

**AUGUST 15, 2005 THE 10TH DAY
OF THE JULY ADJOURN TERM**

The County Commission met in the Associate II Circuit Courtroom at 9:00 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 Rick Findley followed by the pledge.

**ROAD PETITION
COMBS ROAD**

Presiding Commissioner Pennel read the following road petition for Combs Road: Cedar Creek Township 1000 feet in length and 10-12 feet in width, road is narrow with no surface material and no turn around. Road and Bridge recommends a 40-foot right-of-way and easement for a turnaround to be taken in as a Class 6. Combs road is a private road located near the west line of southwest quarter of the northeast quarter and the northwest quarter of the southeast quarter of section 31, township 24 north, range 17. Pennel explained that he and Commissioner Strahan looked at Combs Road and stated that the road only goes to one house.

Commissioner Strahan stated that he has spoken with Mrs. Combs and explained the requirements of the county taking in a road. Strahan went on to state that the road has no acquired easements or turnarounds and that he already told Mrs. Combs that he cannot vote in favor of the county taking in Combs Road.

Commissioner Herschend added that Combs Road is only 10 feet wide and that the minimum requirement for a county road is 16 feet. Herschend further stated that the cost of building a drive way and bringing in surface material to build the road for one or two dwellings would not be a good use of the county's money.

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

Commissioner Pennel stated there was a similar situation with Bentley Road and that the Commission received a letter from the petitioners expressing their disagreement with the Commission's decision not to take in the road. Pennel explained there are so many roads in the county that they cannot all be taken in and maintained by the county.

RELOCATION OF MAPLE STREET ENTRANCE

Presiding Commissioner Pennel stated that Frank with Branson Creek brought the Commission plans for the new entrance to Maple Street, which is an intersection south of

State Hwy 65. Pennel further stated that the state is going to allow them to put in an interchange and has given them up to the year 2014 to complete.

Commissioner Herschend made a motion to approve the concept of the relocation of the Maple Street Entrance approximately 1000 feet north of its existing location and that the full cost would be paid by the developer with the oversight and approval of the county. Herschend then asked “do we as Commissioners approve this design where the county would be picking up twice the road to maintain?”

Commissioner Pennel stated that this is the states right-of-way that the county has been maintaining and added that he understands Commissioners Herschend's concern about maintaining the road however as long as they build it to the counties standards it shouldn't be a problem. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

CODE OF ETHICS

Presiding Commissioner Pennel made a motion to adopt the Code of Ethics that was presented by Donna Neeley, County Clerk at a previous meeting. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

HEALTH DEPARTMENT ANIMAL CONTROL OFFER

Presiding Commissioner Pennel stated that the Health Department sent the Commission a proposal of funds needed to run Animal Control in the amount of \$188,000.

Commissioner Herschend made a motion to thank the Health Department for their effort in responding to the counties questions but respectfully decline their offer both for cost and for the fact that the Health Department may enter into a contract with the City of Branson so the county would not be dealing directly with the Health Department. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

SUPPORT LETTER FOR THE CITY OF FORSYTH PARK

Presiding Commissioner Pennel stated that he received a letter from Mayor Smith, City of Forsyth requesting that the Commission write a letter of support for him to send to the Conservation Department in reference to using more Corp land for their park parallel to Hwy 160.

Commissioner Herschend motioned to support them, by writing a letter, stating that the park provides economic development for the city. Herschend further stated that it would help in flood years by developing a high ground for campers when the park floods.

Commissioner Strahan explained that he is in support of writing the letter but expressed a concern that the City of Forsyth has been turned down several times by the Corp of Engineers in the past.

Commissioner Herschend stated that in the five years he has been a Commissioner the Commission has never been asked to write a letter to the Conservation Department regarding this issue and feels maybe that will make a difference. Herschend further explained that the Commission would be writing the letter not only because the area is needed but also to support the City of Forsyth.

Commissioner Strahan seconded the motion.

Commissioner Pennel read the following letter from the City of Forsyth: “The City of Forsyth has made application to the Corp of Engineers on expanding the lease area of Shadow Rock Park in Forsyth. This area is southeast along Hwy 160 towards the junction of Hwy 160 and Hwy 76. The next step in our process is to request approval from the Missouri Department of Conservation as they currently control the property in question.”

Art Beck stated that this has been tried time and time again in the past and the Corp is going to say they can't put anything on property that is going to take up water space. Strahan responded that the city is just asking for a letter and not financial assistance and that the county should support them in their effort.

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

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants # 90442-90528. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

SURVEY

Commissioner Herschend addressed the Commission regarding Winkle Drive and Siesta Cove stating that a property owner told him that he appreciated the improvements made to the roads however, the county is encroaching on his property. Herschend explained that he would be asking the Commission to spend some money to take the storm water that empties onto the his property underground and give him back some real estate.

PARK BOARD

Commissioner Strahan stated the Park Board is on the final stage of getting the five acres for the park in Mincy. Strahan expressed his appreciation to the citizens

involved with the project and announced that Table Rock Asphalt has donated concrete for the Mincy Project and that Lowes and White River Electric have also made donations.

PUBLIC COMMENT

Art Beck stated that there were several people helping with the clean up of Bull Creek Park.

RECESS

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

RECONVENE

The County Commission met in the County Commission Office at 12:00 p.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.

TIF PROPOSALS

Commissioner Herschend made a motion to ask Mrs. Tressa Luttrell to send out a public notice accepting TIF proposals as per Bob Paulson's language. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that this has been triggered by Branson Creek.

SNADON CASE

Commissioner Herschend made a motion to direct Bob Paulson, County Counselor to change judges regarding the Snadon Case. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).