

**MAY 12, 2008 20th DAY OF
THE APRIL ADJOURNED TERM**

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

Prayer was led by Commissioner Strahan followed by the pledge.

Commissioner Herschend entered the meeting at 9:04 a.m.

CEDAR SPRINGS ROAD PETITION

Commissioner Pennel read the following petition into record:

Petition for establishment of a public road, which is located at Section 12, Township 23N and Range 20W; Cedar Park Drive and Cedar Springs Avenue.

Commissioner Strahan asked Frank Preston, Road & Bridge Superintendent, if there was an island as you enter the intersection. Mr. Preston stated that according to the aerial photograph there shows no island where the roads intersect.

Commissioner Strahan made a motion to accept Cedar Springs Drive and Cedar Springs Avenue into the County Road System. Mr. Preston noted that there will be maintenance issues initially, as there are severe pavement concerns. Commissioner Strahan commented on the two cul-de-sacs, as only one is platted.

Commissioner Strahan restated his motion to say acceptance of Cedar Park and Cedar Springs to the point of the entrance to Cedar Park, not to the cul-de-sac side, until the cul-de-sac is platted. He also stated in his motion that if the cul-de-sac was platted then he would accept the entire road. Commissioner Pennel seconded the motion.

A general discussion ensued. Commissioner Pennel withdrew his second. Commissioner Strahan withdrew his motion.

Commissioner Pennel made a motion to table Cedar Springs Road Petition until the cul-de-sac is platted. Commissioner Herschend seconded the motion and made mention that this petition would be taken up within the next 90 days. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**MR. GARY JONES
PRESIDENT'S VOLUNTEER SERVICE AWARD**

Commissioner Pennel stated that he was invited, last Thursday, to present Mr. Gary Jones with the President's Volunteer Service Award. Chris Berndt, Emergency Management Director, noted that Mr. Jones is a ham radio operator, which entails volunteering in helping to maintain the bulletin board for the disaster preparedness.

Commissioner Pennel stated that he appreciated the hundreds of hours that Mr. Jones has volunteered for Taney County.

**BOB SCHANZ
EMPLOYEES MAKING STATEMENTS TO THE PRESS**

Bob Schanz commented that there was wrong information given to the media by Taney County employees and encouraged the Commission to consider hiring a press secretary that would address the press.

**BOB SCHANZ
ANIMAL CONTROL FACILITY**

Bob Schanz reflected on last weeks meeting where the topic of Animal Control Facility and Nepotism were discussed. He commented that due to Commissioner Pennel currently being investigated, he should refrain from speaking about anything in the area of Animal Control and suggested that Commissioner Pennel step down completely until the investigation is completed.

**BOB SCHANZ
ACTIONABLE AGENDA ITEMS**

Bob Schanz stated that he filed out the proper documentation at the Commission Office on Friday morning and hoped the Commission will take into consideration his suggestions.

Commissioner Herschend made a motion to send a letter to staff, within the Courthouse, directing all official information to come from Elected Officials or the Commissioners. Commissioner Pennel asked for clarification on whether Commissioner Herschend was referring to the public or to the media. Commissioner Herschend added to his motion to include Department Heads and/or county employees who have been directed by the Commission.

Commissioner Strahan commented that there needs to be a discussion prior to making a decision on this issue, although he agrees with Commissioner Herschend in that there needs to be a specific person that would address the media. He also recommended that the Commission explore this issue during a work session.

Commissioner Herschend requested for Counselor Paulson to give his legal opinion on whether or not it is legal for Commissioner Pennel to be involved in discussion regarding Animal Control issues or any county business while he is under investigation, in the form of a letter.

Mr. Schanz commented on long distance charges incurred to the county by CenturyTel and suggested that the Commission look into having CenturyTel provide the county with additional local numbers in the area.

**COMMISSIONER PENNEL
NEXT MONDAY'S MEETING**

Commissioner Pennel stated that next Monday's meeting will be held at 10 a.m. instead of 9 a.m. because he was invited by the Recorder of Deeds to welcome the Recorder's Association at the Chateau in Branson at 9:00 a.m.

**COMMISSIONER PENNEL
NATIONAL POLICE WEEK RESOLUTION**

Commissioner Pennel read into record the National Police Week Resolution:

RESOLUTION NO. 08-0512

WHEREAS, the Congress of the United States of America has designated the calendar week of each year during which May 15 occurs as "National Police Week" and May 15th of each year to be "Peace Officers' Memorial Day"; and

WHEREAS, the peace officers are our guardians of life and property, defenders of the individual's right to be free, warriors in the war against crime, and dedicated to the preservation of life, liberty, and the pursuit of happiness; and

WHEREAS, it is known that every forty-nine hours an American Police Officer will be killed in the line of duty somewhere in the United States, and 170 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere;

BE IT RESOLVED, that the Taney County Commissioners, do hereby proclaim the week of May 11th to May 17th to be Law Enforcement Week in Taney County and call upon all our citizens in the community to especially honor and show our sincere appreciation for the peace officers of this county by deed, remarks, and attitude. We call upon all our citizens to make every effort to express their thanks to the women and men who make it possible for us to leave our home and families in safety each day and to return to our homes knowing we are protected by women and men willing to sacrifice their lives, if necessary, to guard our loved ones, property and government against all who would violate the law.

Dated this 12th day of May 2008.

Commissioner Pennel made a motion to approve Resolution #08-0512. Commissioner Herschend seconded the motion and also challenged other to consider seeking out a Law Enforcement Officer within the next 30 days to let them know how much their hard work is appreciated. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

COMMISSIONER PENNEL

CLARIFICATION OF AGENDA REQUESTS

Commissioner Pennel stated that the Commission needed to clarify the decision that was made on the procedure of being on the Monday Agenda.

Commissioner Herschend read the motion that was made on Friday, May 2, 2008 during a meeting, which stated:

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 there needs to be a request sent to the media allowing the public to speak out, but doing it in an orderly fashion. Commissioner Herschend stated that if the Commission sees that this procedure is not beneficial to the public, then it could go back to the way it has always been.

TRESSA LUTTRELL ABL CONTRACT

Tressa Luttrell, County Administrator noted that the ABL contract is not currently ready, as there are still a couple of questions for Sheriff Russell. Counselor Paulson stated that he would only need about 30 minutes to change the contract once he received proper information from Sheriff Russell.

Commissioner Herschend made a motion to table the ABL Contract until 11:30 a.m. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RICK FINDLEY COUNTY AUDITOR

Auditor Findley presented the Commission with a financial report noting that the balances were going backwards due to the Judicial and Casey Road projects.

Commissioner Strahan requested Mr. Findley to clarify his statement for the public. Mr. Findley stated that initially the plan was to spend 7 million and up until December 2007, we were using bond money and currently we are using county funds so it may appear as if the balances are going down.

JAMES STRAHAN COUNTY ASSESSOR

Assessor Strahan commented that he opposes the earlier statements about not allowing employees to speak with the media.

PUBLIC COMMENT

Mr. Art Beck thanked the Sheriff's Office for directing traffic at the bridge. He also commented on the possibility of getting a toll-free telephone number for the Taney County Courthouse. Mr. Beck expressed concerns of our countries military men being cremated in the same facilities as animals.

Mr. Josh Smith commented on National Police Week in a positive aspect and also encouraged the Commission to consider raising the rate of pay for Law Enforcement Officers. He also asked the Commission to reflect on the nepotism issue and whether or not Commission Pennel should be allowed to participate in Commission meetings while he is under investigation.

ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #303606-303716, manual warrants #4828-4831. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

PRIOR MINUTES

Commissioner Pennel made a motion approve prior Commission minutes dated 4/30/08, 5/5/08 and 5/7/08. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve prior Commission minutes dated 4/25/08. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

PAYROLL

Commissioner Pennel made a motion to approve payroll warrants:

General County Revenue warrants #104344-104366

Road & Bridge warrants #104315-104338

Assessment Fund warrants #104339-104340

Transfer Station warrants #104341-104343

Accounts Payable warrants #303732-303747, manual warrants #4833-4834.

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

RECESS
10:24 a.m.

Minutes taken and typed by Nikki Lawrence.

RECONVENE
11:33 a.m.

ABL CONTRACT

Commissioner Strahan made a motion to approve the contract between ABL and Taney County. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS
11:53 a.m.

RECONVENE
1:05 p.m.

**SEPTAGON CONSTRUCTION
MONTHLY UPDATE**

Commissioner Herschend made a motion to approve PR#46 to paint the interior of the sallyport with exterior acrylic paint in lieu of the epoxy paint for an additional \$4,053.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve the purchase of a 7' 10" wood door for an additional \$577.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve 02B-001 for APAC to increase the thickness of the asphalt which reduced the requirement for base rock for a credit in the amount of \$7,271.00. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to approve the changing of the thickness for the aluminum sheet metal for the cap flashing and trim from .050 to .040 for a credit in the amount of \$2,745.00. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Strahan (yes), Herschend (yes).

Commissioner Strahan made a motion to approve a “time and material” change with Kennedy Contractors for extending the communication conduits that came from the existing Courthouse and terminating near the utility pole for an additional \$476.49. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

FRANK PRESTON AND TRESSA LUTTRELL WORK SESSION

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

1. Airport Hangar: Ms. Luttrell informed the Commission that she received notification from Mark Parent, Airport Manager that a resolution was needed for the banking institution on the hangar project. Ms. Luttrell stated that the bank was requiring additional paperwork as soon as one request is completed.

Commissioner Strahan made a motion that Counselor Paulson have the bank send the county all the documents that are needed. Commissioner Herschend seconded the motion. Counselor Paulson commented that there could be some added legal expenses. Commissioner Herschend stated that he had expressed this to both Mr. Parent and to the Airport Board and they said there would be no additional costs. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

2. Fox Trail Road: Mr. Preston informed the Commission that he had received all but one agreement regarding the scarifying and grading of the road and added that he would continue working on the issue.
3. Tablerock Canyon Development: Mr. Preston noted that he was sent an entrance application for the second or third entrance on 165 and with the Commission’s permission he would approve said permit.

Commissioner Herschend asked if Mr. Preston needed to notify us when issuing permits. Commissioner Strahan commented that he would just like to know. Mr. Preston added that he typically wouldn’t do this but that this project is so big, he just wanted the Commission to be aware.

Bob commented that Hollister had annexed the development and should take the road in as well.

4. Board Appointments: Mr. Preston noted that Craig Trotter had resigned from the Planning & Zoning board; however Carl Pride would like to switch from Board of Adjustments to Planning.

Commissioner Strahan made a motion to switch Carl Pride to Planning & Zoning effective June 1st. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

5. Planning & Zoning: Mr. Preston stated that there was still an opening in Planning & Zoning since Kurt Larsen retired. Mr. Preston noted he was proposing to move everyone up a division and hire a Division I position.

Commissioner Strahan commented that he would like to see the break down on everyone before making a decision on that.

6. Road Vacations: Counselor Paulson noted that he could not get a hold of the landowners regarding Quebec Road Vacation and all he needed was an original warranty deed. Commissioner Pennel commented that he would go out there.

Commissioner Strahan stated that the Commission could not act on the Holiday Vacation as there is one lot that was not contacted. Commissioner Strahan made a motion to table until Randy Haes could get the additional signature. Motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

7. Bypass Road: Mr. Preston informed the Commission that the new tin horn has been installed which ended up being on County right-of-way. Mr. Preston added that they were working on a written agreement but had a verbal at the time of construction.
8. Accounting System: Mr. Preston noted that previously he had discussed the accounting system within the County but by no means wanted to stir the emotions that he caused. Mr. Preston stated that he simply would like the capability for him or his staff to be able to punch up a line item at any time and see what has been spent and with the information that I receive on a monthly basis doesn't give me that detail.

Mr. Preston added that he had asked Kathy Roberts to put all the information into FileMakerPro since January 1st. Auditor Findley explained the difficulties with MAS90 and several users and added that they needed to check with their vendor to get additional information on MAS90 or MAS200.

9. Casey Road Payment: Ms. Luttrell indicated that she needed direction as to whether the Commission would allow for the payment to Herion be made outside the normal accounting process as they would like to have their check as soon as possible since there was such a delay regarding the change orders.

Mr. Preston stated that he had spoken with Spencer Jones who will prepare the required documentation tomorrow. Commissioner Pennel made a motion contingent upon the receipt of a signed addendum by Herion, that a check would be written outside

the normal process. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Tressa Luttrell.