

**MAY 02, 2008 17<sup>th</sup> DAY OF  
THE APRIL ADJOURNED TERM**

The County Commission met in the Commission Office at 1:15 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

**TRANSFER STATION VEHICLE DAMAGE**

Commissioner Herschend stated that while the Transfer Station was opened to the flood victims for disposal of their items, there was a vehicle that was damaged while unloading a couch. He also commented that the individual would not have transportation while his vehicle was being fixed and would like to discuss the possibility of compensation for the individuals' vehicle damage, as well as for a rental vehicle. Commissioner Herschend requested that the county pay for the damages that incurred at the Transfer Station, as well as a rental vehicle for the individual.

Commissioner Strahan commented that he was not in favor of compensating the individual for a rental vehicle, but he made a motion to pay \$642.53 for the damages that occurred to the vehicle. Commissioner Herschend seconded the motion and stated that he was present during the time of the accident. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to deny payment for the rental vehicle. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**VARIANCE PROCEDURE**

Commissioner Pennel called the meeting back to order at 2:42 p.m. Commissioner Herschend stated that Mr. Tim Barth had purchased multiple properties from the bank. He also commented that there was a discrepancy in the set back and that Mr. Barth could not close due to the fact that he could not be on the next Board of Adjustment hearing.

Counselor Paulson stated that the home was originally built on the setback and the bank took the property back and then sold it to Mr. Barth noting that he inherited the problem.

Commissioner Strahan commented that Mr. Barth is the third person down the line and didn't believe that he should have to take responsibility for the problem as he did not create it. Commissioner Herschend noted that this problem was reported the day after the deadline for the Board of Adjustment Hearing.

Counselor Paulson stated the variance procedure is stated in the Planning & Zoning Code, which basically says an individual must file the appeal at least 30 days in

advance of the hearing due to the fact that a regular mailed notice must go out no later than 15 days prior to the hearing. Counselor Paulson commented that the home was built in violation of the law; Mr. Barth got it from the bank who got it from the other person, who violated the law. Mr. Paulson went on to say that the home was built within the setback but Mr. Barth could be faced with having to tear it down. Counselor Paulson added that in order to sell the home, Mr. Barth has to hope that he can get a variance from the Board of Adjustment but there is no guarantee that the variance will be passed. Counselor Paulson stated that there is a time limit in appealing to the Board of Adjustment

A general discussion ensued. Commissioner Strahan made a motion to change the time limit on an appeal from 30 days to 15 days. Commissioner Herschend seconded the motion for discussion. Commissioner Herschend withdrew his second. Commissioner Strahan withdrew his motion.

### **EXECUTIVE SESSION**

Commissioner Strahan made a motion to go into Executive Session pursuant to RSMo 610.021.1. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of Executive Session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes taken.

### **COMMISSIONER HERSCHEMUND MONDAY'S AGENDA**

Commissioner Herschend made a motion that starting immediately that the Commission require a paragraph stating the topic/question, issue or action item to be placed on the Monday Agenda. He also included in his motion that anything that would require the Commission to take action on will be submitted prior to Thursday at 3 pm and that the Commission will meet prior to Friday at 9 am to approve items for Monday's Agenda that will be taken up for action. Commissioner Herschend commented that all other items can be aired during Public Comment.

Commissioner Strahan commented that he does not have a problem with the motion, but would like to see it shortened. The motion died for lack of being seconded.

Commissioner Herschend made a motion to clear the agenda for Monday. The motion died for lack of being seconded.

Commissioner Herschend restated his original motion. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

**RECESS**  
**4:55 p.m.**

Minutes taken by Karen Yust and typed by Nikki Lawrence.