

**AUGUST 8, 2005 THE 8TH DAY
OF THE JULY ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:04 a.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District and Danny Strahan, Eastern District present. The following proceedings were had and made a matter of record.

The prayer was led by Ron Herschend followed by the pledge.

**ROAD PETITION
PINE TOP ROAD**

Commissioner Herschend read the following road petition. Pine Top Road in Scott Township, section 12, 13, 30-31, 32, and 33, township 21 north, range 21. No dedicated right of way 40-foot. Road is 14 to 18 ft in width and 2.8 miles in length. 1.15 miles is gravel and 1.65 miles is chip and seal with five existing entrances. Road and Bridge comments: The gravel section of the road is narrow in places with some potholes and the chip and seal section is fair to good shape with possible drainage problems ditches present on part of the road. Pine Top is recommended as a Class 5.

Randy Haes, Road and Bridge Assistant Engineer stated that he couldn't find the Platte for the 40-foot right of way just a survey. Haes further stated that Pine Top Road would make a good alternate route for future development plans in that area.

Commissioner Strahan stated that he has driven the road and it was decided in a meeting that Pine Top would be a detour for Fox Creek Road. Commissioner Strahan made a motion to take in Pine Top Road as a Class 5 county road. Commissioner Herschend seconded the motion.

Commissioner Herschend suggested that Strahan amend his motion to say contingent upon a deeded 40-foot right of way.

Commissioner Strahan amended his motion to take in Pine Top Road contingent upon a deeded 40-foot right of way. Commissioner Herschend seconded the amended motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend clarified that he would normally not vote for this road because taking in a 2.8 mile road for five dwellings is not a feasible way to spend county funds however, it makes sense for this road because of its use as a detour.

BUILDING CODES

Presiding Commissioner Pennel stated that he wants to keep the issue of building codes in front of the public and that Bob Paulson; County Counselor has presented the Commission with ballot language for building codes.

Bob Paulson, County Counselor explained that some dates might be better than others to put this issue on the ballot.

Commissioner Herschend stated that the language is very clear and speaks to the issue of a politician getting out of control which addresses fears the citizens might have.

Commissioner Pennel explained that he wants to establish how strictly the code will be enforced and how many inspectors the County will have. Pennel stated that he feels the Commission should go ahead and get it on the ballot and let the people decide whether they want it or not. Pennel then asked if the Commission is ready to pick a date to put the issue on a ballot or wait.

Commissioner Strahan expressed that he feels the Commission should wait until this issue is further discussed before deciding. Strahan clarified that he is neither for or against this issue and that the Commission is not making this decision it is the taxpayers and voting citizens who will make the decision to have building codes.

Commissioner Herschend made a motion to decide what election to put this issue on, before September 1, 2005 and to put this issue on the ballot no later than April 2006. Pennel seconded the motion.

James Strahan stated that he realizes building codes are important but there are enough building codes in place for Taney County. Strahan expressed a concern about the county not holding any public hearings to get the opinions of the citizens prior to making the decision to put this issue on the ballot. Strahan explained that he is against building codes and feels that setting up another inspection process creates another bureaucracy to the citizens of Taney County

Commissioner Herschend explained that the issue is being addressed because citizens have brought it to the Commission and expressed that he feels it would be beneficial and could potentially save citizens from having to sue a contractor for a poorly built house. Herschend went on to state that the “public has a right to determine whether or not they want someone that’s looking out for their best interest.”

Charlie Beck, Building Inspector for Central Fire Department stated this issue was put on a ballot in a past election and that 86% of the people who voted wanted building codes in Taney County. Beck explained that responsibility for complete building codes does not belong to the fire department but to county or city. Beck further stated that he is in favor of building codes and feels this issue will have no trouble passing on a ballot. Beck clarified that the inspection process is on a voluntary basis and that the fire department only does commercial not residential building code inspections. A general discussion ensued.

Rick Findley, Auditor suggested putting building inspection codes on a voluntary basis and to let the individuals decide whether they want building codes or not and then live with the consequences if they choose not to have an inspection.

Commissioner Strahan expressed a concern about employing reliable inspectors and addressed the issue of not having enough inspectors and contractors being held up because they have to wait on inspectors. A general discussion ensued.

James Strahan brought up mobile homes and asked who inspects them? Strahan further estimated that 90% of fires are mobile homes and most of that is wiring in a wall.

Bob Paulson, County Counselor clarified that a mobile home would be considered personal property not real estate. Strahan stated that 90 % of mobile homes are set on the ground and are considered real estate. Paulson explained that mobile homes are inspected at the factory.

Commissioner Herschend stated that if building codes are passed in Taney County that the county would adopt the national policy for the inspection of mobile homes in that policy.

Bob Dixon, Western Taney County Fire Department stated that they only do commercial inspections not residential and that there is a fee for inspections.

Commissioner Pennel asked Dixon if the county went with the suggestion to have a volunteer inspection would Western Fire be willing to work with the county? Dixon answered that he thinks they can work something out. Dixon further explained that Western has had no problem with their hired inspection employee as far as inspecting buildings on time.

Mike Rankin, City of Branson addressed the Commission regarding mobile homes stating that mobile homes come inspected and where he comes from, it is a requirement of the electric company that the trailer be properly tied down with footings and then the city inspects it but the inspection does not include the mobile home itself.

Eileen Cooper, Planning and Zoning stated that she has done inspection scheduling for Central Fire Department and never had a scheduling problem. Cooper also explained that she now works for planning and zoning and gets calls weekly from citizens who don't understand why we don't have building codes.

Commissioner Pennel expressed that he is not for or against this issue and that he hopes to get this on the ballot and take it to the vote of the people.

Rick Findley suggested looking at the voluntary inspection first before putting this issue on a ballot. A general discussion ensued.

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

PARK BOARD

Commissioner Strahan updated the Commission regarding the Park Board stating that they are getting a lot of volunteer concrete and things to do projects with, which will add to the number of projects for this year. Strahan further explained that the park in Mincy was platted at 5 acres of donated property instead of 2 acres.

MONTHLY BUDGET REPORT RICK FINDLEY

Rick Findley, Auditor presented the Commission with the following Monthly Budget Report. Findley explained that most of the departments are up and that the assessment fund is down this month.

TANEY COUNTY BUDGET FUND BALANCES AS OF JULY 2005

	PERIOD TO DATE	YEAR TO DATE		PERIOD TO DATE	YEAR TO DATE
GENERAL COUNTY REV			LAW ENFORCE TRAIN FUND		
BEGINNING BALANCE	0.00	13,154,890.79	BEGINNING BALANCE	0.00	1,300.78
REVENUES	<u>1,033,587.92</u>	<u>5,735,780.06</u>	REVENUES	<u>582.50</u>	<u>3,872.41</u>
TOTAL REVENUES GCR	<u>1,033,587.92</u>	<u>18,890,670.85</u>	TOTAL LET REVENUES	<u>582.50</u>	<u>5,173.19</u>
TOTAL GCR EXPEND	<u>825,008.92</u>	<u>5,075,521.87</u>	EXPENDITURES	<u>0.00</u>	<u>2,220.23</u>
TOTAL GCR FUND BAL	208,579.00	13,815,148.98	TOTAL LET FUND BALANCE	582.50	2,952.96
ROAD & BRIDGE			PROS ATT TRAINING FUND		
BEGINNING BALANCE	0.00	6,673,957.30	BEGINNING BALANCE	0.00	6,189.36
REVENUES	<u>119,567.08</u>	<u>751,935.36</u>	REVENUES	<u>161.96</u>	<u>1,046.90</u>
TOTAL RB REVENUES	<u>119,567.08</u>	<u>7,425,892.66</u>	TOTAL PAT REVENUES	<u>161.96</u>	<u>7,236.26</u>
EXPENDITURES	<u>2,899.40</u>	<u>294,373.09</u>	TOTAL PAT FUND BALANCE	161.96	7,236.26
TOTAL RB FUND BAL	116,667.68	7,131,519.57			
ROAD & BRIDGE TRUST			COUNTY INSURED FUND		
BEGINNING BALANCE	0.00	8,980,798.03	BEGINNING BALANCE	0.00	271,508.27
REVENUES	<u>536,100.65</u>	<u>3,363,743.29</u>	REVENUES	<u>668.61</u>	<u>3,602.07</u>
TOTAL RBT REVENUES	<u>536,100.65</u>	<u>12,344,541.32</u>	TOTAL INSURED REV	<u>668.61</u>	<u>275,110.34</u>
EXPENDITURES	<u>524,642.18</u>	<u>4,018,275.88</u>	EXPENDITURES	<u>5,333.73</u>	<u>35,919.49</u>
TOTAL RBT FUND BAL	11,458.47	8,326,265.44	TOTAL INSURED FUND BAL	(4,665.12)	239,190.85
ASSESSMENT FUND			911 FUND		
BEGINNING BALANCE	0.00	19,815.20	BEGINNING BALANCE	0.00	1,422,209.59
REVENUES	<u>3,364.27</u>	<u>293,764.51</u>	REVENUES	<u>48,495.98</u>	<u>330,955.72</u>
TOTAL AF REVENUES	<u>3,364.27</u>	<u>313,579.71</u>	TOTAL 911 REVENUES	<u>48,495.98</u>	<u>1,753,165.31</u>
EXPENDITURES	<u>53,870.08</u>	<u>311,927.87</u>	EXPENDITURES	<u>228,624.30</u>	<u>318,503.42</u>
TOTAL ASSEMENT BAL	(50,505.81)	1,651.84	TOTAL 911 FUND BALANCE	(180,128.32)	1,434,661.89
ELECTION FUND			SEWER FUND		
BEGINNING BALANCE	0.00	42,943.67	BEGINNING BALANCE	0.00	10,330,399.01
REVENUES	<u>132.26</u>	<u>5,420.57</u>	REVENUES	<u>548,891.84</u>	<u>4,118,964.00</u>

TOTAL ELECTION REV	<u>132.26</u>	<u>48,364.24</u>	TOTAL SEWER REVENUES	<u>548,891.84</u>	<u>14,449,363.01</u>
EXPENDITURES	<u>504.70</u>	<u>504.70</u>	EXPENDITURES	<u>151,296.04</u>	<u>1,046,594.59</u>
TOTAL ELECTION FUND BALANCE	(372.44)	47,859.54	TOTAL SEWER FUND BALANCE	397,595.80	13,402,768.42
TRANSFER STATION FUND			SEWER DESIGNATED FUND		
BEGINNING BALANCE	0.00	512,938.96	BEGINNING BALANCE	0.00	895,442.76
REVENUES	<u>43,955.71</u>	<u>244,385.42</u>	REVENUES	<u>30,007.08</u>	<u>30,007.08</u>
TOTAL TS REVENUES	<u>43,955.71</u>	<u>757,324.38</u>	TOTAL SEWER REVENUES	<u>30,007.08</u>	<u>925,449.84</u>
EXPENDITURES	<u>22,170.50</u>	<u>216,584.71</u>	TOTAL SEWER BAL	<u>30,007.08</u>	<u>925,449.84</u>
TOTAL TS FUND BAL	21,785.21	540,739.67	TOTAL ALL SEWER FUNDS	427,602.88	14,328,218.26
LEPC FUND			SHERIFF CIVIL FUND		
BEGINNING BALANCE	0.00	18,323.47	BEGINNING BALANCE	0.00	58,842.49
REVENUES	<u>25.46</u>	<u>1,833.49</u>	REVENUES	<u>232.66</u>	<u>51,236.48</u>
TOTAL LEPC REV	<u>25.46</u>	<u>20,156.96</u>	TOT SHERIFF CIVIL REV	<u>232.66</u>	<u>110,078.97</u>
EXPENDITURES	<u>(495.00)</u>	<u>10,348.87</u>	EXPENDITURES	<u>2,127.49</u>	<u>27,118.12</u>
TOTAL LEPC BALANCE	520.46	9,808.09	TOTAL SHERIFF CIVIL BAL	(1,894.83)	82,960.85
			TAX MAINTENANCE FUND		
			BEGINNING BALANCE	0.00	163,669.73
			REVENUES	<u>5,615.43</u>	<u>75,145.42</u>
			TOTAL MAINT FUND REV	<u>5,615.43</u>	<u>238,815.15</u>
			EXPENDITURES	<u>0.00</u>	<u>107,856.25</u>
			TOTAL MAINTENANCE FUND BALANCE	5,615.43	130,958.90

SCENIC ROAD BOB PAULSON

Bob Paulson, County Counselor stated he is doing all he can to get the road platted most of it is correct but he is working with property owners on some parts of the road which might have to be replatted.

DEPUTY CORONER

Commissioner Herschend made a motion to follow RSMo 58.160, Deputy's Appointments and Compensation, to pay the Deputy Coroner Elisha Woody the same salary as the Coroner until the position is filled. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend clarified that she will be paid the Coroner's salary from the time she took on the duties of the Coroner.

LANE ROBERTS

Lane Roberts addressed the Commission concerning his properties land use. Roberts explained that in 2002 he wanted to build a house on an acre of land and that planning and zoning told him anything under two acres must have a permit so he got a

permit from sewer and now there is some confusion as to whether he should have gotten a permit or not. Roberts expressed a concern that there might be issues in the future and wants the Commission to state that his current land use will not be questioned or challenged in the future.

Commissioner Herschend explained this came up a few years ago and explained that in 2002 Planning and Zoning had a 2-acre requirement and Sewer had a 1-acre requirement. Herschend stated that the Commission is not in the position to undo what has already been done and has no authority to bind future planning committee's from having questions. A general discussion ensued.

DONNA NEELEY

Donna Neeley, County Clerk stated that the Board of Equalization is now in balance and the Total Assessed Valuation to the county is \$738,690,163, during BOE we had an increase of \$130,470, a deduction of \$3,499,110, and in addition to that an increase of omitted property of \$1,145,060.

Commissioner Herschend stated he would like the opportunity to critique the BOE process so if there is anything they want to do differently it can be recorded for next year.

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants # 90322-90424 and manual warrant # 4382. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

OACAC

Presiding Commissioner Pennel stated that he got a report from Brenda Carlson, OACAC, with the need and demand analysis and that the county funded \$2,000 for affordable housing.

Mike Rankin, City of Branson stated affordable housing is high on the need and demand analysis and that the county funded three houses and the City of Branson funded two houses.

Commissioner Pennel stated that he is going to speak tonight at the Branson City Counsel meeting during public comment on the working relationship between the county and the City of Branson.

ART BECK

Art Beck asked Commissioner Strahan if he has contacted any building and trade from Springfield to help with the Park Board. Strahan stated he has been in contact with

different counties and explained that they are not to that point yet. Beck also asked if a housing development has come to the county and asked for permission to run sewer through ditches. It was decided that Commissioner Herschend would check with road and bridge.

RECESS

EXECUTIVE SESSION

Commissioner Strahan made a motion to go into Executive Session pursuant to RSMo 610.021 (1) (2) (12). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

RECONVENE

The County Commission met in the County Commission Office at 2:10 p.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District, and Danny Strahan, Eastern District present.

JAIL TAX

Commissioner Herschend made a motion to direct Counsel to write ballot language for Jail Tax to be put on the November 2005 ballot. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ordered that the Commission recess.

Minutes taken by: Hillary Bargman and Donna Neeley