

**OCTOBER 31, 2005 THE 8TH DAY
OF THE OCTOBER ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:03 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 Chuck Pennel followed by the pledge.

**TITLE III MONIES
RICHARD NEEDHAM**

Richard Needham, Superintendent Mark Twain R-VIII School, addressed the Commission in regards to Title III Funds and expressed that the hope is to use part of the money to improve the facility behind the school by putting in a walking track, outdoor classroom, pavilion, and nature trail.

Presiding Commissioner Pennel asked about funding for the schools sewer project. Needham stated that they hope to go out for bid which will give them a better idea of how much of the Title III Monies they will need to use for the sewer project and if there is any left over it can go towards the improvements behind the school.

Commissioner Herschend stated that the county looks at Title III monies twice a year and explained that no monies were distributed in July so those funds have carried over. Herschend then asked Donna Neeley, County Clerk if she had a copy of the distribution of monies from last year?

Donna Neeley, County Clerk clarified that there was one entity that applied for the monies in June but the Commission denied the application. Neeley then presented a report of how much money was available in the Title III Fund and stated that \$18,607.75 is currently available and another \$18,000 is expected in November or December. Neeley also gave the Commission a copy of how Title III Monies were distributed last year along with copies of other applications.

Commissioner Strahan asked why the amount of money in the fund varies from year to year? Commissioner Herschend explained that the county receives \$18,000 a year and sometimes it's not all used so the monies from the previous year carry over. A general discussion ensued.

Presiding Commissioner Pennel expressed that he would like to have more discussion on this issue and see how the bids for the wastewater lagoon come in before making any decisions.

Richard Needham asked how the Title III money is distributed and why so much is held. Helen Souttee, Treasurer, clarified that when the law was changed the county had

the option to either receive 25% of all National Forest receipts, or the full payment amount based on the state's highest three years. Soutee further explained that since Taney County receives more than \$100,000 the county must reserve 16% for special projects or return it to the federal treasury. Therefore, by reserving 16% it doesn't mean the schools receive less money. By choosing to accept full payment the schools have been guaranteed a similar amount to what they had in the past. However, by doing so it put Taney County in a category of receipts over 100,000 that require a portion to be held for special projects. The majority of the time this money is still distributed out to the schools. Needham expressed his appreciation to Soutee for coming to the schools and making the effort to explain this process to them in order to avoid resentment.

Commissioner Herschend expressed that he would like to see the Commission make a decision today to commit to give Mark Twain R-VIII School \$11,000 out of the Title III Fund so they know they have the money and can proceed with the project.

Donna Neeley reminded the Commission that according to statute a publication of the proposed project must be put in the paper 45 days prior to the Commission making a decision in order to give the public time to respond to the project. A general discussion ensued.

Commissioner Herschend made a motion to hold \$11,000 dollars of Title III Monies for Mark Twain R-VIII School to go towards the completion of their sewer project pending the 45 day wait prior to the publication and if all Title III Funds are not needed that Mark Twain can come back and request more money for the project behind the school. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Donna Neeley, County Clerk asked the Commission for clarification, and Herschend directed the Clerk to publish the Mark Twain application now, as Mark Twain is requesting the money prior to the end of the year.

MIKE BRITTAIN

Mike Brittain addressed the Commission with a proposal to start a recycling center for wood and plastic. Brittain explained that if the county enters into an arrangement with him to recycle products that normally go to the landfill then he estimates a savings of 40 to 50% of landfill cost. Brittain stated that is would be a local business and asked the Commission if it would be possible to target waste as a recycling product?

Commissioner Pennel stated that he is interested in the project. Brittain explained that a lot of time and effort will go into the research of this and asked for a tentative arrangement for the county to work with him in the future.

Commissioner Herschend stated that it is a tremendous idea and would like to support it but expressed that the Commission must go out for bid to give everyone a fair chance and to get the best possible deal for the county. A general discussion ensued.

The Commission decided to go out for bid and then schedule a work session to get questions answered and to work out details like liability, facility uses, and Department of Revenue issues.

ROAD PETITION CASPAR ROAD

Presiding Commissioner Pennel read the following road petition for Caspar Road: Township 23 N off of MM Highway to Blackwell Ferry and to the left. Road is narrow with no ditches, four trees removed, and no turnaround. Recommendation is to take the road in as a Class 6 until improvements are made. Pennel stated that he would like to look at Caspar Road before making a decision.

Commissioner Strahan made a motion to table the Caspar Road petition until at least one of the Commissioners has had a chance to look at the road. Commissioner Pennel seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

SHERWOOD FOREST LANE

Commissioner Herschend explained that the Sherwood Forest Lane petition was previously tabled along with Morning Star Road. The roads are located off of Tate Road in Long Point Subdivision. Sherwood Forest Lane is 40 feet in width, aggregate is in good condition but narrow. Recommendation is to take it in as a Class 6 until the area develops more. Morning Star Road has a 16 to 17 feet surface width and ditches on half of the road. Traffic County is 5 to 10 per day. Ditch lines need to be improved and brush should be trimmed. Recommendation is to take it in as a Class 6 until area develops more.

Presiding Commissioner Pennel asked about the lot overlay of the property and stated that the map shows that the road may not be located exactly where the easement is. A general discussion ensued

Commissioner Herschend made a motion to take both Sherwood Forest Lane and Morning Star Road in each as Class 6's contingent upon clarifying where the intersection is on Sherwood Forest Lane and if it is not clarified then to just take in Morning Star Road. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ROAD PETITION WARD DRIVE

Presiding Commissioner Pennel read the following road petition for Ward Drive: Township 21, Section 6, Range 18. Platted in 1965 or 1968, road is narrow and rough with no ditches or turnarounds. Recommended that the road be taken in as a Class 6 until improvements are made. Pennel stated that he went to drive the road and it was pretty rough.

Commissioner Strahan stated that he would like to have a 40 feet easement established before the county takes in the road.

Larry and Madeline Brewer, Property Owner's explained that not all of the property owners along the road could give a 40 feet easement. Brewer further expressed a concerned about erosion and ruts caused by rainwater washing down the hill and that they might be able to give a 30 feet easement.

Presiding Commissioner Pennel explained that the county tries to go by one standard for consistency and that they have not taken in any road without a 40 feet easement. Brewer stated that the hill is the main concern and explained that he has been unable to reach the owners of one of the properties. A general discussion ensued.

Commissioner Strahan made a motion to table this petition until more is learned about easements and storm water drainage. Commissioner Pennel seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

NACO PRESCRIPTION DRUG PLAN

Commissioner Herschend stated that at the Missouri Association of Counties meeting last week the counties were made aware by the National Association of Counties that a new prescription card program is underway. Herschend further explained that it would be free to citizens of the counties and that the card can get up to 20% off of the retail price of prescription drugs. Herschend added that the cards would be distributed soon to the citizens of Taney County.

PLAN UNIT DEVELOPMENT

Presiding Commissioner Pennel stated that Kurt Larsen and Larry Rowland offered to research codes for plan unit development and asked if the Commission would give them the go ahead to research.

Bob Paulson, County Counselor explained that clusters in density gives flexibility, which allows developers to vary set back requirements dealing with large parcels of land. Paulson added that several houses could be clustered on smaller portions to average the density. Paulson further clarified that Rowland and Larsen don't want approval on the developments; they just want permission to work on them.

Commissioner Pennel expressed that he would be in concurrence with letting them go ahead and research an amendment.

Commissioner Herschend expressed a concern about them being short staffed. Bob Paulson explained that all they have to do is pull from codes that already exist and work out what would be best for Taney County. Commissioner Pennel stated that they could come to him if they got to busy and he would find more help.

PRIOR MINUTES

Presiding Commissioner Pennel made a motion to approve minutes from October 3rd and 11th. Commissioner Strahan 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 # 91618-91690 and manual warrant # 4408. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

DONNA NEELEY

Donna Neeley, County Clerk asked the Commission if a decision could be made today as to whether two Road and Bridge Employees could be used to set up and take down polling place equipment on November 7th and 9th.

TABLE ROCK ACRES

Commissioner Herschend informed the Commission that he met with Sam Yarnell to discuss Table Rock Acres and they are negotiating with a sole bidder to go back and do portions of the road that still need to be done.

Presiding Commissioner Pennel asked if the property owners have been informed? Herschend stated that letters are being sent to all property owners letting them know that the project would be started.

TOURISM ENHANCEMENT DISTRICT

Commissioner Herschend thanked Donna Neeley, County Clerk for getting him a copy of November's election cost. Herschend explained that he was in a Tourism Enhancement meeting and it was mentioned that they felt they are paying the full cost of election. Herschend added that the Election cost for this November was divided up with the state and the county each covering 44% of election cost and the Tourism Enhancement District covering 12%.

AIRPORT

Commissioner Herschend stated that at the last airport meeting, safety training was addressed. Herschend added that Mr. Mark Parent, Director of the airport, has sent detailed procedures/suggested guidelines and expressed that Parent is doing an excellent job in safety.

EXECUTIVE SESSION

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