

**NOVEMBER 28, 2005 THE 16<sup>TH</sup> DAY  
OF THE OCTOBER ADJOURN TERM**

The County Commission met in Associate II Circuit 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.

The prayer was led by Chuck Pennel followed by the pledge.

**HAVENER HOUSE**

Commissioner Herschend made a motion to approve a check to be cut for the closing of the Havener House in amount of \$99262.66 at 4:00 p.m. November 28, 2005. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**COX COMMUNICATIONS**

Bob Paulson, County Counselor informed the Commission that he received a letter concerning the transfer and conveyance of Cox Communications and that the Commission had a certain time frame in which to comment on the transfer.

Presiding Commissioner Pennel explained that neither the county nor city have any say on the pricing of Cox Communication they can just comment on the transfer.

Commissioner Herschend suggested that the counties comments reflect the fact that the county has had difficulties with lines being dug and that Cox Communications has acted irresponsibly in the past. No motions were made and no votes were taken.

**SMACOG**

Tressa Luttrell, Administrator asked the Commission if they are still interested in being a member of Smacog? Luttrell further stated that the deadline for the \$2500 due is coming up soon.

Presiding Commissioner Pennel explained that Smacog benefits Planning and Zoning and that they were the ones who came up with Taney County's Disaster Relief Plan. Commissioner Herschend added that Smacog's work could be beneficial when the building code issue is placed on the ballot. No motions were made and no votes were taken.

**MASTER PLAN**

Presiding Commissioner Pennel stated that someone always asks him about a Master Plan at Planning and Zoning meetings and suggested planning a separate meeting

or work session to further discuss a Master Plan. No motions were made and no votes were taken.

### **PRIOR MINUTES**

Commissioner Herschend made a motion to approve minutes from November 21, 2005. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**Note:** The Commission decided that they would like to specify Larry Van Gilder as the chairmen up for reappointment who was mentioned in the minutes being approved.

### **BUILDING CODES KURT LARSEN AND LARRY ROWLAND**

Kurt Larsen, Planning and Zoning addressed the Commission regarding questions that were asked about the amendment of building codes. Larsen stated that one of the proposed amendments was to change the section that says “one acre or less” to say “less than one acre” in order to meet the Department of Natural Resources requirements. Larsen explained that the wording is misleading because “one acre” is in another requirement category than “less than one acre”.

Bob Paulson, County Counselor suggested amending the wording of the code to say “equal to or greater than one acre” to avoid any further confusion.

Larry Rowland stated that this change in wording must be taken back to be approved by Planning and Zoning and then once the amendments are approved they should be brought back before the Commission for their final approval.

Presiding Commissioner Pennel asked why the Department of Natural Resources has anything to say about the code. Kurt Larsen explained that Planning and Zoning used to function under the Department of Natural Resources and the county’s code has to be brought under their code.

Bob Paulson added that the county can require more than what is required in DNR’s code but has to at least have the same minimum requirements.

Kurt Larsen went on to explain that the 50 feet minimum easement requirement mentioned at last weeks meeting has been in the code for as long as he can remember and that it is to protect the county from someone running an easement back a few acres and then wanting to split the property.

Commissioner Herschend asked if the property owner wants to subdivide the back five acres, is there a requirement that limits them to only one split? Kurt Larsen stated that if there are less than six lots then it is a minor subdivision and they could split more than one time.

Commissioner Pennel asked why the minimum easement requirement for the county to take in a road is 40 feet, but the code states there is a 50 feet easement requirement for a new development?

Commissioner Strahan added that he does not want to send a mixed message to citizens by having both 40 feet and 50 feet easement requirements.

Kurt Larsen explained that new subdivision must build to the 50 feet easement standards but some older roads were not built to these requirements and that they are two different issues. A general discussion ensued.

Tressa Luttrell, Administrator suggested the Commission get Planning and Zoning together for a work session to further discuss and clarify these issues. No motions were made and no votes were taken.

### **LETTER TO PETER RAE**

Commissioner Herschend stated that he sent a letter to Peter Rae about moving his safe from the storage building that is being torn down. Herschend went on to explain that Mr. Rae did not respond to his first letter and plans on sending him a follow up letter. Commissioner Herschend made a motion to send another letter to Peter Rae about the storage of his safe confirming that it needs to be taken care of and to have him communicate with the Commission before December 1, 2005.

Presiding Commissioner Pennel expressed a concerned that a letter it is not very definitive as far a resolving the issue. Herschend clarified that the letter indicates if Mr. Rae does not come and get his safe the county will be storing it outside.

Commissioner Herschend amended his motion to reflect that Peter Rae has until December 10, 2005 to let the Commission know what he plans to do with his safe. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RESCHEDULED WORK SESSION**

Commissioner Herschend suggested rescheduling the work session that was cancelled. It was decided that the meeting would be rescheduled at 9:00 a.m. on Wednesday December 7, 2005 at the airport to discuss a memorandum of understanding. No motions were made a no votes were taken.

### **JAIL FUNDING**

Rick Findley, Auditor stated that he has reviewed the budget and determined that the county can borrow money from other funds that have extra money in them to help fund the jail.

Commissioner Herschend stated that he would appreciate any opportunity to save money and reminded Findley that the sewer board has a \$23 million dollar project plus a few other projects in the works.

Commissioner Strahan stated that he thought these were all factors that we were going to consider only if the tax didn't pass?

Presiding Commissioner Pennel told Findley if he could figure out a way to save money then, "lets do it." No motions were made and no votes were taken.

### **RECESS**

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

### **RECONVENE**

10:50

### **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into Executive Session pursuant to RSMo 610.021. (1), (2), (3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RECONVENE**

The County Commission reconvened in County Commission Office at 11:10 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.

### **ACCOUNTS ALLOWED**

Commissioner Pennel made a motion to approve Accounts Payable warrants # 92130-92173 and manual warrant # 4421. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).