

**MAY 05, 2008 18th DAY OF
THE APRIL ADJOURNED TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

**ANGELA LEIST
PARK BOARD RECOMMENDATIONS**

Ms. Angela Leist approached the Commission with a few Park Board Recommendations. She stated the Park Board had been discussing where their monies would best be used within the county. Ms. Leist requested to use funds for the Village of Taneyville, so that they may finish their bathrooms, and Mincy Park, as they are in the Phase I Proposal, which would include finishing bathrooms, building a basketball court and adding barbeque grills and various picnic areas. She also noted that the Village of Taneyville would require \$4500.00 and Mincy Park would require \$8400.00. Ms. Leist commented that she had been in touch with Rockaway Beach, but they are still in the design phase, thus requesting to be placed third on the list.

Ms. Leist stated that the Park Board is requesting approval to proceed with the projects at Taneyville and Mincy Park and for Counselor Paulson to offer assistance with the Intergovernmental Agreements. Commissioner Pennel commented on the Park Board budget. A general discussion ensued as to whether or not there was enough funds to support the projects discussed.

Commissioner Strahan made a motion to approve the request that was presented to the Commission. Commissioner Pennel seconded the motion. Commissioner Herschend called point of order and commented that when we had budgeted these funds in the past, as long as the spending is within their budget, have we approved individual projects? Commissioner Strahan answered by saying that on previous occasions Ms. Leist, Park Board Secretary, had come before the Commission to gain approval of other projects. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**DIANE MALL
NEPOTISM**

Commissioner Pennel stated that he had a statement that he wanted to read to Ms. Diane Mall regarding Nepotism.

Several weeks ago Mr. Bob Schanz and Mr. Ron Houseman spoke to this Commission about their concerns that I might be guilty of Nepotism. They both reported that they had seen documents that indicated that that might be the case. For some reason that information was not given to the Commission or myself. Mr. Schanz asked 13 questions which I answered the following week.

To my understanding the documents they spoke of are in the hands of Prosecuting Attorney Ron Cleek of Christian County. Recently I heard that he had turned that information over to the Highway Patrol for them to investigate the allegations. After their investigation is complete, I assume he will then decide if charges will be filed against me over this issue.

Friday afternoon at the request of Commissioner Herschend, the Commission had a work session about changing the procedure by which the public may get on the agenda.

It was voted by Commissioner Herschend and Commissioner Strahan to change how the Commission allows the public put a topic on the agenda. The decision made does not limit the public from speaking to the Commission in the public comment section of the agenda.

Diane I have said all this to suggest that you put in writing any information you have concerning this issue and turn it over to the Prosecutor's Office in Christian County. Also knowing that the Commission will be very limited to what we can say about this issue. Because of the investigation, I would ask if you want to make any comments to us that you hold them until the public comment portion of the agenda.

Ms. Mall stated that her reasoning for coming before the Commission lies more in the area of Animal Control and only had a couple of comments to say about Nepotism. She also questioned what the legal definition of Nepotism is. Counselor Paulson stated that the definition is found in Article 7, Section 6 and reads as follows:

Penalty for Nepotism any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the 4th degree by consanguinity or affinity shall thereby forfeit his office or employment.

Ms. Mall stated that she has a couple of things to say under the issue of Nepotism, but that most of her concerns pertain to the Animal Control issue, which she will address under the Public Comment section. Commissioner Herschend stated that this is the exact reason that the Commission decided to change policy on Monday's Agendas adding that there are citizens that come before the Commission that want answers or want the Commission to take action on a certain issues, but the Commission is unable to prepare and inform the public on what the Commission would actually be taking action on.

Ms. Mall questioned why the Commission never answered any of her statements on December 5, 2007. She commented that all her ideas and concerns on the Animal Control shelter were never addressed.

COMMISSIONER HERSCHEMEND LENHART ROAD UPDATE

Commissioner Herschend requested an update on the Lenhart Road Petition. He stated that approximately four weeks ago an individual petitioned to have Lenhart Road taken into the county system. Commissioner Herschend also commented that there was a letter sent back to this individual stating that the road in question is not contiguous with county or state highways, as there is a private road between the proposed county road and us. He noted that the previous petitioner had been in to discuss making this a county road and at that time the petitioner was told that there would need to be several thousands of

dollars worth of improvement that needed to be completed before the Commission would take a second look.

Counselor Paulson stated that he is unsure as to whether the current petition on file is even valid. He also commented that there is one remonstrance in the file. Counselor Paulson sent this individual a letter stating that there were several issues that needed to be addressed before the Commission would consider reviewing the petition. Mr. Paulson noted that a couple weeks after sending the letter, this individual came to see him and asked what the issues were. Counselor Paulson stated there was a sidewalk issue, a curb and gutter issue and that there are additional issues that would have to be addressed with neighboring roads.

**LISA OWEN
WHITE RIVER VALLEY HISTORICAL SOCIETY**

Ms. Lisa Owen thanked the Commission for the support letter they wrote in reference to the Parnell House, which has now been placed on the National Registry in the Historical Preservation. She also stated that this is the first project in over ten years where Taney County has been placed on the register.

Ms. Owen reminded the Commission of the upcoming events. She stated that on Wednesday, May 15th, there will be a Tour of the Historical Sites at 1:00 pm, which will end at the Parnell House, with a reception to follow that will be held at the Branson Convention Center at 5:30 and on Thursday, May 16th the Quarterly Meeting will be held in the Bee Creek Room at the Branson Convention Center.

COMMISSIONER STRAHAN

Commissioner Strahan commented that the Commission will not ever deny anyone the right to speak at any Commission Meeting. He also stated that the Commission's first priority is to conduct county business.

PUBLIC COMMENT

Mr. Art Beck commented on Swan Creek and the possibility of raising the grade of the road.

Mr. Bobby Clay commented on the issue of Nepotism and how the courthouse used to be full of family members, but that it is much better now.

Ms. Diane Mall commented on the December 5th meeting she had with the Commission and that they have not addressed her concerns. She also stated that she has concerns about the way the Animal Control Facility is managed.

Assessor Strahan noted the danger of JJ Highway and commented that it is due to the construction of the Airport. He also stated that the laws are the same as they have always been in regards to the issue of Nepotism.

ACCOUNTS ALLOWED

Commissioner Herschend made a motion to approve accounts payable warrants #303477-303487, #303505-303605 and manual warrant #4827. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PRIOR MINUTES

Commissioner Strahan made a motion to table prior Commission minutes dated 4/21/08, 4/23/08, 4/24/08 and 4/25/08 till Wednesday. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS

10:02 a.m.

Minutes taken and typed by Nikki Lawrence.

RECONVENE

1:00 p.m.

FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

Frank Preston, Road Superintendent and Tressa Luttrell, County Administrator met with the Commission to discuss various issues.

1. West Barn Electrical: John Lavender, Maintenance Supervisor gave an update regarding the placement of underground electric and the installation of a generator at the West Barn. Commissioner Herschend asked if Mr. Preston has looked at what that location really needed. Mr. Preston noted that he still had a concern that it is still too much generator.
2. Acacia Club: Mr. Preston gave an update on the Acacia Club road repairs noting that they are currently working on the upstream pour but will be pulling the concrete crew off for a few days to finish the concrete slab at the Kisse Mills barn where the new building will be located.
3. Temporary Access Road: Mr. Preston commented that he was asking for permission to place a new tin horn and 1-2 loads of base on a road down "Y" Highway where residents could have access during flooding. Commissioner Herschend asked if Mr. Preston had looked at any other alternatives. Mr. Preston

stated he had Randy Haes and John Rider take a look at the road and alternatives and noted that Empire Electric was in agreement with the arrangement.

Commissioner Strahan made a motion to expend county dollars on said road in order to provide the citizens with an access during the flooding. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

NUISANCE CASES

Commissioner Herschend made a motion to deny the complaint on Bookout Road as it does not go against the ordinance. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to deny the complaint on 447 Sandpiper as Spring Meadows Subdivision has a home owners association to take care of this. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to deny the complaint on 427 Sandpiper. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to take the complaint on Field Road to the next level; whether it's the second letter or to Counsel. Motion died for a lack of a second. Commissioner Strahan to go look at this as well as Circle Drive as the pictures do not show enough detail.

Commissioner Pennel made a motion to deny the complaint on Lakewood Road as per the recommendation of Keith Crawford. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to move forward on the complaint on Scenic Drive. The motion died for a lack of a second. Commissioner Herschend made a motion to deny based upon the photos. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to deny the complaint on Oakmont Hills. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.