ms. Luttrell added that Mr. Gage is going to go to the public stating that the County is going to contribute. Mr. Preston stated that he wasn't comfortable with what Mr. Gage had stated. Ms. Luttrell inquired as to what our Auditor had to say about it. Mr. Preston commented that he was for the concept but that there were three gentlemen that would have to approve that theory.

Commissioner Herschend asked what the Commission should do when they here that a commitment is being made without our approval. Commissioner Pennel noted that Mr. Gage has not set down with the Commission yet. Commissioner Herschend pointed out that Mr. Gage has shared it with a representative of the County; the public doesn't know that he hasn't spoken with the Commission. Commissioner Pennel asked what the Commission thought about inviting Mr. Gage to a Commission meeting and asked Mr. Preston to set it up.

## RECESS

4:19 p.m.



### NOVEMBER 18, 2008 26<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the County Commission Hearing Room at 11:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Ron Herschend, Western Commissioner, present and the following proceeding were had and made a matter of record.

#### HOLIDAY HILLS BID OPENING

The Commission attended a bid opening meeting to discuss the Holiday Hills project.

Minutes were typed by Nikki Lawrence.



### NOVEMBER 19, 2008 27<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 8:30 a.m. pursuant to adjourn with Chuck Pennel, Presiding Commissioner and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

#### STEPHANIE MUNDELL ANIMAL CONTROL UPDATE

Stephanie Mundell, Office Manager for Animal Control met with the Commission to discuss various issues with Animal Control.

# **TANEY COUNTY COMMISSION RECORD**

## **VICKI RICE INSURANCE RENEWAL**

Vicki Rice with Akers & Arney presented the Commission with the bids for the Taney County Health Insurance.

Commissioner Herschend entered the meeting at 9:46 a.m.

Commissioner Herschend made a motion to renew the County's insurance through Cox as presented. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS**

## **RECONVENE**

The County Commission reconvened at 1:20 p.m. with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present.

## **JOHN SOUTEE SEWER DISTRICT UPDATE**

John Soutee, Sewer District Administrator met with the Commission to give an update on various sewer issues and projects.

1. Holiday Hills and Ozark Beach bids: Mr. Soutee stated that the bids had been opened and are currently being reviewed by Mel Eakins with Great River Engineering.
2. Spring Hills South and Dam Site: Mr. Soutee noted that Mr. Eakins is currently working on the agreements for both areas.

Mr. Soutee noted that Don Squire had contacted him regarding a recent phone call from the Attorney Generals office and requested that I tell them that he was ok. Mr. Soutee added that he directed Mr. Squire to Tom Motley the Attorney for the LLC. Commissioner Pennel inquired about the lift station. Mr. Soutee noted that the pump station would work on the 10 homes adding that John Hooker had located information on a central pump that he sent to Mel for review.

Commissioner Pennel added that he didn't vote for this issue as he felt the Commission needed to spend more time on the issue. Commissioner Herschend stated that this was a simple issue, to take in 10 homes to a project with a 200,000 gallon pump station, we have to do something. Commissioner Pennel noted that he wasn't saying not to do the project but to look in the future 2, 5 maybe 10 years. Commissioner Herschend stated that we have a short term need and we voted to fix the problem, I just don't see spending that kind of money.

3. Kirbyville: Mr. Soutee noted that the board gave Mr. Eakins direction to see if Kirbyville could relinquish their sales tax back to the county and the county build their sewer. Commissioner Herschend asked why they hadn't built their sewer yet. Mr. Soutee noted that they didn't have the funds.

## **NUISANCE CASES**

Commissioner Pennel made a motion to approve the 1<sup>st</sup> letter on case #08-0076. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Pennel made a motion to approve the 1<sup>st</sup> letter on case #08-0003. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve the 2<sup>nd</sup> letter on cases #04-392 and #08-0017. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion for Counselor Paulson to continue with court proceedings contingent upon Mr. Crawford making another view of the property on case #04-398. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to send case #04-396 to Counsel for court proceedings. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend requested that Mr. Crawford give the Commission a monthly update on the cases that have been given to Counsel.

Commissioner Pennel made a motion to send case #08-0012 to Counsel for court proceedings contingent upon Mr. Crawford making another view of the property. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **EDDIE COXIE PLANNING UPDATE**

Eddie Coxie, Planning & Zoning Administrator met with the Commission to give an update on Planning issues. Mr. Coxie noted that the requirement for storm water plans were already in the code, however, the county had not been enforcing that area. Commissioner Pennel made a motion that the Planning staff start requesting storm water plans on all projects. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

It should be noted that no motions were made and no votes taken.



## **NOVEMBER 20, 2008 28<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met at Hollister Town Hall at 2:30 p.m. with all members present and the following proceeding were had and made a matter of record.

## **PARTNERS FOR PROGRESS**

The Commission attended the monthly Partners For Progress meeting to discuss transportation issues in Taney County.

Minutes were typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD



## NOVEMBER 26, 2008 29<sup>th</sup> DAY OF THE OCTBER ADJOURN TERM

The County Commission met in the Commission Conference Room at 9:22 a.m. pursuant to adjourn with all members present and the following proceeding were had and made a matter of record.

### ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #306844 – 306901, #306903 – 306997, excluding #306902, HMN Architects, and manual warrants #4924 – 4926. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

There are no prior minutes currently available for approval.

### PAYROLL

Commissioner Pennel made a motion to approve the following payroll warrants:

General County Revenue #105119 through #105120, #105149 through #105169

Road & Bridge #105122 through #105142

Assessment Fund #105121, #105143 through #105144

Transfer Station #105145 through #105147

911 Administration #105148

Accounts Payable warrants #307165 through #307182, manual warrants #4927 and #4928.

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

### 2009 BUDGET GARY MORGAN – INFORMATION SYSTEMS

Gary Morgan, Information Systems Administrator, came before the Commission to discuss his 2009 budget.

**RECESS**  
**10:33 a.m.**

**RECONVENE**  
**10:38 a.m.**

### 2009 BUDGET EDDIE COXIE – PLANNING & ZONING

Eddie Coxie, Planning & Zoning Administrator, came before the Commission to discuss his 2009 budget.

### 2009 BUDGET JOHN SOUTEE – SEWER DISTRICT

John Soutee, Sewer District's Administrator, came before the Commission to discuss his 2009 budget.

# TANEY COUNTY COMMISSION RECORD

It should be noted that Commissioner Pennel left the meeting.

## COMMISSIONER PENNEL

Ms. Angie Edwards, Deputy Clerk, swore in Commissioner Strahan as temporary Presiding Commissioner for the duration of Commissioner Pennel's absence pursuant to RSMo.

It should be noted that Commissioner Herschend left the meeting at 11:45 a.m. and the quorum was lost. Commissioner Herschend returned to the meeting at 11:46 a.m. and the quorum was re-established.

**RECESS**  
**11:57 a.m.**

Minutes were taken by Angie Edwards and typed by Nikki Lawrence.



## DECEMBER 1, 2008 30<sup>TH</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Hearing Room at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Helen Souttee followed by the pledge.

## ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #306998 through #307164, #307183 through #307247. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## BLACKBERRY DRIVE ROAD PETITION

The County Commission took up the petition to establish Blackberry Drive as a county road. Commissioner Herschend stated that he was concerned that the county is taking in roads that need to be rebuilt and that are smaller than normal. Commissioner Herschend added that he has struggled for the last 8 years to be responsive and not build roads for subdivisions.

Commissioner Pennel read the petition into record as "Blackberry Drive a dead end residential aggregate road Section 12, Township 22, Range 22." The comments of the reviewer noted this roadway is in fair to poor condition. The roadway needs widen and ditched on the south side of the road. There is only one cross culvert and it will need replaced. The road will need aggregate added and a turnaround established. I have talked to one of the homeowners, who initiated the petition and he is talking to neighbors to make a turnaround possible. Some of the right of way will need clearing and a railroad tie retaining wall will need removed. The entrances on the south side of the road will need culverts installed when ditch line is excavated. I would estimate the improvements to cost approximately \$15,000 to \$20,000. I would recommend a class V if taken into the county system.

Commissioner Pennel made a motion to table until the Commission has the opportunity to visit with the petitioner. Commissioner Herschend mentioned that we should check where the highline poles are and see who owns that property. Commissioner Herschend seconded the motion and added that they should probably check with the Sewer Administrator as well. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# **TANEY COUNTY COMMISSION RECORD**

## **BEAR ROAD ROAD PETITION**

The County Commission took up the petition to establish Bear Road as a county road. Commissioner Pennel read the petition into record as "Section 15 Township 23 Range 21 named road is Bear Road." Commissioner Herschend read the following comments of the reviewer: This road is a through road that serves eight homes at present and one archery business. The road has 1,200' that is chip seal and the rest is base rock surface. There is some ditch work that needs to be done and along with some minor ditch cleaning. The main entrance on the east end needs concrete removed from the ditch line on the flow out side of culvert. There are two water valves in the road surface next to the shoulder that needs to be cut down to surface elevation and concrete around the lids to stabilize. A ditch line on the west end of the road needs to be cleaned and shaped. One driveway needs ditch work to prevent washing when the water gets to the roadway. The hills on both sides of the hollow have grades that range from 15-22 percent. The base rock section of this road should be chip sealed, especially on the hills to prevent wash boarding and help with traction. I have met with the developer when I reviewed this road and he said most or all of the drainage issues and water valves that I listed would be taken care of before December 1<sup>st</sup>. I would recommend a class V if taken into the county system.

Commissioner Herschend asked if there was an estimated cost for taking in the road. Randy Haes, Road Coordinator noted that he had not estimated the costs as yet. Commissioner Strahan made a motion to accept the road contingent upon Jack Harris, Developer chip and sealing this road in the spring of 2009. Commissioner Pennel seconded the motion.

Commissioner Pennel pointed out that in asking Mr. Harris to do this is consistent with other roads that have been taken in by the county. Commissioner Herschend asked that the Commission consider taking the road in now and asking Mr. Harris to reimburse the county for the chip seal because by next year there could be other issues arise and added that Mr. Harris has done everything the county has asked him to do. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

## **CLEO BOARD MEMBER**

Commissioner Pennel informed the Commission that he was notified that the Commission would need to appoint a member to the CLEO board and added that Pat Shea had been recommended.

Commissioner Herschend asked what the role of a CLEO member was. Commissioner Pennel noted that he was not sure. Commissioner Strahan made a motion to table the appointment until the Commission could obtain references on Mr. Shea. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **LATE FEE PROPERTY TAX REQUEST**

Cindy Hemenway from the County Clerk's Office presented a request for late fees to be waived on real estate property #03-7.0-26-000-000-007.000 noting that the Assessor missed processing the deed and a tax statement not being received. Commissioner Pennel made a motion to approve the request and reverse the late fees noting that in the last BOE the board adjusted the Barkley's. Commissioner Herschend commented that they had come in to talk about the current year; this request is for 2007 which is apples and oranges. Commissioner Pennel stated that there was an error, the deed was missed the Barkley's was that the basement was put on for full value when it was only partially completed which is the same error.

Assessor Strahan stated that this case has nothing to do with the other one, that there was no erroneous mistake; the deed came in after the deadline to do splits. Commissioner Herschend commented that he was concerned that the Commission was changing their direction in what has been done in the past and added that this case is for an employee. Commissioner Pennel noted that he didn't know that and that it was irrelevant.

Commissioner Strahan made a motion to deny the request. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## PUBLIC COMMENT

Bob Schanz commented that with what has happened in India, does the county have any plans for the county. Commissioner Pennel noted that it was a good idea however it was not a Commission issue.

Justin Gage, Hollister Interchange spoke to the Commission regarding the presentation to the public for the East West Corridor and the Event Center but had not prepared as there was some confusion with him being placed on the agenda.

Commissioner Herschend stated that Mr. Preston had come to the Commission after attending a meeting with you and gave us a copy of a speech you were going to start giving to the public about sales tax, you have got documents from the engineer who we have stopped work with and based on a design that the county hasn't even approved.

Mr. Gage noted that he was set to give a presentation to the Commission but that his goal today was to give the Commission a brief update on what was going on and then give a full presentation at a later date. Commissioner Herschend asked if Mr. Gage's funding was depending on \$500,000 from GCR and added that the speech that was given to Mr. Preston was that you would receive money from both GCR and RBT.

Mr. Gage noted that it was just a draft of a speech. Commissioner Herschend asked if in his speech was he making that announcement and had he come to the Commission to ask to spend that money. Mr. Gage noted yes, he had obtained a copy of the budget and spoke with the County Auditor, I don't want to speculate. Commissioner Herschend added that that was his concern that he speculated. I think that the East West Corridor is critical but how are we going to pay for it, don't know we haven't gotten that far yet. Commissioner Herschend added that Mr. Gage has made plans to spend someone else's money but without their involvement in the process.

Commissioner Pennel stated that is Mr. Gage has a plan that the Commission will hear it and then the Commission will have to make a decision. Commissioner Herschend added that he didn't think Mr. Gage heard him; it is not his place to go to the public. Commissioner Strahan stated that he would rather see Mr. Gage speak to all the Commission at once and added that any tax brought before the people right now concerns him.

### RECESS

10:59 a.m.

### RECONVENE

1:28 p.m.

The County Commission reconvened with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present.

## FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Administrator and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. Minimum Flow: Mr. Preston informed the Commission that he would be reviewing the document received by the Corps of Engineers for the Minimum Flow Environment Impact Study.
2. Clevenger Cove: Mr. Preston discussed an issue involving property owners on Clevenger Cove where the neighbors are demanding that right of way be given, which would be right in a front yard or they are going to cut down some trees that are on the other side of the property as a buffer.

Commissioner Herschend stated that the side road is not a county road but that the property owner has been asked to give up 5 feet which would put the bumper of vehicle parked in front of

# TANEY COUNTY COMMISSION RECORD

his garage out in the roadway. If he doesn't sign, the neighbors are going to cut down his trees. Commissioner Herschend noted that the costs would be about \$1,400. Commissioner Pennel noted that it sounded like fixing the wall is of benefit to the county.

3. Combs Floor Covering: Ms. Luttrell noted that she had a bill from Combs Flooring for carpet which was over \$8,000; however the proper paperwork had not been done. Commissioner Herschend made a motion to pay the bill for the carpet and to instruct John Lavender that nothing is to be purchased without first going through Ms. Luttrell. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).
4. Board of Adjustment: Commissioner Pennel commented that the Board of Adjustment was in need of an additional member and recommended David Nelson. Commissioner Pennel made a motion to appoint David Nelson to the Board of Adjustment. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **GEORGE GERTH SEWER ISSUE**

George Gerth met with the Commission to discuss a sewer issue that could tie into the Dam Site situation. Commissioner Herschend made a motion to ask Great River Engineering to look at the cost of taking the sewer from Gerth's plant to the road bore. Commissioner Herschend noted that he thought the estimated engineering costs couldn't be more than \$2,000. Commissioner Pennel asked where Commissioner Herschend was going, as he felt with the discussion had, Mr. Gerth has an estimate of what it would take to connect.



## **DECEMBER 2, 2008 31<sup>ST</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the Commission Office at 8:05 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### **2009 BUDGET**

The Taney County Commission met with Carol Davis; Public Administrator, Kevin Tweedy; Coroner, Jimmie Russell; Sheriff, Wayne Dietrich; University Extension and Frank Preston; Road & Bridge in preparation of the 2009 Budget.

### **DAY AFTER CHRISTMAS**

Commissioner Herschend made a motion that the Courthouse remain open on 12/26/08 to serve the public and that the County not create a new holiday just because of the way the calendar falls. Motion died.

Commissioner Strahan made a motion to close the Courthouse on 12/26/08 in consideration of travel. Commissioner Herschend commented that they would be traveling on 12/24/08 as well, should we close then too. Motion died.

### **2009 BUDGET CONT**

The Taney County Commission met with Carol Davis; Public Administrator, Kevin Tweedy; Coroner, Jimmie Russell; Sheriff, Wayne Dietrich; University Extension and Frank Preston; Road & Bridge in preparation of the 2009 Budget.

Commissioner Herschend made a motion to turn off the tape in order to discuss an issue. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

Commissioner Herschend made a motion to deny the request of the Sheriff to place the Chief Deputy and Jail Administrator on salary as well as give a \$5,000 increase for 2009. Motion died.



## DECEMBER 3, 2008 32<sup>ND</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 1:38 p.m. with Ron Herschend, Western Commissioner and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### TEMPORARY PRESIDING

Clerk Neeley appointed Commissioner Herschend temporary Presiding Commissioner per statute.

### JOHN SOUTEE SEWER UPDATE

John Soutee, Sewer District Administrator met with the Commission to discuss various issues.

1. Ozark Beach project: Mr. Soutee brought the Commission the recommendation from the Sewer Board to accept the bid as offered by LS&C Development Services for the Ozark Beach project for \$6,725,593 with an alternate addition of \$707,840 which may not be necessary.

Commissioner Herschend made a motion to approve the recommendation of the board. Commissioner Strahan seconded the motion but suggested calling Commissioner Pennel on the phone.

Commissioner Pennel entered the meeting at 1:42 p.m.

Commissioner Pennel stated that this was not posted and should probably be posted for a vote. Commissioner Herschend made a motion to table until the 4<sup>th</sup> at 2:00 p.m. noting that he would not be available but was in support of the recommendation. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Holiday Hills project: Mr. Soutee brought the Commission the recommendation from the sewer board to accept the bid as offered by Tom Boyce for the Holiday Hills project for \$181,838.01. Commissioner Herschend made a motion to approve the recommendation of the board. Commissioner Strahan seconded the motion.

Commissioner Herschend noted his concern in that the next lowest bid was at \$260,000. Commissioner Herschend made a motion to table until the 4<sup>th</sup> at 2:00 p.m. with the same notation as previous asking that change orders be watched carefully. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. City of Forsyth: Mr. Soutee presented the Commission with a contract for the District to purchase treatment capacity in the City's wastewater treatment facility and to pay for its proportionate share of the maintenance and operations of the City's wastewater treatment plant.

Mr. Soutee noted that the City and the board had approved and signed the agreement however a signature page for the Commission is forthcoming. Commissioner Strahan made a motion to table until the 4<sup>th</sup> at 2:00 p.m. Commissioner Pennel seconded the motion. Commissioner Herschend commented that he is in favor of said agreement. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. Rockaway Beach: Mr. Soutee informed the Commission that the Sewer Board had approved a request from Rockaway Beach to utilize the City's portion of the sales tax

# TANEY COUNTY COMMISSION RECORD

monies to complete a section of sewer line that was previously planned for but never built due to financial constraints. The City has been informed that they will need to appear before the Commission for final approval.

Commissioner Pennel made a motion to table the issue until Rockaway schedules an appointment. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

5. Dam Site: Mr. Soutee brought a request from the Sewer Board for the Commission to reconsider the Board's recommendation of how to approach the Dam site Sewer Project. Due to the fact that there are other properties in addition to the ten homes that are currently generating wastewater that could pose a threat to the environmental integrity of this area.

Commissioner Herschend stated that he believed the Commission needed to move forward to get the ten homes off and for the Commission to stop and reconsider is costly. Commissioner Strahan made a motion to table the issue. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **SHEILA WYATT PENALTIES/INTEREST ON SPLIT**

Collector Wyatt met with the Commission to request that a 2006 real estate tax bill that should have been split be waived the penalties and interest as they did not receive their tax statements.

Collector Wyatt stated that a parcel was split out in 2006 which created new tax numbers. The owners of those parcels paid their taxes in 2007 and it wasn't until the tax sale in 2008 that she discovered that the 2006 taxes hadn't been paid but was in 2007. Commissioner Herschend asked if the County was notified of the split. Collector Wyatt noted that the Assessor had been but not her. Commissioner Strahan pointed out that in the sale of the property they would have prorated the taxes and the new owner would be responsible. Assessor Strahan commented that when this issue came up in 2006 we went to the Planning & Zoning Department and found that Certificates of Completion had been issued which verified that we were right in assessing the parcel. The problem came when the split happened.

Commissioner Strahan stated that he didn't understand how we got into this mess. After a lengthy discussion Commissioner Herschend made a motion to table the issue until Counselor Paulson could have some input as he had shared some information that the Commission will want to hear. Commissioner Strahan noted that he didn't buy what had happened and seconded the motion.

Collector Wyatt stated that if the Commission wanted to say that she was negligent for not putting it on the tax sale, fine but because of recent court cases it would not hold up in court and these people didn't get a tax bill. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **JOHN LAVENDER MAINTENANCE UPDATE**

John Lavender, Maintenance Supervisor met with the Commission to give an update regarding maintenance issues.

1. Judicial Locks: Mr. Lavender noted that there were still 27 locks that were missing and some of those are located at the chase ways in the jail pods. Mr. Lavender added that he was just getting the run-around.

Commissioner Herschend telephoned Rick Quint from Walton Construction to discuss the issue and it was agreed that Mr. Quint would be at the next update meeting.

2. Parking Lot: Mr. Lavender noted that there were some problems with the grade at the new parking lot. The lot will be shot again tomorrow. The Commission contacted Mike Smith with Septagon Construction who indicated he would try to be on location.

# TANEY COUNTY COMMISSION RECORD



**DECEMBER 4, 2008 33<sup>RD</sup> DAY OF  
THE OCTOBER ADJOURN TERM**

The County Commission met at the Hollister City Hall at 8:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## **EAST / WEST CORRIDOR JUSTIN GAGE**

The County Commission was given a presentation by Justin Gage regarding the East / West Corridor and the Event Center.

Mr. Gage gave a detailed presentation highlighting the following points:

- They have traveled to 8 different sights that were comparable to our size and budget of project on event center
- There are two projects
- Need to determine the method of financing
- Asked for an open mind
- The goal is to find out where the County's part of this project is
- Have entertained dialog with approximately 3,000 residents and employ over 400 employees
- If the public doesn't want this they will let us know
- Layout 9 from EFK Moen is economically and financially a good choice – 24 million
- 50% of the heavy water infrastructure has already been done for housing and business growth
- Huge plus for the school system alone to divert traffic off of BB
- Life Safety issues
- 7,000 cars diverted everyday not counting 5-10 years from now
- 1,500 home can be built minimally

Commissioner Herschend commented that he was concerned knowing that two of the Commissioners were going to be leaving within 45 minutes and Mr. Gage hasn't talked about the convention center.

Mr. Gage made the following points:

- 35 million Event Center with 75,000 seats and 140 events in a year
- Already have the pipeline to get people here with the new 65 interchange
- 15 years would bring in 500 million in tax
- None of us want to operate an event center and would recommend SMG
- 1,000 construction jobs for 14 months
- Stimulate ½ million new visitors with a new entertainment for Branson
- The waterpark is complementary of the event center and vice versa
- Tax initiative to fund

Auditor Findley noted that he thought Mr. Gage had over estimated the county's funding as GCR may be able to support \$500,000 a year but R&B already has too many commitments. The projects should stand alone or cut back. Both are good ideas but government shouldn't be involved with an event center. Mr. Gage noted that he did not want to be the first privately owned event center as it is not as equitable as those that are county owned.

Mr. Gage gave additional comments:

- They have been working with Mr. Nixon and his staff and there is some talk of federal dollars
- The property that we are donating is appraised at 9 million

# **TANEY COUNTY COMMISSION RECORD**

It was agreed that the group should come together and have a plan before going to the public. Another meeting will be scheduled.

## **RECONVENE 2:00 p.m.**

The County Commission reconvened via telephone at 2:00 p.m.

### **OZARK BEACH PROJECT**

Commissioner Pennel made a motion to approve the recommendation of the sewer board for the Ozark Beach project. Commissioner Strahan seconded the motion. The motion passed.

### **HOLIDAY HILLS PROJECT**

Commissioner Pennel made a motion to approve the recommendation of the sewer board for the Holiday Hills project. Commissioner Strahan seconded the motion. The motion passed.

### **CITY OF FORSYTH WASTER WATER AGREEMENT**

Commissioner Pennel made a motion to approve the agreement for waster water treatment with the City of Forsyth. Commissioner Strahan seconded the motion. The motion passed.



## **DECEMBER 8, 2008 34<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the County Commission Hearing Room at 9:05 a.m. with Chuck Pennel, Presiding, and Ron Herschend, Western Commissioner, present and the following proceedings were had and made a matter of record.

Prayer was led by Auditor Findley followed by the pledge.

### **ACCOUNTS ALLOWED**

Commissioner Pennel made a motion to approve accounts payable warrants #307248 through #307363, excluding #307323, and manual warrants #4929 through 4932. Commissioner Herschend seconded the motion.

Commissioner Pennel revised his motion to include additional warrants for Road & Bridge, Transfer Station and Sewer Departments referencing administrative fees. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### **PRIOR MINUTES**

Commissioner Herschend made a motion to approve prior Commission Minutes dated 11/10/2008, 11/13/2008, 11/14/2008, 11/17/2008, 11/18/2008, 11/19/2008, 11/20/2008, 11/26, 12/1/2008, 12/2/2008, 12/3/2008 and 12/4/2008 with noted corrections. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

### **DAM-SITE PROJECT**

Mr. John Souttee, Taney County Regional Sewer District's Administrator, appeared before the Commission, in representation of the Sewer Board, to request the Commission to reconsider their recommendation on how to approach the Dam-Site Project. Mr. Souttee noted

# TANEY COUNTY COMMISSION RECORD

the Sewer Board's recommendation was to provide sewer to Hillbilly Country Motel and to provide a gravity sewer line to the Gerth property line, as it would require a larger pump station.

According to the Sewer Board, this project is ranked number one (1) in the county's wastewater master plan projects under \$1,000,000.00.

Commissioner Pennel noted he was in favor of the recommendation, which was submitted by the Sewer Board. Commissioner Herschend noted several concerns, including doubling the cost of the lift station by taking the 10 homes off, sales tax dollars being used to take commercial businesses off the line and questioned why the smaller project, which had already been approved, of \$86,000.00 is taking so much time.

Mr. Souttee noted the lift station as questionable and stated it doesn't have the holding capacity without hauling on a daily basis. A general discussion ensued.

Commissioner Pennel made a motion to approve the larger project as recommended by the Sewer Board. Motion died for lack of being seconded.

The Commission noted to proceed with small project, as earlier recommended.

## MONTHLY BUDGET REPORTS

Mr. Rick Findley, County Auditor, presented the Commission with monthly budget reports and requested for them to be recorded into the minutes, they read as follows:

EX BY DEPT	TANEY COUNTY EXPENSES BY DEPARTMENT	November 30, 2008				ACTUAL %
		2006 ACTUALS	2007 ACTUALS	2008 APPROVED	2008 ACTUALS	
	EXPENSES					
101???.???	COMMISSION	344,288.98	386,701.52	331,012.00	312,246.56	94%
102???.???	CLERK	75,753.41	93,974.73	166,496.00	166,272.33	100%
103???.???	ELECTIONS	241,122.31	117,521.27	181,430.00	146,267.31	81%
104???.???	BUILDINGS & GROUNDS	627,115.35	455,873.75	581,564.00	480,468.98	83%
105???.???	EMPLOYEES FRINGE BEN	1,610,317.09	1,358,401.67	1,968,997.46	2,014,816.12	102%
106???.???	TREASURER	77,741.81	79,279.48	80,886.00	73,538.75	91%
107???.???	COLLECTOR	207,324.77	207,423.61	217,353.20	194,173.33	89%
108???.???	CIRCUIT CLERK	244,360.09	260,377.87	317,390.40	258,244.22	81%
109???.???	COURT REPORTER	1,361.12	1,478.94	2,112.00	731.67	35%
110???.???	ASSOCIATE COURT DM/1	35,486.73	34,898.37	34,350.00	33,390.79	97%
111???.???	COURT ADMINISTRATION	23,153.31	20,012.99	37,000.00	23,310.31	63%
112???.???	PRESIDING CIRCUIT JUDGE	35,947.74	31,017.43	55,548.16	49,037.47	88%
113???.???	PUBLIC ADMINISTRATOR	81,924.00	83,947.12	90,315.60	85,007.85	94%
114???.???	OTHER EXPENSE	3,974,891.29	14,161,477.51	18,317,427.68	7,577,580.41	41%
115???.???	AUDITOR	160,324.72	165,561.59	180,577.00	156,141.93	86%
116???.???	CHILD SUPPORT	26,000.74	28,698.81	30,920.40	25,083.51	81%
117???.???	SHERIFF	1,918,158.02	1,994,793.36	2,361,346.00	2,159,003.75	91%
118???.???	JAIL	1,015,321.73	1,127,434.60	1,567,704.00	1,341,112.40	86%
119???.???	PROSECUTING ATT	547,615.11	561,581.49	609,557.64	587,432.48	96%
120???.???	JUVENILE	114,178.37	118,379.58	126,542.18	114,498.96	90%
121???.???	CORONER	43,870.50	53,800.04	48,262.00	34,487.91	71%
124???.???	TRANSFERS/DEBT SERVICE	112,800.00	1,520,007.79	2,115,357.97	1,505,480.14	71%
125???.???	ASSOC COURT DM/2	20,448.19	23,580.76	36,950.00	21,163.47	57%
126???.???	CIRCUIT CLERK	28,926.28	24,073.53	36,000.00	28,136.94	78%
127???.???	INDUSTRIAL DEV	38,909.58	42,382.91	66,200.00	14,693.12	22%
130???.???	PLANNING & ZONING	247,108.12	274,472.75	262,793.40	214,518.50	82%
133???.???	EXTENSION	46,234.88	46,426.06	49,498.00	40,595.52	82%
134???.???	SEWER	287,972.66	333,532.43	333,381.70	337,204.01	101%
135???.???	INFORMATION S SYSTEMS	239,293.77	305,104.41	375,792.98	324,077.08	86%
136???.???	ANIMAL CONTROL	79,242.96	148,296.38	131,400.00	153,917.78	117%
137???.???	EMMANAGEMENTS	151,575.36	69,805.62	235,145.00	107,304.65	46%
140???.???	AIRPORT	796,140.84	778,864.91	1,661,717.60	902,496.22	54%
	TOTAL	13,454,909.83	24,908,983.28	32,611,028.37	19,482,434.47	60%
101-30-000	GCR BEGINNING BALANCE	14,012,380.91	16,017,775.03	(18,628,344.77)	18,628,344.77	-100%
1018???.???	GCR TOTAL REVENUES	15,619,205.46	27,519,553.02	15,178,598.95	14,205,429.53	94%
	GCR TOTAL EXPENDITURES	13,454,909.83	24,908,983.28	32,611,028.37	19,482,434.47	60%

# TANEY COUNTY COMMISSION RECORD

FUNDBALANCE 11/30/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL
GENERAL COUNTY REVENUE		
BEGINNING BALANCE	\$0.00	\$18,628,344.77
REVENUES	832,563.01	14,205,429.53
	-	-
TOTAL REVENUES GCR	832,563.01	32,833,774.30
	-	-
TOTAL GCR EXPENDITURES	1,374,790.82	19,482,434.47
	=	=
TOTAL GCR FUND BALANCE	(542,227.81)	13,351,339.83
ROAD & BRIDGE		
BEGINNING BALANCE	0.00	7,004,998.91
REVENUES	99,499.08	1,299,151.01
	-	-
TOTAL RB REVENUES	99,499.08	8,304,149.92
	-	-
EXPENDITURES	269,901.91	5,605,679.22
	=	=
TOTAL RB FUND BALANCE	(170,402.83)	2,698,470.70
ROAD & BRIDGE TRUST		
BEGINNING BALANCE	0.00	3,693,493.95
REVENUES	420,941.11	6,765,579.53
	-	-
TOTAL RBT REVENUES	420,941.11	10,459,073.48
	-	-
EXPENDITURES	373,528.85	7,504,377.31
	=	=
TOTAL RBT FUND BALANCE	47,412.26	2,954,696.17
ASSESSMENT FUND		
BEGINNING BALANCE	0.00	3,099.75
REVENUES	45,926.99	571,781.21
	-	-
TOTAL AF REVENUES	45,926.99	574,880.96
	-	-
EXPENDITURES	45,343.32	574,297.28
	=	=
TOTAL ASSEMENT FUND BALANCE	583.67	583.68
ELECTION FUND		
BEGINNING BALANCE	0.00	31,698.41

## TANEY COUNTY COMMISSION RECORD

REVENUES	138.62	-	12,713.24
TOTAL ELECTION REVENUES	-	-	44,411.65
EXPENDITURES	795.77	-	13,970.61
TOTAL ELECTION FUND BALANCE	= (657.15)	=	30,441.04
TRANSFER STATION FUND			
BEGINNING BALANCE	0.00	-	747,493.99
REVENUES	62,010.88	-	1,042,305.45
TOTAL TS REVENUES	-	-	1,789,799.44
EXPENDITURES	65,015.20	-	1,052,463.89
TOTAL TS FUND BALANCE	= (3,004.32)	=	737,335.55
FUNDBALANCE 11/30/08	TANEY COUNTY BUDGET FUND BALANCES		
	PERIOD TO DATE	YEAR TO DATE	
	ACTUAL	ACTUAL	
LEPC FUND			
BEGINNING BALANCE	\$0.00	-	\$11,839.45
REVENUES	29.72	-	2,021.99
TOTAL LEPC REVENUES	-	-	13,861.44
EXPENDITURES	183.57	-	4,914.88
TOTAL LEPC FUND BALANCE	= (153.85)	=	8,946.56
LAW ENFORCEMENT TRAINING FUND			
BEGINNING BALANCE	0.00	-	3,608.14
REVENUES	468.19	-	4,599.92
TOTAL LET REVENUES	-	-	8,208.06
EXPENDITURES	250.00	-	5,482.71
TOTAL LET FUND BALANCE	= 218.19	=	2,725.35
PROSECUTING ATTORNEY TRAINING FUND			
BEGINNING BALANCE	0.00	-	6,364.77
REVENUES	136.96	-	1,389.30
TOTAL PAT REVENUES	-	-	7,754.07
EXPENDITURES	463.32	-	1,873.20
TOTAL PAT FUND BALANCE	= (326.36)	=	5,880.87
COUNTY INSURED FUND			
BEGINNING BALANCE	0.00	-	96,313.14
REVENUES	106.49	-	3,574.13
TOTAL COUNTY INSURED REVENUES	-	-	99,887.27
EXPENDITURES	8,424.21	-	75,596.80

# TANEY COUNTY COMMISSION RECORD

TOTAL COUNTY INSURED FUND BALANCE	=	(8,317.72)	=	24,290.47
911 FUND				
BEGINNING BALANCE		0.00		1,099,556.88
REVENUES		45,284.68		505,324.78
	-		-	
TOTAL 911 REVENUES		45,284.68		1,604,881.66
	-		-	
EXPENDITURES		15,285.27		671,368.80
	=		=	
TOTAL 911 FUND BALANCE		29,999.41		933,512.86

USE TAX

FUNDBALANCE  
11/30/08

TANEY COUNTY  
BUDGET  
FUND BALANCES

		PERIOD TO DATE		YEAR TO DATE
		ACTUAL		ACTUAL
SEWER FUND				
BEGINNING BALANCE		\$0.00		\$23,082,218.45
REVENUES		499,055.08		11,787,956.45
	-		-	
TOTAL SEWER REVENUES		499,055.08		34,870,174.90
	-		-	
EXPENDITURES		268,872.73		6,876,190.61
	=		=	
TOTAL SEWER FUND BALANCE		230,182.35		27,993,984.29

SEWER DESIGNATED FUND  
EXPENDITURES

TOTAL ALL SEWER FUNDS	=	230,182.35	=	27,993,984.29
	=		=	

SHERIFF CIVIL FUND				
BEGINNING BALANCE		0.00		97,171.17
REVENUES		430.81		61,609.25
	-		-	
TOTAL SHERIFF CIVIL REVENUES		430.81		158,780.42
	-		-	
EXPENDITURES		(747.84)		25,689.92
	=		=	
TOTAL SHERIFF CIVIL FUND BALANCE		1,178.65		133,090.50

TAX MAINTENANCE FUND				
BEGINNING BALANCE		0.00		111,445.25
REVENUES		2,319.96		97,155.54
	-		-	
TOTAL MAINTENANCE FUND REVENUES		2,319.96		208,600.79
	-		-	
EXPENDITURES		179.98		90,155.57
	=		=	
TOTAL MAINTENANCE FUND BALANCE		2,139.98		118,445.22

# **TANEY COUNTY COMMISSION RECORD**

## **RECESS**

**9:40 a.m.**

Minutes taken and typed by Nikki Lawrence.

## **OZONE ISSUES**

Doug Neidigh, Michelle Garand and Dave Woolery met with the Commission to discuss ways to preserve air quality while retaining growth. Mr. Neidigh commented that the DNR has done an evaluation and the EPA did their study in the spring. Mr. Neidigh added that Taney County is grouped with Stone County, Christian County and Greene County.

Mr. Neidigh presented a sample document that outlined areas that need to be addressed as well as possible solutions to the problems. Commissioner Herschend stated that he remained skeptical, as the problem is that the monitoring stations are not in Taney County they would be located in Greene County, but Taney County is in the calculations for the Ozone levels. Commissioner Herschend added that Taney County's problem is tourism and the number of cars coming here. Not sure the effort is worth the monitoring.

After a brief discussion Ms. Garand stated that they would like to have a letter of support and if the Commission would review the draft document and respond with any comments would be beneficial. Commissioner Pennel made a motion to send a support letter. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **RECESS**

**12:15 p.m.**

## **RECONVENE**

**1:15 p.m.**

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo. 610.021(3). Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion that for the week of December 1 through the 5<sup>th</sup>, Counselor Paulson receive bereavement leave and for the week of December 8 through the 12<sup>th</sup> be used as vacation time. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Pennel made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

## **DAY AFTER CHRISTMAS**

Commissioner Pennel made a motion to take the day after Christmas as a paid holiday. Commissioner Herschend stated that he would not second that motion adding that in a year where we are looking for money, he would like to use those funds for raises.

## **2009 BUDGET**

The County Commission worked on the preparation of the 2009 R&B and R&BT budget.

## **GROUNDBREAKING CEREMONY FOR TANEY COUNTY AIRPORT HANGAR**

The Commission attended a Ribbon Cutting at the Taney County Airport for the unveiling of the new hangar addition.

# TANEY COUNTY COMMISSION RECORD



## DECEMBER 9, 2008 35<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in First Community Bank Parking Lot in Forsyth at 10:30 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

### WHITE RIVER VALLEY HISTORICAL SOCIETY PRESS CONFERENCE

The Commission attended the White River Valley Historical Society Press Conference who received a donation of property from First Community Bank and the Hall family.

Minutes were typed by Nikki Lawrence.

### RECONVENE 1:10 p.m.

The County Commission reconvened in the Commission Office at 1:10 p.m. with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

### SEPTAGON CONSTRUCTION MONTHLY UPDATE

The County Commission had the monthly update meeting with Septagon Construction on the Judicial Facility. Mike Smith presented the Commission with documents needing signatures noting substantial completion.

Commissioner Pennel asked if Mr. Smith thought that we were substantially completed. Mr. Smith noted yes. Commissioner Pennel made a motion to approve the signing of the Certificates of Substantial Completion with Kennedy Contractors, Tindall, Markham, Swager and Pre-Stressed. Commissioner Strahan asked if this was the recommendation of Septagon. Mr. Smith again stated yes. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

A discussion regarding various issues still outstanding ensued. The Commission agreed to schedule another meeting as soon as possible to discuss liquidated damages with Walton Construction since Commissioner Herschend had made previous phone calls to Mr. Quint with Walton, but was not present for the current meeting.



## DECEMBER 10, 2008 36<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Conference Room at 8:00 a.m. pursuant to adjourn with all members present and the following proceeding were had and made a matter of record.

### 2009 BUDGET

The Taney County Commission met with Jeff Merrell; Prosecutor and Donna Neeley; County Clerk in preparation of the 2009 Budget.

### PAYROLL

Commissioner Herschend made a motion to approve the following payroll warrants:

General County Revenue: #105198 through #105218

# TANEY COUNTY COMMISSION RECORD

Road & Bridge: #105171 through #105191

Assessment Fund: #105192 through #105193

Transfer Station: #105194 through #105196

911 Administration: #105197

Accounts Payable warrants #307384 through #307398, manual warrants #4933, #4944.

Commissioner Strahan seconded the motion. The motion passed.

## ADDITIONAL HOLIDAY

Commissioner Pennel made a motion to make the day after Christmas, December 26, 2009, a county paid holiday. Commissioner Strahan seconded the motion. The motion passed.

Minutes were taken by Nikki Lawrence.



## DECEMBER 11, 2008 37<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met at the Branson Regional Airport at 9:30 a.m. pursuant with all members present and the following proceedings were had and made a matter of record.

### PRESS RELEASE BRANSON REGIONAL AIRPORT

The County Commission attended a press release at the Branson Regional Airport. Tad Hutcheson, Air Tran's Marketing and Sales Vice President, announced Air Tran was the new air carrier for Branson Regional Airport.

**RECESS**  
**10:30 a.m.**

**RECONVENE**  
**2:00 p.m.**

### CASEY ROAD CONTRACT RETENTION

Mr. Frank Preston, Road & Bridge Administrator, stated the only dollar figure he could find during his investigation was \$20,000.00, which was paid to the Degraffenreid's for damages. He also noted there were numerous inconveniences experienced by the property owners during the course of the project.

Mr. Spencer Jones, Great River Engineering, communicated to Mr. Preston in an earlier conversation that Herion Construction had a partial monetary obligation, for the removal of the Degraffenreid's trees.

Commissioner Strahan made a motion to release half of the retention of \$128,000 to Herion Construction and the remaining half would be held until a settlement was reached on the Degraffenreid property and any other projects deemed by the Commission as a violation of the contract.

A general discussion ensued. Motion died for lack of being seconded.

Commissioner Herschend made a motion to have Mr. Preston send Herion Construction a letter stating the Commission was ready to release all retainage and with their concurrence, the county will deduct \$20,000.00 for the damages incurred on the Degraffenreid property, for a total of

# TANEY COUNTY COMMISSION RECORD

\$108,000. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## FRANK PRESTON CONTINUED WORKSESSION FROM MONDAY, DECEMBER 8<sup>th</sup>

Frank Preston, Road & Bridge Administrator met with the Commission to discuss various issues.

1. Corp of Engineers Roads: Mr. Preston discussed his review of Corp of Engineers roads and presented a letter, which he had received from the Corp of Engineers, referencing several roads within the county.

Commissioner Pennel noted the document only mentioned fixing Slough Hollow Road. Mr. Frank Preston, Road & Bridge Administrator, commented the document addressed over one hundred (100) roads within the county. Commissioner Strahan noted the Corp of Engineers had the documentation, which initially they denied having in their possession, referencing many county roads.

2. Church Parking Lot: Mr. Preston stated the parking lot is currently being striped by Springfield Striping. He also noted Pastor Winzenried was extremely pleased with it all.
3. Judicial Parking Lot: Mr. Preston discussed drainage issues and dirt work concerns referencing the parking lot. He also noted the Commission had been put on notice by Septagon Construction concerning a safety issue with the sidewalks, next to the island areas, being above grade.

The Commission concurred that it is the responsibility of Road & Bridge to create a positive flow in the dirt so a base may be laid, which will need to be addressed as soon as possible, in addition to placing webbed fencing around the island areas as soon as possible and for Road & Bridge to work on those areas as they can.

4. Projector: Mr. Preston noted the projector has been installed in the County Commission Hearing Room and that training will be held sometime next week to ensure departments that use the machine, are properly informed how to use it.
5. River Run Road: Mr. Preston informed the Commission he had been presented with a request to grade River Run Road. He noted the road is located on the far side of Powersite Dam and due to previous storms; it has a layer of mud on it.

Commissioner Strahan made a motion to grade River Run Road. A general discussion ensued. Motion died for lack of being seconded.

Commissioner Pennel made a motion to assign Commissioner Strahan to contact Mr. John Hiser, Corp of Engineer, referencing River Run Road, which the county would take over maintenance beginning at the end of the park campground to the end of the road. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

6. Road Standards: Mr. Preston stated he had the final draft ready for the Commission to approve. He scheduled it for Friday, December 19<sup>th</sup> at 11:00 a.m.
7. Snow Rodeo: Road & Bridge will be holding their annual Snow Rodeo on Friday, December 12<sup>th</sup>.

## COMMISSIONER HERSCHEND

Commissioner Herschend noted that he would like to set up a meeting with Mr. Rick Zigenfuss, City of Hollister, and the Commission to discuss the East/West Corridor.

# TANEY COUNTY COMMISSION RECORD

## RECESS

Commissioner Strahan made a motion to recess. Commissioner Pennel seconded the motion. The motion passed.

Minutes were typed by Nikki Lawrence.



## DECEMBER 15, 2008 38<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the County Commission Hearing Room at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #307364 - #307528 and manual warrants #4935 – 4936. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

Commissioner Pennel made a motion to approve accounts payable warrant #307323, a reimbursement that was tabled last week. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

### JOURNAL ENTRIES

Commissioner Herschend made a motion to approve a journal entry for the Judicial Facility, in the amount of \$14,342.95, for work that was performed by the Road & Bridge Department, which needs to be reimbursed back to their budget. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### PRIOR MINUTES

Commissioner Pennel made a motion to approve prior Commission Minutes dated 12/8/2008, 12/9/2008 and 12/10/2008. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### LONG-TERM RECOVERY COMMITTEE

Mr. Richard Jones, Disaster Specialist, came before the Commission requesting the use of a room within the courthouse to meet with clients. He stated that Red Cross has requested specialists to meet with clients in a private setting.

The Commission agreed to allow Mr. Jones to meet with his clients in a private setting, within the Taney County Courthouse. Commissioner Herschend noted that someone would have to get back in touch with him over the next several days as to which room would be available.

### MR. NATHAN BURTON PROPERTY TAXES

Ms. Kari Walden, Styron & Schilling Law Firm, appeared before the Commission representing Mr. Nathan Burton. She stated Mr. Burton would like to appeal tax assessments on what used to be eight (8) parcels of land and now has been combined into one (1) parcel. She submitted an affidavit, as well as a legal memorandum, which read as follows:

1. I submit this Affidavit to show good cause for not having attended the county board of equalization for the purpose of correcting the errors and defects in the tax assessment on parcels 09-3.0-05-000-000-033.001 through 09-3.0-05-000-000-033.008 and 09-3.0-05-000-000-033.012.

# TANEY COUNTY COMMISSION RECORD

2. I make these statements based on my personal knowledge or upon review of publicly available documents.
3. On November 8, 2006, I purchased the property described on the warranty deed attached as **Exhibit A** from Nearon-Doyas Properties, LLC and Nearon Enterprises, LLC.
4. In 2007 I received only one tax notice, which is attached as **Exhibit B**, associated with the property described on Exhibit A, which referenced parcel number 09-3.0-05-000-000-033.012.
5. The 2007 tax notice shown on Exhibit B described the parcel as containing 33.55 acres and was classified as both residential and agriculture.
6. I believed the 2007 tax notice to contain the entire tract of land purchased on November 8, 2006 so I made no further inquiry into the property taxes due and paid the full amount shown on Exhibit B in a timely manner.
7. On or about December 8, 2008 I received a notice of property taxes due on the parcel known as 09-3.0-05-000-000-033.001 in the amount of \$7,622.84 for tax year 2008.
8. I had never received a notice associated with parcel 09.3.0-05-000-000-033.001.
9. On or about December 9, 2008 I made contact with the Taney County Collector and the Taney County Assessor to discuss the taxes associated with parcel ending in 001.
10. The Assessor and Collector informed me that the parcel ending in 012 did not contain all property purchased and 2007 taxes were delinquent for additional parcels known as 09-3.0-05-000-000-033.001 through parcel 09-3.0-05-000-000-033.008, copies of such notices for tax years 2006 and 2007 are attached as **Exhibit C** collectively.
11. While discussing the matter with the Collector and Assessor, I discovered that the 2007 tax notices for the parcels ending in 001 through 006 and 008 were sent to Nearon-Doyas Properties LLC, 500 La Gonda Way, Ste 210, Danville, CA 94526.
12. I attempted to go before the Taney County Board of Equalization during the week of December 8, 2008 but was denied hearing.

Further affiant sayeth not.

Nathan Burton

**In the matter of Nathan Burton,  
Property formerly known as  
Ozarks Prime Resort**

**Property Parcel Numbers**  
09-3.0-05-000-000-033.001, 09-3.0-05-000-000-033.002,  
09-3.0-05-000-000-033.003, 09-3.0-05-000-000-033.004,  
09-3.0-05-000-000-033.005, 09-3.0-05-000-000-033.006,  
09-3.0-05-000-000-033.007, 09-3.0-05-000-000-033.008  
And 09-3.0-05-000-000-033.012

## **Taxpayers' Legal Memorandum**

### **Issues:**

What effect does the termination of a condominium under RSMo 488.2-118 have upon the condominium unit parcels and the associate tax assessments under 448.1-105.1?

Can the use classification of a unit be changed after a condominium is terminated?

Does the Assessor have a duty to inspect records and discover a change in the form of ownership of property, i.e. condominium?

### **Facts:**

The parcels listed above as 001 through 008 were associated with the units and common elements of Ozarks Prime Resort (**Exhibit A**).

Ozarks Prime Resort was a condominium formed under the Missouri Uniform Condominium Act, Chapter 448.

The condominium, Ozark Prime Resort, was terminated under RSMo 448.2-118 on July 29, 2005 according to the Agreement for Termination recorded as Document Number 2005L38904 in the Office of the Taney County Recorder (**Exhibit B**).

The real estate where Ozarks Prime Resort was located was sold by Nearon-Doyas Properties, LLC and Nearon Enterprises, LLC to Nathan Burton on November 8, 2006 as described and shown on the Warranty Deed recorded as document Number 2006L60371 in the Office of the Taney County Recorder (**Exhibit C**).

Mr. Burton received only one tax notice and paid the taxes associated with the property he purchased in 2007, which referenced parcel 09-3.0-05-000-000-033.012 (**Exhibit D**).

No other tax statements have been sent to Mr. Burton until Mr. Burton received the 2008 tax statements for parcels 09-3.0-05-000-000-033.001 and 09-3.0-05-000-000-033.012 (**Exhibit E**).

Upon receipt of the 2008 tax statements, Mr. Burton attempted to go before the Taney County Board of Equalization but was unable to obtain a decision.

### **Statutes:**

# TANEY COUNTY COMMISSION RECORD

The Missouri Uniform Condominium Act, §448.1-105.1 RSMo, provides that “each unit which has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate.”

Section 448.2-118 RSMo indicates that a condominium may be terminated by agreement of the unit owners by recording such agreement in the county where the condominium is located and upon termination the title to all the real estate in the condominium vests in the unit owners as tenants in common in proportion to their respective interests in their units, the limited common elements and the common elements.

Section 137.016.1(1) RSMo defines residential property, as “all real property improved by a structure which is used or intended to be used for residential living by human occupants, vacant land in connection with an airport, land used as a golf course, and manufactured home parks, but residential property shall not include other similar facilities used primarily for transient housing. For the purposes of this section, “transient housing” means all rooms available for rent or lease for which the receipts from the rent or lease of such rooms are subject to state sales tax pursuant to Section 144.020.1(6), RSMo.”

Section 137.016.1(3) RSMo defines commercial property as “all property used directly or indirectly, for any commercial, mining, industrial, manufacturing, trade, professional, business, or similar purpose...”

Section 137.180.1 RSMo requires that “whenever any assessor shall increase the valuation of any real property he shall forthwith notify the record owner of such increase, either in person, or by mail directed to the last known address...”

Section 137.375.1 RSMo requires the assessor to verify by affidavit that he has “made diligent efforts to ascertain all the taxable property being or situate on the first day of January last past, in the county of which he is the assessor; that, so far as he has been able to ascertain the same, it is correctly set forth...”

## **Argument:**

Mr. Burton should be granted the following relief by the Taney County Commission as allowed under Section 137.270 RSMo:

- 1) The classification of the parcels ending in 001 through 008 should be changed from commercial to residential;
- 2) All assessed taxes and all fines and penalties associated with the 2007 tax year for the parcels ending in 001 through 008 should be abated; and
- 3) The classification of the parcel ending in 001 for the tax year 2008 should be changed from commercial to residential.

The tax assessments on the parcels ending in 001 through 008 for the tax year 2007 should be reclassified as and all fines and penalties associated with those parcels should be removed. Section §448.1-105 RSMo defines each unit in a condominium (with its share of the common elements) as a separate tax parcel. The converse is true when a condominium is terminated according to §448.2-118.1 and all unit owners become owners of the underlying real estate as tenants in common.

The former condominium, Ozarks Prime Resort, was terminated on July 29, 2005 upon the recording of the Agreement for Termination signed by more than eighty percent of the record owners of the units in the condominium. Once the condominium was terminated, the tax parcels associated with the condominium units should have been combined to create one parcel, with multiple owners as tenants in common. The Assessor had notice of this change in form of ownership because the document was recorded on July 29, 2005 and with such notice the Assessor should have merged the parcels and reassessed the parcel as a tract with multiple owners as a tenant in common beginning in tax year 2006.

In 2006, the parcels ending in 001 through 008 were assessed separately as residential units even though the condominium had terminated. The parcels ending in 001 through 008 should have been merged to form one parcel for the tax year 2006 but because the notices for all the parcels mentioned above were sent to the same address, this failure to merge the parcels and assess the real estate as one parcel did not create a notice problem.

In 2007, seventeen months after the condominium terminated, the Assessor reassessed the units as commercial after allegedly sending a notice to the record owner asking for an indication as to whether or not the units were used for nightly rentals. Mr. Burton was the record owner in 2007 and received no notification of reassessment or communication regarding the use of the property. At the time of the reassessment in 2007 the buildings were vacant and the condominium units no longer existed.

In 2007 the notice of tax due for the parcels ending in 001 through 008 were sent to Nearon-Doyas Properties, LLC and Nearon Enterprises, LLC and no notice was sent to Mr. Burton even though he had become the record title holder on November 14, 2006. According to RSMo 137.375.1 the Assessor is to swear that he has assessed the property as of January 1 in the year of taxation. Mr. Burton was the title holder to the property for 46 days in 2006 and he received no notice of the taxation, nor did he receive a notice of an increase in taxes as required by Section 137.180.1 RSMo.

The only tax notice Mr. Burton received in 2007 was for the parcel ending in 012. This parcel described a 33.55 acre tract and was classified as residential and agriculture. Believing this to be the entire tract he had purchased in 2006, Mr. Burton paid the taxes and made no further inquiry as to real property taxes for that parcel.

It was not until Mr. Burton received the 2008 tax notice showing taxes in the amount of \$7,622.84 due on the parcel ending in 001. At the time of the receipt of this notice, Mr. Burton contacted the Taney County Assessor and

# TANEY COUNTY COMMISSION RECORD

Collector who notified him that the taxes were delinquent on parcels ending in 001 through 008 for tax year 2007 and that those parcels had been merged to form one parcel for the tax year 2008. At that time Mr. Burton contacted the Taney County Board of Equalization (BOE) regarding the assessment but after discussing the matter, the BOE decided not to hear the matter.

For the above reasons, the taxes associated with the parcels ending in 001 through 008 should be abated for tax year 2007 and the classification of the merged parcel now known as 09-3.0-05-000-000-033.001 should be changed to residential rather than commercial.

Kari Walden, MoBar 60060  
Styron & Shilling  
P.O. Box 7297  
Branson, Missouri 65616  
Tel. 417.334.4455  
Fax. 417.336.3131  
[kw@styronlaw.com](mailto:kw@styronlaw.com)

Commissioner Pennel requested an opinion from Counselor Paulson. Counselor Paulson noted that he would have to review all information to give an accurate opinion.

A general discussion ensued between Ms. Walden and Counselor Paulson. Commissioner Herschend made a motion to table and allow Counselor Paulson to review all information and make a recommendation. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RURAL MISSOURI WORKMAN'S COMPENSATION MEMBERSHIP AGREEMENT**

Commissioner Pennel stated the Rural Missouri Workman's Compensation Membership Agreement is presented annually at a cost of \$400.00.

Counselor Paulson commented he is ok with it as long as the county attaches a certification by the County Auditor and a signatory attestation by the County Clerk.

Commissioner Pennel made a motion to follow forth with the Agreement, including the signature page indicated by Counselor Paulson. Motion died for lack of being seconded. A general discussion ensued.

Commissioner Pennel made a motion to table for a five (5) minutes recess. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS  
9:50 a.m.**

**RECONVENE  
9:55 a.m.**

## **COMMISSIONER STRAHAN**

Commissioner Strahan discussed when important decisions are brought before the Commission that all Commissioners should be present.

## **CHRISTMAS HOLIDAY**

Commissioner Pennel announced the closing of the Taney County Courthouse on Friday, December 26<sup>th</sup>. He also noted several nearby counties would be closed, in addition to state offices.

## **SHEILA WYATT PENALTIES/INTEREST ON SPLIT**

Ms. Sheila Wyatt, County Collector, requested that a 2006 real estate tax bill that should have been split be waived the penalties and interest as they did not receive their tax statements, which was tabled from earlier in the month.

# TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion to follow the request as submitted by Collector Wyatt. Motion died for lack of being seconded.

A general discussion ensued. Collector Wyatt urged the Commission to make a decision, as her office could not proceed forward until a directive is given.

Commissioner Strahan asked Counselor Paulson for an opinion; referencing Senate Bill 711 and which decision would be legal to make. Counselor Paulson stated Senate Bill 711 modifies provisions regarding property taxation and noted he would have to look into Senate Bill 711, but generally laws are not retroactive.

A general discussion ensued.

## **RURAL MISSOURI WORKMAN'S COMPENSATION MEMBERSHIP AGREEMENT**

Commissioner Pennel made a motion to table until this afternoon, as the Commission was waiting on information from the Auditor's Office. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS  
10:48 a.m.**

Minutes were taken and typed by Nikki Lawrence.

**RECONVENE  
11:00 a.m.**

## **GRANT FUNDING**

Mr. Sean Barnwell, City of Branson Police Department, discussed a Silent Dispatching Project with the Commission. He stated the project was in need of federal funding for the second year and requested a letter of support from the Commission sent to our State Representatives.

Sheriff Russell stated that the Silent Dispatching would enable officers to gather information over the computer without it being announced across the scanner. A general discussion ensued.

Commissioner Herschend moved for the Commission to actively pursue the second year of funding for the Silent Dispatching Project, contingent upon the hardware installed in all emergency vehicles countywide. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS  
11:17 a.m.**

**RECONVENE  
1:00 p.m.**

It shall be noted that Commissioner Herschend was not present at the start of this meeting.

## **SEPTAGON & WALTON CONSTRUCTION**

The Commission, along with representatives from Septagon Construction, Walton Construction and HMN Architects, discussed issues concerning the parking lot at the Judicial Facility, as well as granite for the landing and stairs, liquidated damages and the sound system.

It should be noted that Commissioner Herschend entered the meeting at 1:25 p.m.

# TANEY COUNTY COMMISSION RECORD

Commissioner Strahan directed Mike Smith, Septagon Construction, and Steve Davis, HMN Architects, to view the parking area and present recommendations on the areas of concern to the Commission.

An update referencing the granite finish for the stairs and landing, was given by Mr. Davis, HMN Architects, who also noted that HMN would cover half the cost.

Commissioner Strahan made a motion to pay \$400.00 extra, if needed, to have work done on the weekend to correct problems with the granite floor in the Judicial Facility. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend suggested the county ask for \$43,000.000 in liquidated damage cost.

## EXECUTIVE SESSION

Commissioner Herschend to go into executive session pursuant to RSMo 610.021.1, as this is a time sensitive issue. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion.

## RURAL MISSOURI WORKMAN'S COMPENSATION MEMBERSHIP AGREEMENT

Commissioner Pennel made a motion to approve the Rural Missouri Workman's Compensation Membership Agreement, as well as the annual membership fee in the amount of \$400.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstained), Strahan (yes).

## VACATION CARRY-OVER

Commissioner Herschend made a motion to carry over 44 hours of unused vacation time Ms. Tressa Luttrell, which was accumulated throughout 2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## RECESS 4:15 p.m.

Minutes were taken by Donna Neeley and typed by Nikki Lawrence.



## DECEMBER 16, 2008 39<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

## 2009 BUDGET

The County Commission met with Brenda Neal; Circuit Clerk in preparation of the 2009 Budget.

Minutes were typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD



## DECEMBER 17, 2008 40<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Conference Room at 11:16 a.m. pursuant to adjourn with Ron Herschend, Western, and Danny Strahan, Eastern Commissioner, and the following proceedings were had and made a matter of record.

### APPOINT TEMPORARY PRESIDING COMMISSIONER

County Deputy Clerk, Jim Yust, swore in Commissioner Herschend as temporary Presiding Commissioner for the duration of Commissioner Pennel's absence pursuant to RSMo.

### GARY MORGAN, ADMINISTRATOR IS DEPARTMENT UPDATE

Mr. Gary Morgan, IS Department Administrator, updated the Commission on several issues.

Commissioner Strahan moved that we proceed to have Mr. Morgan run cable and piggy back off of the Taney County Airport for the Economic Development office. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

Mr. Morgan discussed the GIS overlay for Empire District Electric Company. Commissioner Herschend noted the Agreement, which will allow Empire District Electric Company and Taney County to exchange data, will be drafted by Counselor Paulson.

Mr. Morgan commented on the possible intercom system that has been brought before the Commission referencing the Prosecutor's Office and also noted that he had spoken with Century Tel and they are not interested in putting cell phone repeaters in the Judicial Facility, as they are not in that type of business.

Mr. Morgan has made every effort to combine all cell phones into one account, but was informed by Alltel the county doesn't have a representative. Commissioner Strahan indicated that since Ms. Luttrell has been in charge of Alltel, she would need to contact them referencing one account being formed for the county. Commissioner Herschend stated that in Ms. Luttrell's absence, he would take care of contacting Alltel to obtain one representative for all accounts.

Mr. Morgan re-visited the issue of fibering to the old jail annex. Commissioner Strahan made a motion to proceed based on the previously approved proposal. Motion died for lack of being seconded. Commissioner Herschend noted that since this was previously approved, there was no need for an additional motion or vote. The Commission instructed Mr. Morgan to proceed forth and Commissioner Herschend would contact Auditor Findley to place \$32,000.00 in the 2009 budget.

### JOHN LAVENDER, SUPERVISOR MAINTENANCE DEPARTMENT UPDATE

Mr. John Lavender, Maintenance Supervisor, noted a concern that needed immediate attention; an employee was trapped in the prisoner elevator for more than two (2) hours last night and that the emergency alarm and call buttons proved to be inoperable. He also commented that because the doors would not open, the employee damaged them so that she could get out.

He also noted that he came to the conclusion, after checking each elevator, none of the alarm and call buttons work. The Commission instructed Mr. Lavender to contact Mr. Adam Parks, Walton Construction, while the elevator repairman is still here. Commissioner Herschend also directed Mr. Lavender to close the loop with Sheriff Russell on keeping cameras on in the prisoner elevator.

# TANEY COUNTY COMMISSION RECORD

## JAIL ANNEX DISCUSSION

The Commission discussed the Jail Annex Bids. Mr. Lavender commented he changed some of the wording in the contract, specifically changing R-22 to R-19.

Commissioner Herschend directed Mr. Lavender to obtain three (3) quotes for termite treatment.

Commissioner Herschend made a motion to take the sink out of the Planning & Zoning file workroom, as noted on the building specifications. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to enter into negotiation with Midwest Siding, LLC and to reject Dixon Construction Services, LLC, due to lack of detail and pricing, as well as Precision Contracting, due to unwillingness to bond, lack of detail and resistance of completion within the 60 day deadline. Commissioner Strahan seconded the motion. Commissioner also noted the intent of the Commission is to negotiate with bidder chosen, in light of changes made in the plan and possible reduction of costs because of it. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

## RECESS 11:45 a.m.

Minutes were taken by Jim Yust and typed by Nikki Lawrence.

## RECONVENE 1:15 p.m.

## INTERGOVERNMENTAL WASTEWATER AGREEMENT

Mr. John Souttee, Sewer District Administrator, presented the Intergovernmental Wastewater Agreement to the Commission for approval, which has already been approved by the Sewer Board and the City of Forsyth.

Commissioner Herschend made a motion to accept and approve the Agreement, so the county may continue with the Y Highway project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

## JOHN SOUTTEE, ADMINISTRATOR SEWER DISTRICT UPDATE

Mr. John Souttee, Sewer District Administrator, appeared before the Commission to give a departmental update, which included the Dam Site and Spring Creek South Agreement, Hollister Sewer Agreement and completion of the Bee Creek Project.

Mr. Souttee noted there would be an opening on the Taney County Regional Sewer District Board. The Commission concurred the opening should be posted in the local newspaper. Commissioner Herschend stated he would take care of posting the upcoming opening in the local newspaper.

The Commission discussed options on the use of interest that accrues on the Sewer Sales Tax. Commissioner Herschend made a motion to direct Mr. Souttee to pursue Counselor Paulson in answering the question whether the county can earmark the interest on the tax for items other than capital improvement. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

## RECESS 2:00 p.m.

# TANEY COUNTY COMMISSION RECORD

## RECONVENE

2:06 p.m.

### EDDIE COXIE, ADMINISTRATOR PLANNING & ZONING UPDATE

Mr. Eddie Coxie, Planning & Zoning Administrator, appeared before the Commission to give a departmental update, along with explaining some codes that there had been questions about.

### CHRIS BERNDT, DIRECTOR EMERGENCY MANAGEMENT

Mr. Chris Berndt, Emergency Management Director, updated the Commission on an issue that had been raised referencing FEMA. He stated FEMA was willing to pay for the Lakeshore Drive bridge replacement. Mr. Berndt also noted that an invoice was submitted, by the Road & Bridge department in the amount of \$345,000.00, but FEMA was only willing to pay \$120,000.00.

## RECESS

2:48 p.m.

## RECONVENE

2:58 p.m.

### JOHN LAVENDER, SUPERVISOR MAINTENANCE DEPARTMENT UPDATE CONTINUED FROM EARLIER

Mr. John Lavender, Maintenance Supervisor, continued his update with the Commission. He went on to discuss the elevator concern, but noted the alarms are fixed. Mr. Lavender also stated his intention of training someone specific for the elevator.

### VACATION CARRY-OVER

Commissioner Herschend made a motion to carry-over 30 hours of unused vacation time for Mr. John Lavender, which was accumulated throughout 2008. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (absent), Herschend (yes), Strahan (yes).

## RECESS

3:15 p.m.

Minutes were taken by Donna Neeley and typed by Nikki Lawrence.



### DECEMBER 18, 2008 41<sup>st</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met at Hollister Town Hall at 2:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner present and the following proceedings were had and made a matter of record.

### PARTNERS FOR PROGRESS

The County Commission attended the monthly Partners For Progress meeting to discuss transportation issues in Taney County.

# TANEY COUNTY COMMISSION RECORD

Minutes were typed by Nikki Lawrence.



## DECEMBER 19, 2008 42<sup>nd</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Conference Room at 10:00 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, and the following proceedings were had and made a matter of record.

### ANNEX BUILDING BID DISCUSSION

The Commission met with Mr. Jeff Barrickman, Midwest Siding, LLC, to discuss negotiations of building specifications. Commissioner Strahan suggested Mr. Barrickman and Mr. Lavender, Maintenance Supervisor, rework the bid specifications and re-submit final proposal for approval.

Let it be noted Commissioner Herschend joined the meeting at 10:47 a.m.

Commissioner Strahan made a motion to table the Jail Annex bid until after the holidays. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### VACATION CARRY-OVER

Commissioner Strahan noted a concern referencing the amount of vacation carry-over with employees. Commissioner Herschend commented on individuals saving vacation to coincide with school days off. A general discussion ensued.

Commissioner Herschend moved to deny request on Ms. Lisa Owen for vacation carry-over. Motion died for lack being seconded.

Commissioner Strahan made a motion to table Ms. Owen's issue. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (opposed), Strahan (yes).

### STEPHANIE MUNDELL, SUPERVISOR ANIMAL CONTROL UPDATE

Ms. Stephanie Mundell, Animal Control Supervisor, appeared before the Commission to give a departmental update, which included building maintenance and employee schedules.

Commissioner Herschend made a motion to go into executive session pursuant to 610.021.3 RSMo. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send a letter to Mr. Keith Crawford, giving him notice not to do any building maintenance at Animal Control. Motion died for lack being seconded.

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### RECESS 12:30 p.m.

Minutes were taken by Jim Yust and typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD



## DECEMBER 22, 2008 43<sup>rd</sup> DAY OF THE OCTOBER ADJOURN TERM

The Commission met in the County Commission Hearing Room at 9:01 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

### ACCOUNTS ALLOWED

Commissioner Strahan moved to approve accounts payable warrants #307529 through #307659 and manual warrants #4937 through #4938. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### PRIOR MINUTES

Commissioner Strahan made a motion to revise prior Commission Minutes dated 12/10/2008, as well as approve prior Commission Minutes dated 12/11/2008 and 12/16/2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### PAYROLL

Commissioner Pennel made a motion to approve the following payroll warrants:

General County Revenue: #105219 through #105220 and #105249 through #105271

Road & Bridge: #105222 through #105242

Assessment Fund: #105221 and #105243 through #105244

Transfer Station: #105245 through #105247

911 Administration: #105248

Accounts Payable Warrants: #307660 through #307677 and #307680 through #307697 and manual warrants #4939, #4940.

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

### OZARKS PARADISE VILLAGE ROAD PETITION

Commissioner Pennel read road review into record, which is as follows:

Located in Ozarks Paradise Village > Section 14, Township 21N, Range 22W  
Orchard Drive is platted to run east and west from Tate Road to Long Creek Road. There is an entrance off of Highway 86 that connects to this road that residents are using and it is not platted for a road. The majority of this road appears to be under construction. It would be recommended to not take this road into the county system until the road is completed from Tate Road to Long Creek Road. The third entrance off of Highway 86 will need to be platted.

It should be noted Commissioner Herschend entered the meeting at 9:09 a.m.

Located in Ozarks Paradise Village > Section 14, Township 21N, Range 22W  
Mulberry Lane runs south off of Orchard Drive and dead ends. Approximately half of the road runs on a grade of 22 percent. The road is base rock and is in fair shape; however there is no turnaround at the end of this roadway. The 36" cross culvert should be reinstalled to work properly. The downstream side should be at the toe of the slope and the upstream side needs more material to prevent water from bypassing the inlet. One entrance on the east side of the roadway should have clean outs installed. The culvert is

# TANEY COUNTY COMMISSION RECORD

approximately 150' in length and washing out due to the grade of the hill. It would be recommended to not take this road into the county system until Orchard Drive is completed and accepted.

Located in Ozarks Paradise Village > Section 14, Township 21N, Range 22W

Ozark Road is platted to make a complete circle with both entrances connecting to Devils Pool Road. The road is blocked at the last home on the east side of this loop. The east side of this loop serves seven homes and the west side has none. The chip seal section is poor and should be graded and rebased. The rest of this section is base rock and in fair condition. The hill is wash-board style road and should be graded and compacted. If taken into the county system a turnaround would have to be established. The length of this section is 2,095' 0.39mi. Cost to the county for improvements on this section would be approximately \$10,000 - \$15,000. It would be recommended a Class V if taken into the county system. It would not be recommended to take in the west side of this road into the county system, as it has no homes located on it and has little use at this time.

Mr. Frank Preston, Road & Bridge Administrator, viewed all three roads via wide screen projector and thoroughly described each road and their issues to the Commission.

Ms. Debbie Smith, property owner in Ozarks Paradise Village, was present to answer any questions, as well as Mr. George LaRock, who was also a property within the sub-division.

The Commission discussed, in detail, the condition of all three roads. Commissioner Strahan made a motion to table Orchard Drive Road Petition due to construction along to roadway. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Smith commented that she would be willing to give up a section of land for a turnaround at the end of the roadway. Mr. Gene Dragon, Oakmont Association, offered to continue with snow removal and also would bring roadway up to grade, according to county standards. A general discussion ensued.

Commissioner Pennel made a motion to table. Commissioner Herschend commented on liability issues if the county took in the road and questioned what work would be allowed. A general discussion ensued.

Commissioner Strahan stated that different portions of the road could be considered into the county system as different classes.

Commissioner Strahan seconded the motion noting several issues that needed to be addressed through a work session with Mr. Preston. The motion passed vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to table Ozark Road Petition as there was no petitioner present to answer questions or concerns on a partial take-in of the road. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## PROJECTOR

Mr. Preston conveyed appreciation to the Commission for purchasing the projector. He indicated that Road & Bridge and Planning & Zoning have already made use of it.

## WORKFORCE HOUSING

Commissioner Pennel stated he received a telephone call from Ms. Sara Klinefelter indicating the presentation would be cancelled and she would call back to reschedule.

## SALES TAX HOLIDAY

Commissioner Pennel received a document from Clerk Neeley, which was submitted to her and it read:

Re: Show Me Green Sales Tax Holiday

# TANEY COUNTY COMMISSION RECORD

Dear County Official:

Senate Bill 1181, enacted by the General Assembly in 2008, established the Show Me Green Sales Tax Holiday in Section 144.526 RSMo. The Show Me Green Sales Tax Holiday exempts the sale of certain energy certified appliances from state tax and takes place annually on April 19<sup>th</sup> through April 25<sup>th</sup>.

According to the statute, political subdivisions may choose to participate in the 2009 Show Me Green Sales Tax Holiday, a political subdivision must both notify the Missouri Department of Revenue (Department) that it will participate in the holiday and provide a copy of the ordinance/order to that effect no later than March 5, 2009.

The ordinance or order must clearly state whether the political subdivision is choosing to participate solely in the 2009 Show Me Green Sales Tax Holiday or if it is choosing to participate in all subsequent Show Me Green Sales Tax Holidays. If a political subdivision's ordinance indicates it will participate in all future Show Me Green Sales Tax Holidays, it will continue to be a participant in future holidays until it notifies the Department otherwise.

In the event your political subdivision opts to participate in one or more Show Me Green Sales Tax Holidays, please submit your ordinance and cover letter in a timely manner to:

Taxation Bureau  
P.O. Box 3380  
Jefferson City, MO 65202

If you require additional information or assistance, please contact the Taxation Bureau at 573-751-4876.

Local Tax Unit  
Taxation Bureau

Commissioner Herschend made a motion to participate in the Show Me Green Sales Tax Holiday as a one time trial and review the results before re-committing. Motion died for lack of being seconded.

Commissioner Pennel made a motion to send a letter to the State of Missouri indicating that Taney County does not wish to participate in the Show Me Green Sales Tax Holiday. Motion died for lack of being seconded. A general discussed ensued.

Commissioner Strahan made a motion to table the decision whether to participate in the Show Me Green Sales Tax Holiday. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **CENTURY TEL EASEMENT**

Commissioner Pennel stated he was approached, via telephone, by Mr. Jerry Wood, Century Tel, referencing a piece of property that was given to them by the Branson Airport. He also noted that Mr. Wood was informed the easement belongs to Taney County and is requesting the county to release it.

Commissioner Pennel made a motion directing Counselor Paulson to review the document, which was submitted to the Commission by Century Tel. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **EMPLOYEE ELIGIBILITY FOR HEALTH INSURANCE**

Auditor Findley questioned whether an elected official should wait 90 days to be eligible for health insurance, per Taney County Personnel Policy. A general discussion ensued. The Commission concurred to post this issue on Wednesday, as it will require a motion.

## **DESTRUCTION OF RECORDS**

Auditor Findley approached the Commission with notification the Auditor's Office transferred files to the County Clerk's Office for proper disposal per retention schedule, which are as follows:

## TANEY COUNTY COMMISSION RECORD

2001 Timesheets	-	GS 028 Time and Attendance Records
2002 Timesheets	-	GS 028 Time and Attendance Records
2003 Timesheets	-	GS 028 Time and Attendance Records
2001 Receipts	-	GS 011 Receipts
2002 Receipts	-	GS 011 Receipts
2002 Requisitions	-	GS 009 Purchasing Records
2003 Requisitions	-	GS 009 Purchasing Records
1997 CAN Enrollment	-	GS 056 Insurance Policy Records
2001 I-9	-	GS 031 Employment Verification Forms
2003 I-9	-	GS 031 Employment Verification Forms
2000 – 2001 Flex Spending		
2002 Cox Health Enrollment		
2005 Century Planner Section 125		
2005 Mercy Health Monthly Statements		
2002 Blue Choice Enrollment		
2003 Mercy Health Enrollment		
2004 Corp of Engineer Statement		
2005 AIG Monthly Statement		
2003 – 2004 ASI Statement		
2002 Letters & Memo's for Delta Dental		
County Death Enrollment for Past Employees		
11 boxes of previously audited 2003 accounts payable files		
20 boxes of previously audited 2004 accounts payable files		
8 boxes of previously audited 2005 accounts payable files		
10 boxes of previously audited 2006 accounts payable files		
2002 Accounts Payable	-	GS 007 Accounts Payable Records

### 2008 SNOW RODEO

Mr. Frank Preston, Road & Bridge Administrator, updated the Commission on the many events that took place at the 2008 Snow Rodeo. He also noted the overall winner to be Ms. Bridget Collins and wanted to congratulate publicly. Mr. Preston indicated next year he would like to invite other government entities.

### PAGING SYSTEM FOR PROSECUTOR'S OFFICE

Ms. Alissha Woody, Prosecuting Attorney's Office Manager, questioned the Commission whether a decision had been made on the paging system for her office.

Commissioner Strahan noted the Commission had discussed it, but no decision has been made yet. Ms. Woody encouraged the Commission to look into this issue, as it is a huge concern to her department and encounter many problems on a daily basis.

Commissioner Pennel commented he would like to speak with Mr. Gary Morgan, IS Administrator, concerning obtaining additional information on the paging system.

### COMMISSIONER HERSCEND

Commissioner Herschend publicly thanked the citizens of Taney County for allowing him to serve as Western District Commissioner for the last eight (8) years.

# TANEY COUNTY COMMISSION RECORD

## PUBLIC COMMENT

Mr. Art Beck commented on joining with the legislature on banning the use of cellular telephone on public roadways.

**RECESS**  
**10:19 a.m.**

**RECONVENE**  
**10:40**

It should be noted Commissioner Herschend was not present.

## NUISANCE CASES

Mr. Keith Crawford proposed to drop the approval line from the nuisance form as approval is already documented in the minutes.

Commissioner Pennel moved to close case #04-396 and send letter thanking them for their efforts and continued efforts to keep property clean. Commissioner Strahan seconded the motion. The motion passed.

Commissioner Pennel moved to approve the 2<sup>nd</sup> letter on case #08-0045 with acknowledgement of efforts, in addition to requesting a plan of completion. Commissioner Strahan seconded the motion, but added the recommendation of a privacy fence. The motion passed.

Commissioner Pennel made a motion to send 2<sup>nd</sup> letter on case #08-0049. Commissioner Strahan seconded the motion. The motion passed.

It should be noted Commissioner Herschend entered the meeting at 10:52 a.m.

Commissioner Pennel moved to close case #08-0007 as it has been cleaned up. Commissioner Strahan seconded the motion. The motion passed.

Commissioner Strahan made a motion to send 1<sup>st</sup> letter on case #08-0044. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to send 1<sup>st</sup> letter on case #08-0002. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to send 2<sup>nd</sup> letter on cases #08-0021 and #08-0022. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to send 1<sup>st</sup> letter on case #08-0038. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted Commissioner Strahan stepped out of the meeting.

Commissioner Pennel made a motion to send notification letter on case #08-0065. Commissioner Herschend seconded the motion. The motion passed.

Commissioner Herschend moved to send violation on case #08-0040. Motion died for lack of being seconded. Commissioner Herschend made a motion to send a special letter on case #08-0040. Commissioner Pennel seconded the motion. The motion passed.

Commissioner Pennel moved to send notification letter on case #08-0041. Commissioner Herschend seconded the motion. The motion passed.

# TANEY COUNTY COMMISSION RECORD

It should be noted Commissioner Strahan re-entered the meeting.

Commissioner Pennel suggested sending a notification letter on case#08-0043. Mr. Crawford noted he would re-visit the property and continue to watch before a letter is sent. Commissioner Pennel directed Mr. Crawford to contact complainant and pursue legal advice on how to proceed.

Commissioner Pennel moved to close case #08-0043. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to send 1<sup>st</sup> letter on case #08-0074. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to send violation letter on case #08-0066. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to send letter on case #08-0055. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to send letter on case #08-0046. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

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

**RECESS**  
**11:43 a.m.**

**RECONVENE**  
**1:00 p.m.**

**BOB PAULSON**  
**WORK SESSION**

Counselor Paulson gave an update on the State Tax Commission lawsuit.

**EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021.12. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

**CONTINUE WITH**  
**BOB PAULSON**  
**WORKSESSION**

Commissioner Pennel made a motion to direct Counselor Paulson to contact the judge in the State Tax Commission cases; notifying her and request direction resolving the issues at hand, as the two parties cannot come to an agreement. Commissioner Herschend seconded the motion, also asking Counselor Paulson to send a copy of the original Agreement to the judge. Counselor Paulson stated he would look into whether it was ethical to give the Agreement to the judge. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

# TANEY COUNTY COMMISSION RECORD

## EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021.3. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to terminate Mr. Keith Crawford. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (opposed), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion for the termination to be immediate. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (opposed), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## MR. NATHAN BURTON, COMPROMISE ON BACK TAXES

The Commission reviewed information that was discussed on December 15, 2008 at a County Commission Meeting.

Commissioner Herschend made a motion that if the County Assessor and Mr. Burton agree, then the Commission would approve the compromise. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## ANIMAL CONTROL CONTRACTS

The Commission reviewed the Joplin Humane Society Contract as well as the other municipality contracts. Commissioner Pennel noted there was some question as to whether the county has to pay \$27.50 or \$30.00 per animal. The Commission directed Ms. Christy Teel to get the correct information.

Commissioner Strahan moved to accept the Contracts as presented with the changes effective immediately. Commissioner Pennel seconded the motion. Pennel (yes), Herschend (yes), Strahan (yes).

## SEPTAGON CONSTRUCTION/ WALTON CONSTRUCTION PROPOSAL

Commissioner Pennel presented a faxed copy of a proposal that he received from Mr. Mike Smith, Septagon Construction, to the Commission.

Commissioner Herschend commented he would like Counselor Paulson to review the proposal and place it on the agenda this Wednesday at 9:00 a.m. for a detailed discussion. The Commission concurred.

**RECESS**  
**3:50 p.m.**

Minutes were taken by Jim Yust and typed by Nikki Lawrence.

# TANEY COUNTY COMMISSION RECORD



## DECEMBER 24, 2008 44<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM

The County Commission met in the Commission Office at 9:07 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceedings were had and made a matter of record.

### ELECTED OFFICIALS INSURANCE ELIGIBILITY

Commissioner Strahan made a motion for Elected Officials to be eligible for health insurance upon taking office. Commissioner Pennel seconded the motion. The motion passed.

It should be noted Commissioner Herschend telephoned and stated he would not be available until 9:30 a.m., as he is taking care of an emergency.

**RECESS**  
**9:09 a.m.**

**RECONVENE**  
**9:30 a.m.**

### JOHN LAVENDER, SUPERVISOR MAINTENANCE DEPARTMENT UPDATE

Mr. John Lavender, Supervisor, appeared before the Commission to give a departmental update, which included jail annex project, over-time hours, Judicial Facility parking lot and punch list concerns.

It should be noted Commissioner Herschend entered the meeting at 9:50 a.m.

### SETH MCDAIRMANT, DIRECTOR ECONOMIC DEVELOPMENT UPDATE

Mr. Seth McDairmant, Director, appeared before the Commission to give a departmental update, which included Enhanced Enterprise Zone Workshop that is scheduled for January 13<sup>th</sup> at the Taney County Airport, as well as 2009 budget talks.

### FRANK PRESTON WORKSESSION

Frank Preston, Road & Bridge Administrator, met with the Commission to discuss various issues.

1. Chip Seal Machine: Mr. Preston stated the bids on the repair of the chip seal machine have been received, which are between \$52,000 and \$89,000 with no guarantees. He also stated a new machine would cost over \$200,000. Mr. Preston commented on exploring other options, such as leasing, which is approximately \$30,000.00 per season (3 months).

Commissioner Strahan made a motion to go out for bid on a new and used chip seal machine. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Minimum Flow: Mr. Preston stated the deadline for the minimal flow letter is January 29<sup>th</sup>.

Commissioner Herschend recommended sending a letter referencing the opinion of the Commission. The Commission directed Mr. Preston to draft a letter and submit it to the Commission for approval.

# TANEY COUNTY COMMISSION RECORD

3. Agenda Posting: Mr. Preston proposed when items are posted under executive session, the name of an employee not be posted and asked the Commission's opinion.

Commissioner concurred not to place individual names on agenda when a personnel issue arises.

4. Road Standards: Mr. Preston proposed having a public meeting on road standards, after placing an advertisement in the newspaper, to raise thoughts and opinions of residents.
5. Road Improvements: Mr. Preston presented a project of fifty (50) proposed road improvements in Taney County, in the form of a map. He also stated he would like to meet with the Transportation Board to discuss potential projects.
6. Right-Of-Way Policy: Mr. Preston discussed the county Right-Of-Way policy to the Commission.

Commission Strahan noted he had requested for a letter to be sent to Mr. Hefley, referencing the location of his fence.

7. Landscaping: Mr. Preston discussed the trees, which are to be planted at the Judicial Facility. He requested an individual more qualified to examine the trees.
8. Casey Road Final Payment: Mr. Preston discussed the final payment and noted he had spoken to Mr. Spencer Jones, Great River Engineering, at great lengths. Mr. Preston requested approval of the final payment less the \$20,000.00 for damages.

Commissioner Pennel made a motion to approve PR#10 in the amount of \$132,272.78. Commissioner Strahan seconded the motion. A general discussion ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
**11:15 a.m.**

**RECONVENE**  
**?**

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go into executive session pursuant to RSMo 610.021.12. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
**?**

**RECONVENE**  
**?**

## **PAGING SYSTEM FOR PROSECUTOR'S OFFICE**

Commissioner Pennel made a motion to approve the paging system proposal from Century Tel in the amount of \$1970.60.

Mr. Gary Morgan, IS Administrator, joined the meeting via telephone. He stated he had exhausted all options and his recommendation is to go forward with the paging system, as it is the most cost effective out of the options he was researching.

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

# **TANEY COUNTY COMMISSION RECORD**

## **HUMANE SOCIETY CONTRACT**

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

## **COMMUNICATION GRANT SUPPORT LETTERS**

Commissioner Strahan moved to approve the support letters for the Communication Grant, which will be sent to our State Legislature. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **2010 CENSUS SUPPORT LETTER**

Commissioner Pennel informed the Commission that had appointed Mr. Christopher Welch as Chairman for the Executive Complete Count Committee for Stone and Taney County.

## **DATA SHARING CONTRACT**

Commissioner Herschend made a motion to approve the Data Sharing Agreement for Empire Electric District. Commissioner Strahan seconded the motion.

## **ANNEX BID DISCUSSION**

Commissioner Pennel discussed the bid of Precision Construction, noting Mr. Holt wanted to meet with the Commission.

Commissioner Herschend stated he was unable to be bonded. A general discussion ensued.

## **EXECUTIVE SESSION**

Commissioner Pennel made a motion to go back into executive session pursuant to RSMo 610.021.12. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **RECESS ?**

Minutes were typed by Nikki Lawrence.



## **DECEMBER 29, 2008 45<sup>th</sup> DAY OF THE OCTOBER ADJOURN TERM**

The County Commission met in the County Commission Hearing Room at 9:01 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner, present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Strahan followed by the pledge.

## **ACCOUNTS ALLOWED**

Commissioner Pennel stated there were no accounts payable warrants available for approval.

# TANEY COUNTY COMMISSION RECORD

## PRIOR MINUTES

Commissioner Pennel stated there were no prior Commission Minutes available for approval.

## DISRUPTION OF THE ASSESSMENT PROCESS

Mr. James Strahan, County Assessor, voiced concerns of Elected Officials interfering with the assessment process. He also noted that the process of Board of Equalization is not being followed and that those that are involved in the process should be properly trained.

Counselor Paulson recalled his opinion, which was submitted to the Commission, referencing what should be heard by the Board of Equalization.

Commissioner Strahan expressed the rights of the citizens to be heard, but also noted there is a place and a time for it and it may not be at the Board of Equalization.

Commissioner Pennel stated the Commission should do what they can to help the citizens of Taney County.

A general discussion ensued.

**RECESS**  
**10:16 a.m.**

**RECONVENE**  
**10:21 a.m.**

## PUBLIC COMMENT

Mr. Rick Zigenfuss, City of Hollister Administrator, acknowledged efforts by Commissioner Herschend with the City of Hollister and appreciated all of the support given by the County Commission.

**RECESS**  
**10:28 a.m.**

Minutes were taken and typed by Nikki Lawrence.