

**OFFICIAL MINUTES**

**FEBRUARY 2, 2009, 16<sup>TH</sup> DAY OF  
THE JANUARY ADJOURN TERM**

**COMMISSIONER'S HEARING ROOM  
9:00 AM**

Commissioners Present: Jim Strafuss, Chuck Pennel, and Danny Strahan

Prayer by Sue Clayton

**ACCOUNTS PAYABLE APPROVAL**

Commissioner Strahan moved to approve the following accounts payable:

Checks # 308063 - # 308071 and # 308072 - # 308078

Void Checks # 308079 – 308177 and #308178 - 308276

Warrants # 4963

Commissioner Strafuss seconded the motion. The motion was approved by vote Commissioner Strafuss (yes), Commissioner Strahan (yes), and Commissioner Pennel (abstained).

**APPROVAL OF MINUTES**

Commissioner Strafuss moved to approve the minutes for 1/26 and 1/28/09. Commissioner Pennel seconded the motion. The motion was approved by vote Commissioner Strafuss (yes), Commissioner Strahan (yes) and Commissioner Pennel (yes).

**APPROVAL OF PAYROLL**

Commissioner Pennel moved to table approval of Payroll until 9:00 AM on Tuesday February 3, 2009. Commissioner Strafuss seconded the motion. The motion was approved by vote Commissioner Strafuss (yes), Commissioner Strahan (yes) and Commissioner Pennel (yes).

**REPORT ON ROAD CONDITIONS**

Frank Preston presented a review of eastern Taney county damage from the ice storm.

Chris Berndt, Emergency Preparedness Director, told the commission that FEMA would be here this week to review the damage done in Taney County by the Ice Storm.

### **STATE TAX COMMISSION AGREEMENT UPDATE**

Commissioner Pennel moved to direct County Counsel, Mr. Paulson, to send a letter and an email to the Cole County Circuit Court Judge to say the encouragement by the judge for the County and the County Assessor to reach agreement with the State Tax Commission has not happened. The letter should ask that the judge bring it to court to be resolved.

Motion failed for lack of a second.

The Commission and Bob Paulson reviewed the situation and the counter agreement sent by the State Tax Commission and discussed potential actions that might be considered.

Commissioner Strafuss moved to table the State tax Commission discussion until 12:10 PM today along with the posting to allow Executive Session if necessary. Commissioner Strahan seconded the motion. The motion was approved by vote Commissioner Strafuss (yes), Commissioner Strahan (yes) and Commissioner Pennel (no).

### **IDA BOARD QUESTION**

IDA board Chairman Ken Kline asked Commissioner Strafuss if the IDA board needed the Commissions approval to modify their by-laws to increase the members from a seven member board to a nine member board and change the term from a six year term to a four year term.

Commissioner Strafuss asked if the commission is required to approve the IDA by-laws?

County Counsel Bob Paulson said No.

### **TRANSFER FROM TMF FUND TO GCR FUND**

County Collector Shelia Wyatt presented a transfer of \$70,000 from the tax maintenance fund (TMF) to the General County Revenue (GCR) fund.

### **DONNA NEELEY – TITLE III MONIES**

County Clerk, Donna Neeley, presented the Title III funds requests. Bradleyville Rural Fire Department requested \$21,500, Protem Fire Protection District requested \$20,000, Cedar Creek Fire Protection District requested \$4,700, and Bradleyville School District requested \$21,500. Requests exceed the total funds of \$28,316.00 of the payments come from Forest lands to replace taxes not paid due to Federal Government owning the land. It will be the Commissions task to determine how to allocate the \$28,316 among the Title III requests.

**RECESS  
10:10 AM**

**RECONVENED COMMISSION'S CONFERENCE ROOM  
10:55 AM**

**JOURNAL ENTRIES/TRANSFERS**

Commissioner Pennel moved to approve the journal entries as presented by Auditor Rick Findley. Commissioner Strafuss seconded the motion. The motion was approved by vote Commissioner Strafuss (yes), Commissioner Strahan (yes) and Commissioner Pennel (yes).

**RECESS UNTIL 12:10 PM**

The minutes were taken and typed by Jim Yust, Deputy Clerk.

February 2, 2009

Commission Conference Room

Commissioners Present: Danny Strahan, Jim Strafuss, and Chuck Pennel

Time: 12:10 P.M.

**Executive Session**

Jim Strafuss made a motion to go into Executive Session to discuss litigation. Danny Strahan seconded the motion. Motion passed by vote: Pennel (yes) Strafuss (yes) Strahan (yes).

Chuck Pennel made a motion to go out of Executive Session, Jims Strafuss seconded the motion. Motion passed by vote: Pennel (yes), Strahan (yes), Strafuss (yes).

**RECONVENED FROM EXECUTIVE SESSION**

**Casey Road**

The Commission and Herion Construction Company discussed remaining issues with Casey Road and the retention funds of \$20,000 still being held by Taney County. Chuck Pennel made a motion to release \$18,000 to Herion Construction and that the County would retain \$2,000. Randy Herion stated that he agreed to allow the County to retain the 2,000. Jim Strafuss seconded the motion. Pennel (yes), Strafuss (yes), Strahan (yes).

Danny Strahan made a motion to Recess at 2:15 p.m. Chuck Pennel seconded the motion. Passed.

Chuck Pennel Reconvened the Commission at 2:30p.m.

### **ADAIR ROAD**

Chuck Pennel made a motion to table Adair Road extension until later. Jim Strafuss seconded. Pennel (yes), Strafuss (yes), Strahan (yes).

### **Road & Bridge issues**

The Commission along with Frank Preston discussed the future presentation of a long-range transportation plan.

### **Road Peition Process**

The Commission discussed the Road Petition Process. Road Petitions will go to the Road & Bridge Department and then they will ask the Clerks office to verify signatures.

### **Modot Road Barn**

Chuck Pennel would like the county commission to talk with Modot about obtaining the Modot building located on E76, at the Mt. Branson area.

### **Press Policy**

The Commission discussed amending their press policy and authorizing the press to call the heads of the following departments. Sewer Department, John Soutee, Airport, Mark Parent, Road & Bridge, Frank Preston, Maintenance, Tressa Luttrell.

Recessed 3:50 p.m.

Reconvened 3:55 p.m.

### **Powell Road Vacation**

Chuck Pennel made a motion to ask Bob Paulson to write a letter to planning & zoning stating that our intention is to vacate the undeveloped portion of Powell road the portion that is affecting Lot 29A as soon as we can legally vacate it. Jim Strafuss seconded the motion. Pennel (yes), Strafuss (yes), Strahan (yes).

### **Maintenance Issues**

Review of issues with Judicial Center roof leaks and HVAC problems. Tressa Luttrell was directed to contact someone to be here onsite to deal with the roof leaks. Tressa was also directed to talk to the Sheriff's office and identify their problems with the buildings. Chuck Pennel would like Tressa to send an e-mail to Walton and Septagon concerning the smoke test and to request written directions on which drains need to have water poured in them. Chuck Pennel then stated that after Tressa gets that information she is to create a checklist on when and where to pour water down the drains. Chuck Pennel asked Tressa to find out who our warranty contact is and get it in writing. The Commission

directed Bob Paulson to contact Rick Quinn and let them know that we are evaluating all options to get resolutions to roof leaks.

### **NACO**

Jim Strafuss discussed attending a NACO meeting in Washington D.C.

### **Sunshine Law**

Danny Strahan said he wanted a policy because I have a real concern about how to answer questions when I receive phone calls, that assures us that we do not find ourselves involved in a sunshine law violation.

### **IDA Office Location**

Jim Strafuss suggested that we put IDA where the sewer department is currently located after the sewer department is relocated and that the IDA will temporarily be housed at the City of Branson

Bob Paulson was instructed to work with the IDA to improve the by-laws.

Recess

Minutes taken and typed by Donna Neeley, County Clerk