

**MARCH 27, 2006 THE 30TH DAY
OF THE JANUARY 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 Chuck Pennel followed by the pledge.

COUNTRY CLUB HEIGHTS ROAD

Commissioner Strahan stated that Country Club Heights Road was to be taken in as a county road contingent upon the completion of the water drainage problem. Strahan added that according to the Road and Bridge Department the road is ready to go.

Commissioner Strahan made a motion to table the road until Randy Haes can present the petition to the Commission. Commissioner Pennel seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Commissioner Pennel explained that he received notice about another grant being available for that type of work.

**TOWER LEASE AGREEMENT
BOB PAULSON**

Bob Paulson, County Counselor explained that a new contract for the Tower Lease Agreement is needed for the Sheriff Department's repeater with updated dates so the bill for the year can be paid. Paulson explained that it costs the county \$500 per year for the repeater.

Commissioner Strahan made a motion to approve the new Tower Lease Agreement Contract. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**CITY OF BRANSON AIRPORT CONTRACT
TRESSA LUTTRELL**

Tressa Luttrell, Administrator explained that the contract for the M. Graham Clark Airport has been reviewed by Bob Paulson, County Counselor and that they reached an agreement.

Bob Paulson explained that there is no line for the auditor. Luttrell added that the contract was approved by the Airport Board contingent upon the Commission's signatures.

Commissioner Strahan made a motion to approve the Airport Contract. Commissioner Pennel seconded the motion.

Commissioner Pennel explained that this agreement states that the City of Branson will contribute \$10,000 per year, for up to five years, for airport improvements as needed.

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

Commissioner Strahan informed the Commission that Mark Parent said the month of February was one of the largest, as far as revenue, and that March looks good as well. Strahan added that a building code meeting would be held at the airport facility and encouraged citizens to attend.

PRIOR MINUTES

Commissioner Strahan made a motion to table minutes from January 9, February 6, 27, March 2, 8, 9, 17, 21. Commissioner Pennel seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants # 93922-93998 excluding the reimbursement for his phone bill. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

RECESS
9:15 A.M.

RECONVENE
9:20 A.M.

JUSTIN WINTERS **BIRD ROAD RELOCATION**

Justin Winters addressed the Commission regarding the issue of realigning a portion of Bird Road. Commissioner Herschend stated that they are coming to request the approval of the Commission for a public hearing in regards to this issue.

Justin Winters presented the Commission with plans for the Branson Hills Shopping Center Phase 2 and 3 of the development. Winters explained that Phase 1 was where the new Target is located and that the new phases will include a Super Wal-Mart and several other retail stores. Winters showed the Commission the path of Bird Road to illustrate the need for the relocation of the road.

Commissioner Strahan asked Bob Paulson, County Counselor if any of the TIF is involved with this area? Bob Paulson answered that the area where the road is going through is part of the proposed amended TIF area.

Commissioner Herschend stated that there are seven roads inside the City of Branson that are county roads and explained that he has been working to determine whether or not the county should continue to maintain them. Herschend added that Bird Road is one of those roads and asked if the county should establish ownership of the county roads before the realignment is done? Herschend also asked what message it would send if the Commission approved the relocation for this development while they are in litigation concerning a TIF issue?

Commissioner Pennel asked Bob Paulson if there is a legal process to this, then why is it being presented to the Commission? Paulson explained that a law firm called on this issue and that according to the statutes there are deadlines and times where the Commission can hear vacations. Commissioner Herschend clarified that a road vacation is separate from the relocation. Paulson explained that he is asking to vacate the road and there is a procedure for it.

Justin Winters stated it was his understanding that he needed to come before the Commission first and ask for a public hearing. Commissioner Herschend added that he told Winters they wouldn't go forward with a public hearing to even consider it, without having the Commission hear the question and respond to it first. A general discussion ensued.

Commissioner Strahan expressed that roads having been relocated and vacated in the past were not in TIF districts and if it is a TIF project he is against it, because it takes away from county dollars. Herschend clarified that the TIF has not yet been approved by the City of Branson. Herschend further expressed that he agrees with Strahan and if it were a TIF, then the county would be paying themselves out of tax money to relocate the road, in which case, it should not be done. A general discussion ensued.

Justin Winters explained that the City of Branson is supposed to vote on the Platte for this tonight and they can't finalize or approve the Platte without some indication as to where the county is on the relocation of Bird Road. Winters requested that the Commission write a letter as to where they stand in this process for the meeting tonight. A general discussion ensued.

John Logan expressed his appreciation for Mike Rankin's work. Logan then stated that the City of Branson did away with a public street in front of a small business despite the business's request to keep it open. Logan expressed a concern about the Commission doing away with a street at the request of a big business when the small business's request was denied. Logan stated that he feels it is situational ethics by taking action one way for a situation and taking a different action for another situation, which is wrong. Logan also stated that he likes Wal-Mart, but dislikes heavy handedness and bullying techniques adding that the land is not blighted. Logan further explained that

Wal-Mart does not need school tax money, tourism tax money, or TIF money and should not get a road that belongs to the people of Taney County.

Commissioner Herschend stated that he agrees with Logan however, asked him to consider two things. First, that he was invited today not because the Commission is considering giving away a road, stating that he wouldn't close it even for construction, rather the relocation of a 400 foot section of a road, which is different than abandoning. Secondly, the TIF hasn't been voted on yet in that area. Therefore, at this time, it is unclear if the TIF will even be an issue with this development. A general discussion ensued.

Larry Gardner stated that he lives on Bird Road and asked if there is access to the shopping center from the road. Winters explained that there is access. Gardner added that it is one of the better county roads and when the TIF is amended they took two new taxes the jail tax and tourism tax. Gardner expressed that he is not so firmly opposed to relocating the road however; he is opposed to having a hammer and considering giving it away. A general discussion ensued.

Commissioner Strahan stated that he is against giving a county road to a private developer. Strahan added that if the county is in any form of litigation, they should not even be considering it.

Commissioner Herschend stated that the purpose of having a public meeting is to hear concerns and bring issues to the Commission's attention. Commissioner Pennel explained to Justin Winters that they couldn't give him a letter at this time. No motions were made a no votes were taken.

BUILDING CODES

Presiding Commission Pennel explained that there have been two public meetings and stated that he has written a brief report in regards to building codes. Pennel requested that the other two Commissioners look at the report and explained that the public will be voting on this issue at the April 4, 2006 Municipal Election.

Commissioner Strahan clarified that just because he is on the building code board does not mean he is in support of it and expressed that he requested to be the Commissioner who sat on the board in order to help use common sense regarding this issue. Commissioner Herschend added that he supports Strahan being a representative if the issue passes on the ballot, because he brings common sense to what could potentially get out of hand. Herschend further commented that there are seventeen different codes that the county could adopt.

Commissioner Pennel stated that he is neither in support nor not in support of these codes and that it is the voters decision whether they want them or not.

John Logan added that there is always the risk of people abusing these laws.

James Strahan expressed a concern about taking certain sections out of a nation wide code and molding it to what the county wants. Commissioner Pennel shared the code could be amended to be more strict, but it could not be made weaker. A general discussion ensued.

Dick Clark stated that codes are not laws and when they are declared laws they may be amended from time to time however, they will not become a law until the Commission makes it a law. No motions were made a no votes were taken.

CITY COUNCIL METTINGS

Commissioner Herschend shared that it is his intent to go to both Bull Creek and Merriam Woods and purpose a reimbursement out of their sewer money to Rockaway Beach for the value of their sewer plant that has become a regional plant, benefiting several entities. Herschend added that Rockaway Beach is still paying the debt service on the plant that everyone is enjoying and would like to see them paid back.

Angela Leist, Merriam Woods Village Clerk stated that for twenty years Merriam Woods has been told that they are separate and are in no way under the control of the county and does not benefit from county money. Leist explained that the last time the Merriam Woods Board came to the Commission with something, they were sent home and therefore will not be very receptive to the proposal. Commissioner Herschend explained that he might bring representatives from Rockaway Beach and added that he is not making a request for the Commission. Leist expressed that it might be more productive for Rockaway Beach to come. No motions were made and no votes were taken.

ACCOUNTS ALLOWED

Commissioner Pennel made a motion for the phone bill reimbursement for Danny Strahan. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

FRUIT FARM ROAD

Commissioner Herschend stated that as of Friday the President of the Homeowners Association asked if the Commission could move the meeting to April 14, 2006. Herschend added that one person is already taking trees out at his own expense.

RECESS

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