

**MAY 31, 2005 THE 18<sup>TH</sup> DAY  
OF THE APRIL ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:01 a.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District and Danny Strahan, Eastern District present. The following proceedings were had and made a matter of record.

The prayer was led by Helen Souttee followed by the pledge.

**ROAD PETITION  
COMBS ROAD**

Commissioner Herschend read the following road petition: Establishment of Combs Road in Beaver Township, private road 10 to 12 ft in width located near the west line of the southwest border of the northeast quarter in the northwest quarter of the southeast quarter of section 31, township 24 north, range 17. Begins on the south side of Skyline Drive approximately 4600 ft east of Highway 125 and the total length of road is approximately 1000 ft. Herschend then read the recommendation of the Road and Bridge Engineer noting that it is not a through road, with a 10 to 12 ft surface width, no culverts or surface material, and is in poor condition. If taken in, Dan Raterman, Engineer recommended a Class 6 with 40 ft right-of-way and the necessary easements for a turn around.

Commissioner Strahan stated that he has not had the chance to look at it but would like to drive Combs Road.

Commissioner Herschend expressed a concern about spending taxpayer's dollars for a 1000 ft road with only 2 dwellings and no surface material. Herschend asked how the county would maintain a road with no surface material.

Dan Ratermann, Road and Bridge Engineer, explained that the first step would be to put a surface and estimated it would cost a minimum of \$2,000 to \$3,000 to make the road workable.

Commissioner Strahan made a motion to table the petition for Combs Road for two weeks until he can look at the road. Commissioner Herschend seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**BOYS CAMP ROAD**

Commissioner Herschend explained that Boys Camp Road is in the process of being worked on but there is some conflict among property owners and the necessary easements. Strahan added that he has spoken with some people at Rockaway Beach and they said they would help the county maintain the easement but have not gotten it yet.

Dan Ratermann, Road and Bridge Engineer, stated that the county is presently waiting for the road to be surveyed.

**ROAD PETITION  
BENTLEY ROAD**

Presiding Commissioner Pennel read the following road petition: South half of the southwest quarter of section 11, township 23, and range 21, Bentley Road. Pennel went on to read the recommendation of the Road and Bridge Engineer noting that the road is very narrow with no ditches and the surface is rough with bad ruts. The engineer stated "it is not a good candidate for the county to take in" but if the road is taken in it should be classified no higher than a Class 6.

Richard Bentley, landowner, stated that the easement was signed over to the Bentley family in 1960. Bentley went on to say that he has mixed emotions about whether or not the county should take in the road and just came to get the opinion of the Commission as to what it would cost to fix the road.

Commissioner Strahan made a motion to deny the petition for Bentley Road. Commissioner Herschend seconded the motion to deny. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**ROAD PETITION  
POVERTY GULCH**

Presiding Commissioner Pennel stated that the old petition for Poverty Gulch was denied November 8 of last year. Pennel read the new road petition: Poverty Gulch Road Hollister Missouri, section 13, township 22, range 22. It measures 16 to 24 ft in width and is .55 miles in length and is in poor condition with 2 culverts and shallow ditches. Pennel then read the Road and Bridge Engineers recommendation: Road needs to be graded and shaped with some aggregate added and recommended a Class 6 if taken in. Road and Bridge also stated that the road would provide relief for the traffic using Iowa Colony Road when the county improves Iowa Colony in 2006. Pennel then asked what the plans for Iowa Colony Road are in 2006.

Dan Ratermann, Road and Bridge Engineer, explained that it would be similar to the other part of the road that was improved by widening it with a culvert and gutter.

Commissioner Herschend asked if the Commission has a remonstrance on this petition like the previous petition for Poverty Gulch.

Tressa Luttrell, Administrator, stated that there is not a written remonstrance for this petition but there was one for last petition.

Linda Lindstrum, Property Owner, stated that she is on the better end of the road and just built a house. Lindstrum explained that the area is developing rapidly and would like to see the road improved.

Anne Symington, Property Owner, stated she owns two acres on Poverty Gulch Road and can't even get to her property. Symington went on to explain that she granted an easement to the county for water and sewer and that she appreciated it however, her land is unusable. Symington explained that if there were an emergency on Iowa Colony Road then Poverty Gulch would be a great alternate route for safety reasons.

Jack Mefferd, Property Owner, explained that the road is on his property and presented the Commission with a survey plot to show that part of the road is on his property. Mefferd clarified that he is not opposed to the road as long as his land issue is taken care of properly.

Bob Paulson, County Counselor, suggested the Commission look to see if the county has easements to take in the road and either pay Jack Mefferd for his property or get him to sign it over before taking in the road.

Charles Hagston, Property Owner, stated that he spent \$300 on base to cover the first 300 ft of the road just to make it accessible. Hagston explained that there are pressurized sewer lines along the road and if there were ever a break it would be difficult to get a pump truck down to maintain the line.

Commissioner Herschend clarified, "Just because the county has a pressurized line that runs along the road doesn't mean anything from a road standpoint."

Charles Hagston expressed that he feels it would help property values, plus more people would tie into the pressurized line, which would help the sewer department.

Commissioner Herschend asked Anne Symington from a realtors standpoint why it is the counties responsibility to maintain a road as opposed to the property owners. Symington explained that everyone pays taxes for the county to be improved. Herschend stated that property tax mainly goes to the schools and handicap districts and that none of the property taxes would go to reimbursing the county for improving roads. A general discussion ensued.

Commissioner Herschend made a motion to table the petition for two weeks to allow more information. Commissioner Strahan seconded the motion to table. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Commissioner Pennel clarified that there is no tax on property in Taney County and that the Road and Bridge Department is funded by 1/2 cent sales tax.

## **BID RESULTS TIPPING SERVICES**

Tressa Luttrell, Administrator, presented the Commission with the bid results for tipping services, which were bid just like the past few years. Luttrell explained that two bids are highlighted because there bids were to haul off the trailer and the other bid was not. Luttrell further stated that the Commission did not say they wanted it that way so if they want to haul they should go back out for bids to be fair to all of the venders. Luttrell explained that ADS was down compared to last year, Prairie View and Springfield Relay were up, and Waste Corp stayed the same.

Commissioner Herschend stated that it was clear to see by using base fee plus cost per mile and dividing it by 18 tons that Waste Corp is low in every category. Herschend made a motion to approve Waste Corp as the primary provider and Springfield Relay as a back up. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **BID RESULTS PID**

Tressa Luttrell, Administrator, explained that PID stands for Photo Ionization Detector, which is a type of detector, for weapons of mass destruction. Luttrell stated that there is only one bidder at \$3,089.

Commissioner Herschend expressed a concern about making a decision to purchase something when no one knows exactly what is being purchased.

Commissioner Herschend made a motion to accept the bid contingent upon his understanding of what the county is buying. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

Art Beck suggested the Commission should get involved with other government agencies to make sure they really need it before purchasing the PID.

### **BID RESULTS WHEELED EXCAVATOR**

Tressa Luttrell, Administrator, explained that three vendors gave her envelopes but two of those envelopes had no bids in them. So only one vendor gave a bid for \$199,499 with an additional \$6,000 for a bigger hammer. Luttrell read the Engineers recommendation for the Cat M 315 C with the additional bigger hammer for \$6,000 stating that the price of the bid is in line with other bidders.

Dan Ratermann, Road and Bridge Engineer, explained that the market is tight with supply and demand and that they probably didn't get more bids because the vendors don't want to bid something they can't deliver for another 6 months. Ratermann also stated the reason the vendors gave empty envelopes was so the lone bidder wouldn't know they were the only bidder and raise the price of their bid. Ratermann stated that the

county is currently leasing one excavator and owns the other so they are trying to get away from the lease.

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

Commissioner Herschend requested a letter be written to the vendors thanking them for giving the county the empty envelopes and for having the integrity of not bidding because they knew they might not be able to produce results.

### **SCENIC BYWAY LETTER**

Commissioner Pennel proposed sending the following letter to Scott Taylor at MoDot: Taney County has reviewed the public hearing transcripts and has decided to support the designation of Ozark Mountain High Road in Taney County as a State Scenic Byway. We recommend that the Scenic Byway Advisory Committee approve the nomination and present it to the Missouri Highway and Transportation Commission for final approval and official designation.

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

### **ROCKAWAY BEACH PUMP REPAIR**

Presiding Commissioner Pennel explained that the Commission received a letter from Rick Hodge requesting help with a pump repair for Rockaway Beach. The letter included an estimate of the total bill for \$2,074.20 with parts listed and labor. Hodges is requesting the county pay for half of the repair bill.

Commissioner Strahan made a motion to pay for half of the pump repair. Commissioner Herschend seconded the motion for discussion. Herschend expressed a concern about money issues.

Tressa Luttrell, Administrator, asked if there is a contract stating that the county would pay for repair. Herschend clarified it should be a one time repair and that a letter should be written stating that the county will pay for half of the cost of repair this time only. A general discussion ensued. Herschend also suggested asking Rick what could be done to make the pump last longer.

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

### **ELECTRONIC FILES**

Doug Fabion, representing Archer Engineers addressed the Commission concerning electronic files that are being held up by Burns and McDonnell because the county still owes them \$69,512 and also \$489 to Pat Barnett for outstanding easements.

Commissioner Herschend explained that he spoke to Larry Vangilder and has asked Loretta to get a letter from the City of Branson saying they are not owed anything else on easements and from there standpoint that Burns and McDonnell should be paid but he has not received that letter at this time.

### **PRIOR MINUTES**

Commissioner Pennel made a motion to approve minutes for May 10, 16, 24, & 25. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **ACCOUNTS ALLOWED**

Commissioner Herschend made a motion to approve Accounts Payable warrants # 89390-89485 and manual warrant # 4356. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

### **RECESS**

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