

TANEY COUNTY COMMISSION RECORD



**MAY 21, 2007 THE 19TH DAY OF
THE APRIL ADJOURN TERM**

The County Commission met in the Associate Circuit II 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.

AUSTIN ROAD

Randy Haes, Road and Bridge presented a report on Austin Road to the Commission. Presiding Commissioner Pennel read the following review: Section 9, Township 24N, Range 20W subdivision South Park Village, Austin Road not a thru road, 40 ft platted, 1820 ft surface 880 ft length, base and aggregate surface, fair condition, no culverts, road has ditches on both sides working fairly well, two entrances have culverts and one entrance does not, four dwellings, not a school bus route sight distance good in both directions. This road should be surveyed to determine where the cul-de-sac is located, the surface needs four inches of base rock added, there are several bushes and a few big rocks along the edge of surface that need to be removed the cul-de-sac will have to be constructed and is recommended as a Class 5, if taken into the county system. Randy Haes clarified that the road is Platted adding he has checked it out.

Commissioner Pennel asked if the petitioner owns the last property where the cul-de-sac would be? Mr. Haes responded that he owns part of it. Commissioner Pennel then expressed concern as to whether the petitioner would want a cul-de-sac there or not. Mr. Haes emphasized that they would need a turnaround of some kind on the road. Commissioner Pennel added that he has driven Austin Road and it is a decent road.

Commissioner Strahan asked if there are any fence problems? Mr. Haes responded "no".

Commissioner Herschend asked what it would cost to build a cul-de-sac and to add four inches of base rock for 880 ft. Mr. Haes stated that he could get rough figure and estimated that it would take Road and Bridge three to four days of hauling in material and labor wise he is not sure.

Commissioner Herschend made a motion to table Austin Road due to the fact that no one is present representing the road and there is no cost. Commissioner Herschend further asked Randy to go back and verify with the property owner whether he wants a cul-de-sac. Commissioner Pennel seconded the motion to table.

Commissioner Strahan suggested looking at the road beside Austin Road as well, because of the cul-de-sac question.

The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Commissioner Herschend asked Mr. Haes how difficult it would be to determine how many roads and miles of roads have been taken in by the county in the past two years? Mr. Haes

TANEY COUNTY COMMISSION RECORD

stated that it would not be too difficult. Commissioner Herschend explained that he would also like to know where the county is as far as the number of roads to be worked on verses staff in order to review the capacity of Road and Bridge.

TANEYVILLE NUISANCE CHUCK PENNEL

Presiding Commissioner Pennel stated that coming into Taneyville there is a salvage yard that burned a while back and it is in city limits of the Village of Taneyville. Commissioner Pennel went on to state that the Commission has received several calls asking if anything can be done under the nuisance ordinance in regards to this issue. Commission Pennel added that since it is within the village and not the county they are not in the right to act under their nuisance ordinance. Commissioner Pennel informed that Shellia Braden, Taneyville Board of Trustees, spoke to him sometime back and they took the counties nuisance ordinance and mirrored it, passed it and have adopted it as a Village ordinance. Commissioner Pennel further explained that the salvage yard is still an issue and asked Bob Paulson, County Counselor if the county could get involved and help with the situation?

Mr. Paulson responded that he has no problem doing something in that area and asked if the Village of Taneyville has an attorney, expressing that he would not want to step on any toes, if they have a lawyer. A general discussion ensued.

Mr. Paulson stated that if this were just one nuisance case he would look at it. Commissioner Herschend inquired as to how the Commission can assure this is only one case, asking if they are setting precedence for other municipalities to use Mr. Paulson's free service? Mr. Paulson clarified that is why he would like to look at it. Commissioner Herschend further emphasized that if the county can do it legally, then they would have to do it for everybody.

Commissioner Pennel stated he would be in favor of Mr. Paulson spending a few minutes to see if the village has an attorney and if not then to show them the way the nuisance ordinance works.

Commissioner Strahan requested that the Commission ask for a letter from Taneyville requesting their involvement and then if someone were in opposition it wouldn't make the county look like they are stepping on toes. Commissioner Strahan further expressed that it is a different situation having a county road on the other side of the area in question and it might be something the county could work from.

Commissioner Herschend stated that until Mr. Paulson comes back and explains this situation according to a statute, then he is not comfortable with this even though there is a county road near the area in question.

Commissioner Pennel reminded that the Commission has assisted other municipalities in the past and clarified that he is not suggesting the county move ahead but to consider assisting the village in filing a law suite. Commissioner Herschend asked who would fight the law suite? Commissioner Pennel stated that the county would have to. Commissioner Herschend then asked what is to stop other municipalities from expecting the same?

TANEY COUNTY COMMISSION RECORD

Commissioner Pennel stated that he would report back to Shellia Braden with the Village of Taneyville and Mr. Paulson would find out if they have an attorney. Commissioner Herschend further expressed that it seems like they are taking on someone else's responsibility.

VICIOUS DOG ORDINANCE CHUCK PENNEL

Presiding Commissioner Pennel met with Jimmy Russell, Sheriff, Jeff Merrell, Prosecutor, and Bob Paulson, County Counselor in regards to the Vicious Dog Ordinance. Commissioner Pennel reported that the meeting went well and both the Sheriff and Prosecutor would be willing to file if there is a need as lined out in the ordinance.

VV HWY UPDATE DANNY STRAHAN

Commissioner Strahan reported that the State is working on a project to fill a dip in Powersite where there have been many fatalities and the county has come along beside them to help and lend equipment to assist in filling the dip. Commissioner Strahan added that the State would work on the overlay later in the year but would start the project the first of June. Commissioner Strahan informed there would be a road detour for approximately two weeks and added that this project is much needed and the road would be raised approximately nine feet for the safety of citizens. Commissioner Strahan further emphasized that a citizen told him there are at least two serious accidents per month at the dip.

Commissioner Herschend expressed his appreciate to Commissioner Strahan for spear heading this project and asked if the county is just bringing in trucks or materials too? Commissioner Strahan explained the process. Commissioner Herschend further inquired as to how the public would know when the work would start? Commissioner Strahan explained this is a State project and they would put up all of the proper signage. Commissioner Herschend expressed that he had the State's signs for the Bee Creek Sewer Project and would appreciate Commissioner Strahan's follow up on the signage. Commissioner Strahan stated he would follow up, adding these are Taney County citizens traveling this road and he wants them to know when this will be taking place.

OUTSTANDING CHECKS SHEILA WYATT

Sheila Wyatt, Collector informed the Commission that she has requested the Treasurer to transfer \$100,000 out of Tax Maintenance Fund into GCR and this exceeds the requirement of the Revised Missouri Statute 52.317. Ms. Wyatt then stated that the next item to discuss is outstanding checks from August 29, 2001 to December 31, 2005 adding that the total is \$2,445.75 and she is turning that amount over to the county treasurer. Ms. Wyatt then read RSMo 30.200 "...checks drawn by the state treasurer not presented in twelve months shall be void..." adding that the independent auditor advised that twelve months is the time frame that they like to see checks cleared on the books. Ms. Wyatt clarified that she has held those checks

TANEY COUNTY COMMISSION RECORD

since 2001 and as attempted to notify, by any means she could find, to get them to cash the checks and the majority of the ones left, she has been unable to notify. Ms. Wyatt informed that once she turns them over to the County Treasurer she will send them to the state's unclaimed funds at the State Treasurer's Office and if the customer ever comes forward they can retrieve there money from there.

DONNA NEELEY

Donna Neeley, County Clerk reported that she finished the aggregate valuation and mailed them out to all of the political subdivisions in the county. Ms. Neeley further reported that the total assessed valuation with real property, personal property, and locally assessed railroad and utility came to \$904,739,358.00 and it is an increase, over last year, of \$123,941,656.00. Ms. Neeley then informed that the Title III deadline is coming up and she has sent out a reminder note to all person's who have ever filed before, adding that she also sent Lisa Owen with the White River Historical Society information as well. Ms. Neeley further reported that the Rockaway Beach Election cost total came to \$939.10.

PRIOR MINUTES

Commissioner Pennel made a motion to table the minutes. Commissioner Herschend seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable checks #100933-101029. Commissioner Herschend seconded the motion.

Rick Findley, Auditor explained that a bill for airport fuel needed to be added to accounts payable.

Commissioner Strahan amended his motion to include warrant #4665 for airport fuel. Commissioner Herschend amended his second.

The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Donna Neeley, County Clerk added that the increase in assessed valuation would cause a salary change for those officers coming up in the next election and would take the salary up to \$53,000.

BOYS AND GIRLS CLUB SUPPORT LETTER

Presiding Commissioner Pennel explained that Margie Berry, Boys and Girls Club left a document for the Commission to sign on support for Boys and Girls Club Neighborhood Assistance Program (NAP) application and added their are no conflicting issues with any existing programs in the county.

TANEY COUNTY COMMISSION RECORD

Bob Paulson, County Counselor recommended that the Commission post this on the agenda before voting on it.

LAND DISTURBANCE PERMIT DEPARTMENT OF NATURAL RESOURCES

Presiding Commissioner Pennel explained he received a letter from the Department of Natural Resources reminding that their land disturbance permit expired. Commissioner Pennel added that he believes Taney County is the only county in state that as permit like this and after visiting with Kurt and Eddie from Planning and Zoning there doesn't seem to be any sense in continuing the permit.

Bob Paulson, County Counselor explained that the county does their own land disturbance permit where they require people to put up a bond when they disturb land.

Commissioner Pennel expressed that he was going to discuss this issue further with Dave Woolery to try and get more information.

SKIP GOBEL

Commissioner Pennel stated that he received a letter from Skip Gobel on an issue he had with a citizen blocking a county road. Commissioner Pennel reminded the Commission that Mr. Gobel approached them before about a similar situation and he is requesting the Commission send a simple letter in order to resolve this issue.

Commissioner Herschend agreed that a simple letter would be appropriate in this situation and it was decided that Mr. Paulson would send a letter in regards to this issue.

RECESS

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

RECONVENE

The County Commission reconvened in the Commission Office at 10:42 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.

INTERGOVERNMENTAL AGREEMENT FIRE DISTRICT

Commissioner Herschend made a motion to approve an Intergovernmental Agreement with the fire districts. Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

TANEY COUNTY COMMISSION RECORD

RECESS

RECONVENE

12:00 p.m.

The County Commission reconvened in the Commission Office at 12:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding and Ron Herschend, Western District present. Danny Strahan, Eastern District was absent. The following proceedings were had and made a matter of record.

IDA BOARD MEMBER

Commissioner Herschend made a motion to appoint Charlie Pugh to the IDA Board. Commissioner Pennel seconded the motion. The motion passed by a vote of two: Pennel (yea), Herschend (yea), Strahan (absent).

Note: Commissioner Strahan sent a note saying he was in favor of the appointment.

Minutes taken and typed by: Hillary Bargman