

**AUGUST 14, 2006 THE 10<sup>TH</sup> DAY OF  
THE AUGUST ADJOURN TERM**

The County Commission met in the Associate Circuit II 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.

**NUISANCE ORDINANCE**

Presiding Commissioner Pennel explained that a public hearing would need to be held before the end of the year to reinstitute the county's Nuisance Ordinance. Pennel added that the hearing would give the public an opportunity to voice their opinions as to what parts of the ordinance work and don't work. No motions were made and no votes were taken.

**TOM PHELAN ISSUE**

Presiding Commissioner Pennel explained that Tom Phelan is dissatisfied with the purchase of used building materials at the old clerk's building. Pennel suggested that the Commission review what took place to see if further action needs to be taken regarding this issue.

Eugene Rogers, Auctioneer stated that there were 25 to 30 people present at the auction and explained that a walk through was done selling various lot items in the interior of the building and then all of the metal on the outside was sold as one package deal. Rogers added that he thought the buyers were given that weekend and the next full week to collect their purchases and they were told that anything left would not be theirs because the county had plans to move their equipment in on Monday to start taking the building down.

John Lavender, Maintenance added that he was also helping with the auction per Commissioner Herschend's request and that he made an announcement three different times that bulldozers would be coming on Monday to take the building down, so anything not out by Sunday night would be history. Lavender emphasized that Mr. Phelan was present when the announcements were made.

Bob Paulson, County Counselor asked how much stuff Phelan bought? Lavender stated that Phelan purchased all of the wood and metal from the outside of the building and added that he got most of it, but ran out of time before he could get some of the rafters that were on the top. Lavender further explained that Phelan approached him five days before the deadline asking for more time and Lavender told him that he would talk to the Commission. Lavender then stated that he was never able to ask any of the

Commissioners so he went back to Phelan and told him that dozers were already scheduled for Monday so he needed to have his stuff out before then.

Bob Paulson suggested putting deadlines in writing at future auctions.

**Note:** Commissioner Herschend entered that meeting at 9:15 a.m.

Commissioner Herschend stated that after Commissioner Pennel had contacted everyone about what they heard and confirmed that Sunday was the last day to collect supplies, he personally went down and told them that everything needed to be out no later than 8:00 Monday morning and that if he wanted to work through the night he could. No motions were made and no votes were taken.

### **AIRPORT BOARD TERMS TRESSA LUTTRELL**

Tressa Luttrell, Administrator presented the Commission a copy of the Airport Board terms. Luttrell added that a copy has also been given to the Airport Board, so if they have any problems with the terms they could let the Commission know. Luttrell further explained that the Airport Board did not say anything about the terms other than they were glad it was being done.

Presiding Commissioner Pennel asked if the board appoints the representatives from the cities? Luttrell clarified that each city gets to designate a representative to be on the board and every two years they can either keep the current representative or appoint a new one. Pennel added that they are a good group and are putting their heart into their responsibilities on the board.

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

### **PRESENTATION OF DELTA DENTAL QUOTE RICK FINDLEY**

Rick Findley, Auditor presented the Commission with a quote for Delta Dental and explained that the term ends the first of September and could be renewed on an annual basis just like before. Findley further explained that he asked if the county could get on the January 1 renewal date, so they could match up with the health insurance. Findley stated that the annual cost for administration is \$4.58 per employee but if the county goes to the December 31 renewal it will be \$4.63. Findley added that the costs are going up and explained the county is currently paying \$17.36 per employee and the new rate will be \$22.94 per employee. Findley added that the employee would need to pay extra for spouse, children, and family coverage. A general discussion ensued.

Commissioner Herschend made a motion to approve Delta Dental at the renewed premium rate plus shifting the term to December 31<sup>st</sup>, which will raise the administrative cost to \$4.63 per employee. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### TITLE III

Tressa Luttrell presented the Commission with the advertisement that Donna Neeley; County Clerk has put in the paper in regards to the only two projects that applied for Title III Monies. Luttrell added that Cedar Creek Fire Protection District wanted to change their project description to repair their fire truck and Neeley told them they would have to withdraw their current application and submit a new one.

Presiding Commissioner Pennel clarified that he got a call from Cedar Creek and they confirmed wanting to withdraw their original project due to a fire truck problem. Luttrell added they have all of their necessary receipts.

Commissioner Pennel read the following project descriptions:

**Project #1:** Protem Fire Protection District request \$4,159.65 to purchase personal protection equipment used in combating wild land and forest fires in their district. The Protem Fire Protection District has 25,000 plus acres of National Forest land within its borders. This last spring 1000 acres total of wild lands were impacted by fire in the district.

**Project #2:** Cedar Creek Fire Protection district requests \$21,735.00 to build a fire station to house a fire truck and tanker truck. Cedar Creek Fire Department has an agreement with Mark Twain National Forest to provide fire service for the Mark Twain National Forest.

Helen Soutee, Treasurer clarified that at this time \$21,373 is in the Title III Fund.

Commissioner Strahan expressed that he sees no reason why Protem shouldn't be approved unless it would have an effect on the other districts that haven't applied. Rick Findley asked when the deadline for applying is? A general discussion ensued.

Commissioner Strahan made a motion to table this issue for further clarification before approval. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### CENTURY TEL MAINTENANCE AGREEMENT

Dawn Bilyeu, Auditor's Office presented the Commission with a maintenance agreement from Century Tel. Bilyeu clarified that Bob Paulson, County Counselor has looked over the agreement and made some changes which she submitted to Century Tel who has not called her back in response to the changes. Bilyeu further explained that Century Tel wants the county to pay \$8,089.62 in order to be put on their maintenance priority list. Bilyeu expressed that it is a lot of money however the problem is, if the

county is not on priority and the Sheriff's Department goes down there could be a major delay before the phones are fixed.

Bob Paulson, County Counselor suggested looking at what the agreement actually covers as far as lighting storms and things of that nature. Paulson explained, part of their contract states if the county doesn't pay, then Century Tel can terminate the contract. Paulson clarified that he added to the contract that since the county would be paying the \$8,089.62 up front, if Century Tel terminates the contract for some other reason, then they have to pay the county 1/365 of the contract price for every day that was not used on the contract.

Commissioner Pennel asked about the decision not to pay last year? Bilyeu stated that was for the older system and now the county has a new one. A general discussion ensued.

Tammy Haglar, 911 Administrator expressed a concern about Taney County not being on the priority list. Haglar added they have several techs that come out and all the offices are familiar with them, so part of the priority system would include those techs being pulled off of other projects to be sent to Taney County if problems occur. Haglar went on to state that she feels Taney County needs to be priority and that if the Sheriff's Department goes down there is a possibly 911 could be affected as well. A general discussion ensued.

Commissioner Strahan expressed that the agreement ran out some time ago and Century Tel has continued to furnish the phones and perform their duties without a contract. Bilyeu added the techs that come to Taney County have been great to work with.

Commissioner Herschend made a motion to table this issue until later. Commissioner Pennel seconded the motion.

Commissioner Herschend then asked if the county has talked to any other phone service providers to see if they offer maintenance on these Nortel phones? Findley clarified that he feel the county could get maintenance on the Nortel phones but is unsure about the cards. Findley expressed Gary Morgan would know the answer to that question.

Commissioner Pennel asked Tressa Luttrell to look at the other bidders from a year and a half ago to see if there might be some other companies that could provide maintenance.

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

## **SOLID WASTE RESOLUTION**

Tressa Luttrell, Administrator explained that the old Solid Waste Resolution is printed on letterhead with Don Swan's name on it and it needs to be printed on new letterhead.

Presiding Commissioner Pennel read the following resolutions:

**RESOLUTION FOR THE APPOINTMENT OF A REPRESENTATIVE TO  
THE SOUTHWEST MISSOURI SOLID WASTE MANAGEMENT DISTRICT  
EXECUTIVE BOARD**

BE IT RESOLVED BY THE COMMISSION OF THE COUNTY OF TANEY,  
MISSOURI, to appoint Chuck Pennel to represent Taney County on the Southwest  
Missouri Solid Waste Management District EXECUTIVE BOARD and to appoint Larry  
Rowland as the alternate to represent Taney County when the principal cannot.

**RESOLUTION FOR THE APPOINTMENT OF A REPRESENTATIVE TO  
THE SOUTHWEST MISSOURI SOLID WASTE MANAGEMENT DISTRICT  
COUNCIL**

BE IT RESOLVED BY THE COMMISSION OF THE COUNTY OF TANEY,  
MISSOURI, to appoint Chuck Pennel to represent Taney County on the Southwest  
Missouri Solid Waste Management District EXECUTIVE BOARD and to appoint Larry  
Rowland as the alternate to represent Taney County when the principal cannot.

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

**AGENDA AMENDMENT**

Commissioner Herschend made a motion to amend the agenda in order to add  
Accounts Payable. Commissioner Strahan seconded the motion. The motion passed by  
vote: Pennel (yes), Herschend (yes), Strahan (yes).

**ACCOUNTS ALLOWED**

Presiding Commissioner Pennel made a motion to approve accounts payable  
warrants #96135-96217 and voided checks #96126-96134. Commissioner Herschend  
seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan  
(yes).

**ART BECK**

Art Beck expressed a concern about a bad job done on Y Hwy that is both a  
county road and state road. Beck asked if the Commission has any influence at the state  
level on situations like this? Strahan expressed that he just drove the road a few weeks  
ago and didn't notice any work done on it. Beck stated that they are doing an over lay on  
it and it looks terrible. No motions were made and no votes were taken.

**REPORT  
WILEY BARNES**

Wiley Barnes, Chamber of Commerce gave a report to the Commission in regards to a meeting she attended at Commissioner Herschend's request. Barnes reported the meeting was with Lt. Governor Peter Kinder who released Missouri's first report on the state's senior citizen population. Barnes further explained that Taney County has the most senior citizens who still have driver's licenses. Barnes added that the report can be found on the State Website and they will update it every year.

Commissioner Herschend asked if there is any action that should come out of this report? Barnes clarified she doesn't think so at this point. No motions were made and no votes were taken.

### **AUCTION INFORMATION HELEN SOUTEE**

Helen Soutee, Treasurer gave the Commission information in regards to the price of items sold at the old clerk's building which were previously discussed in the meeting. Soutee clarified that Tom Phelan paid \$380 for the walls and \$850 for the metal on the outside of the building.

Rick Findley, Auditor expressed there was another bidder that day who said he would have bid more if he had more time to collect his supplies. Findley suggested that the Commission not reimburse Phelan, as it would be unfair to the other bidder. No motions were made and no votes were taken.

### **MAPLE STREET**

Presiding Commissioner Pennel stated that he received a letter from a resident on Maple Street who is concerned about all the extra traffic coming through their street as a result of the new Hollister interchange. Pennel added that someone else called with the same concerns. A general discussion ensued. No motions were made and no votes were taken.

**RECESS**  
10:05  
**RECONVENE**  
10:20

### **ACCOUNTS ALLOWED MOTION AMENDMENT**

Presiding Commissioner Pennel amended his motion to approve payroll in order to exclude a reimbursement for Commissioner Ron Herschend. Commissioner Strahan amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to pay the reimbursement for Commissioner Ron Herschend for mileage. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

### **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).