

**FEBRUARY 14, 2005 THE 16<sup>th</sup> DAY OF  
THE JANUARY ADJOURNED TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:05 a.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District and Danny Strahan, Eastern District present. The following proceedings were had and made a matter of record.

Prayer was led by Chuck Pennel; followed by the pledge.

**JOHN LAVENDER  
MAINTENANCE**

John Lavender, Maintenance Supervisor met with the Commission to discuss a failing water heater that services the Sheriff's department among others. After a general discussion Commissioner Herschend made a motion to approve up to \$3,304.00 for the replacement of the water heater. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**SHYLA JONES  
E. SUSAN STREET**

Shyla Jones met with the Commission to again plead that the Commission take the additional portion of E. Susan Street that runs to her house. Ms. Jones noted that the Fire Department could not get to her house in case of an emergency with the condition of the road. Commissioner Pennel disagreed stating that he couldn't see any reason why the Fire Department could not travel on that portion of road. Pennel added that the Road Administrator had looked at the plat and has a good argument for their decision. Pennel stated that he could not support the additional portion even though it was only 50 feet.

Commissioner Herschend pointed out that the Commission does not have a responsibility to provide access to boat docks and suggested that the Commission not get into an in-depth discussion since a decision had already been made. Herschend commented that if Ms. Jones is holding us to the plat the County might have to have the road surveyed.

Commissioner Herschend made a motion to table the issue, to respond to Ms. Jones in writing of the Commission's final decision and to take another look at the site. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**BIDS – GUARD RAIL**

Tressa Luttrell, Administrator informed the County Commission that bids had been opened and reviewed for the Guard Rail on the Bear Creek Bridge Project. Luttrell

stated that she had discussed the results with the County Road & Bridge Administrator and our recommendation is to accept Thompson Culvert.

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

### **PETITION – HILLTOP RANCHES**

Commissioner Strahan brought up a petition for Hilltop Ranches and Hilltop Ranches 1<sup>st</sup> addition noting that the original petition was discussed on February 3, 2003 and has been tabled twice since. Strahan noted that the developer has sold 15 out of the 21 lots since the Commission tabled the petition last. Strahan asked if the Commission was ready to finish this petition.

Commissioner Pennel stated that he was uncomfortable at this time until he and the Road Administrator could go and take another look. Herschend commented that there was a real concern with the conditions of the roads.

The Commission agreed to put the issue on the next Monday meeting.

### **CHUCK PENNEL BEE CREEK SEWER**

Commissioner Pennel brought up the Bee Creek Sewer Project and stated that he would entertain a motion for the rescinding of the Territorial Agreement with the City of Branson.

Commissioner Herschend made a motion to rescind the portion of the 2000 Agreement that requires exclusive territory for the City of Branson in regards to the Bee Creek Basin, the Bull Creek Basin and the Emory Creek Basin. Bob Paulson, Counsel stated that this motion doesn't necessarily mean that the contract is rescinded noting that it has to be rescinded by all parties not just the Commission.

Commissioner Herschend amended his motion to include that the Commission approach the City of Branson and request the same of the Sewer Board. Commissioner Pennel seconded the motion.

Commissioner Herschend stated that having reviewed the remaining portions of the contract that that portion comes at a high cost to the developers and the citizens. The Commission's concern is that the citizens not be penalized which could stifle the growth of Taney County. It is critical that the agreement get rescinded.

Commissioner Pennel again noted that the Commission recognizes that the remaining portion of the 2000 document can be detrimental to growth in the county by

imposing higher cost to the citizens to connect to the Branson system. Commissioner Herschend added that there is no benefit that can be determined from this contract.

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

### **PRIOR MINUTES**

Commissioner Herschend made a motion to approve prior Commission Minutes dated February 7<sup>th</sup> & 8<sup>th</sup>, 2005. 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 #87645 through #87787. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **COMMISSIONER HERSCHEND HOUSEKEEPING**

Commissioner Herschend addressed the following issues:

1. Linda Morgan was being nominated for the “Women of the Year” by the Beta Sigma Phi and felt that the Commission as well as others should attend.
2. The County Health Fair for the employees has been requested to be scheduled again and added that catching one case before it evolves is a cost savings not only to the County but to the Employee as well.

Commissioner Herschend made a motion to approve the date of March 31<sup>st</sup> for the 2<sup>nd</sup> County Health Fair. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. The State Tax Commission is having a class for the proper way of handling Board of Equalization. Herschend added that he felt the Commission should all attend.

### **COMMISSIONER STRAHAN TOURISM TAX COMMISSION**

Commissioner Strahan commented that he had personally been criticized by the media for some things regarding the Tourism Tax Commission. Strahan stated that he had not been informed as to what is going on or had gone on with the board and didn't feel that he should be criticized.

Strahan added that the Commission has a responsibility to the citizens and should know the full story before appointing board members. Strahan noted that the City of Branson stated that they would only be interested in the tax if they received 10% of the

money, now they have verbally changed that statement but it doesn't show up anywhere as being changed. Strahan pointed out that he just wanted to know where the money would be spent before he makes a decision to appoint a board member.

Bob Paulson, Counsel stated that the board was currently working towards amending legislation.

### **CHUCK PENNEL AFFORDABLE HOUSING**

Commissioner Pennel informed the Commission that the OACAC Board had been working towards getting affordable housing in Taney County and was looking for \$5,000-\$6,000 to fund a study which would give them a better opportunity to receive grant funding. Pennel added that the City of Branson's Administrator, Terry Doty and himself had a meeting with representatives from OACAC to discuss funding and had agreed not to fund at that point until they did further study.

Pennel noted that OACAC had now received a donation of property and would like for the Commission to think about funding a portion of the study.

Commissioner Herschend made a motion to approve up to \$3,000 for the purpose of the study towards affordable housing from the contingency fund. Commissioner Pennel seconded the motion.

Commissioner Herschend amended his motion to include that the OACAC Board could have the funding as soon as they came up with the remaining funds for the study. Commissioner Pennel amended his second. Commissioner Herschend added that the County could have access to the study through an Intergovernmental Agreement for valuable information that would benefit various departments. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **BOARD APPOINTMENT**

Commissioner Herschend made a motion to appoint Shawn Pingleton as the Branson representative for Planning & Zoning. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **DISPOSITION OF RECORDS**

Donna Neeley, County Clerk submitted the following records for disposal as per State Retention:

#### **RECORDS DISPOSITION**

**Date Sorted and Pulled: 2-9-05**

The following records have met their retention schedule and are recommended for disposal under RSMo 109.230 subsection 4. The officeholder with jurisdiction over these records may elect to take the following action: store the records, destroy the records, or de-accession the records. If the records are destroyed or donated to a local historical agency the action should be recorded in the minutes with the record series and inclusive dates.

<b>Record Series</b>	<b>Inclusive Dates</b>	<b>Retention</b>
PSR/Voter Registration	1999	5 yrs.
Election Material	2002	22 mos.
Election Media File	2002	22 mos.
Election Precinct Reports	2000	22 mos.
Election Material	2001	22 mos.
Election Material	1999	22 mos.
Unvoted Ballots Certified	2005	Until Election is
Budget Audit	1995	Completion of
Budget Audit	1996	Completion of
Budget Audit	1997	Completion of
Budget Audit	1998	Completion of
Budget Audit	1999	Completion of

### **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021.(2)(12). 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 Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that a motion was made and until the completion said transaction the motion remains closed.

Ordered that the Commission adjourn.

Minutes taken and typed by: Tressa Luttrell