

**MAY 28, 2008 29TH DAY OF
THE APRIL ADJOURN TERM**

The County Commission met in the Commission Office at 3:00 p.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

PAYROLL

Commissioner Herschend made a motion to approve payroll warrants:

General County Revenue #104367 through #104368, #104399 through #104420

Road & Bridge #104370 through #104393

Assessment Fund #104369, #104394 through #104395

Transfer Station #104396 through #104398

Accounts Payable warrants #303949 through #303954, manual warrants #4838, #4839

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

**CASEY ROAD
PHASE 2**

Spencer Jones and Dave Lundstrom from Great River Engineering presented the Commission with a layout of the Casey Road Project – Phase 2 noting the areas that had been tested for road stabilization.

Mr. Jones noted that on the south side they found a lot of yellow clay where on the north side of the road they found suitable material. At the location of 125 and 129 the estimate for using shot rock was approximately \$232,500 and should they use the geo-tech grid it was estimated at \$255,750.

Commissioner Herschend asked if the county shouldn't just buy easements and place ditching rather than curb and gutter to save money. Mr. Jones noted that the storm water drains are already in place down to the Degraffenreid property. Mr. Jones then informed the Commission that down by Casey Glen Road there is a 700 foot stretch that would need stabilization as well. The shot rock would be approximately \$120,555 and the geo-tech grid at \$132,605. In that the situation at this location is due to ground water.

A general discussion regarding options ensued. Mr. Jones noted that when the project was handed to Great River the project was already defined, however they were

not afraid to go back and look at the concept noting that time is of the essence. Frank Preston, Road Superintendent asked how much money has already been spent on the drains. Mr. Lundstrom noted \$175,000.

Mr. Lundstrom noted that the Contractor has requested to hold off on the final coat until the project is finished. Commissioner Herschend stated that that makes sense. Commissioner Strahan noted that the county has told the community it would be done and he would like to stick with what the public has been told.

JUDICIAL ISSUES

Mike Smith with Septagon Construction informed the Commission that Sharp Signs, who bid on the interior signage, found out that the price he was given to bid on the signs was at wholesale and when he called to see about expediting the order, they informed him that since he was not the original designer quoting the project, he would have to pay retail.

Commissioner Herschend added that since he was not the registered company for the project that the pricing went up 40%, there is no bid bond to hold him. Herschend requested that Walton Construction get the Commission some sign samples so the Commission can choose one. Commissioner Pennel noted that he would still like to give our local company an option.

Mr. Smith noted that some money would need to be transferred within the budget to cover general conditions. Commissioner Herschend made a motion to transfer \$100,000 from construction contingency to the general conditions line. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

BRENT BLEVINS INGENTHRON ROAD

Brent Blevins met with the Commission to request the Commission to maintain the road that was determined to be a public road known as 160-90 through the court case. Should the county not, what would be the legalities of doing anything to the road personally, or possibly offsetting the cost to the county some.

Commissioner Strahan stated that he would like to see if nothing else the county clear the timber throughout the project. Mr. Strahan further noted that he had spoken with Mr. Brown who would be willing to vacate that portion of the road and move it over to create a buffer zone. Mr. Blevins noted that the property has sold within the last few weeks.

Commissioner Herschend asked Mr. Preston what his feelings were taking the road in as a Class VI. Mr. Preston noted that he works for the Commission and would do what was asked but questioned what had changed since the last meeting. Commissioner

Herschend stated that he had asked Mr. Blevins what the judge said and the judge said it was a county road.

Commissioner Pennel asked how long had it been since the county or the special road district had worked on the road. Counselor Paulson noted that it was probably in the 70's. The statute says that you have to have complete non-use to be abandoned and there is no evidence of that. Commissioner Pennel asked if there was any evidence that it was a county road. Counselor Paulson stated that the county received CART funds which would indicate yes.

Commissioner Strahan made a motion to extend the road past Mr. Blevins house to the section line and not turn back towards Mr. Blevins house as a class VI. Commissioner Herschend seconded the motion.

Commissioner Herschend noted that Mr. Blevins has made an offer to bring up to a class VI. Mr. Preston asked if the road bed would be kept to the same standard. Commissioner Strahan commented that at the time of the judgment, Mr. Preston had indicated a \$10,000 cost and asked if that was accurate. Mr. Blevins noted that he believed it was \$4-6,000.

Commissioner Herschend noted that he would encourage at least a 16 foot road. Commissioner Strahan asked if they were talking about driving surface. Commissioner Herschend noted yes. Commissioner Strahan commented that the county has a 40' easement determined by the judge.

Commissioner Pennel noted that he was very uncomfortable with the motion and the consideration. Commissioner Pennel added that they had agreed to use the County Counselor's time which is how we received a judgment. Commissioner Pennel stated that he feels if the county spends county funds to one residence; which is what it looks like noting that the county hasn't done this before. Commissioner Pennel further noted that he had been out there and granted someone has been traveling through there but didn't see spending county dollars on it.

Commissioner Strahan withdrew his motion and made a motion to do Ingenthron Road all the way through. Commissioner Herschend seconded the motion.

Commissioner Herschend noted that he has asked Counsel regarding several roads and we stopped pursuing before it went to litigation, this one clearly needed litigation which is why we used our county counsel. Commissioner Strahan called for the vote. The motion failed by vote: Pennel (no), Herschend (no), Strahan (yes).

Commissioner Herschend stated that Commissioner Strahan called for a vote without any consideration for Mr. Blevins' offer. Commissioner Herschend asked if Mr. Blevins would be willing to pay \$2,500 for the cost of the rock. Mr. Blevins stated yes.

Commissioner Herschend made a motion to direct Mr. Preston to begin maintenance again of county road Ingenthron Lane from Highway 160 to Highway "H" and that we accept Mr. Blevins' offer for 2,500 for rock from chip and seal Ingenthron portion and not to exceed the current driveway, the rest is the county's responsibility. Commissioner Strahan seconded the motion.

Commissioner Pennel asked if either Commissioner had driven the road. Commissioner Herschend noted that it had been 18 months. Commissioner Strahan stated that he had not but knew that the County had expended funds.

Commissioner Herschend stated that he would like for Mr. Preston to report back to the Commission and to Mr. Blevins as to when the crews could get to the road. Commissioner Pennel asked Mr. Preston if they were keeping records for the cost of the maintenance on each road. Mr. Preston indicated yes. Commissioner Pennel asked the Commission should this motion pass, will the county be establishing precedence for a judge. Commissioner Herschend noted that in the 7 ½ years it has only happened twice so there is already precedence. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Counselor Paulson noted that it was established as a public road and added that it would be wise to have it surveyed. Commissioner Herschend stated his point was that a judge has said where the road is on a certain date and he would not make it a prerequisite on this one. Commissioner Pennel questioned if that is what it said and asked if they were saying that the property owners would not be responsible for the survey, it's where the road lays. Commissioner Herschend noted that if they were to move the road it would be just like any other road and added that the county wouldn't need Mr. Blevins' money until the job is complete.

Mr. Preston stated he had concerns regarding the narrow area and the time allotted for the project. If we were to go ahead and make the road smooth prior to the building of the 16' driving surface. Commissioner Strahan stated Mr. Preston was the Road Superintendent, he would make the decision. Commissioner Herschend disagreed questioning how much material would be lost when they came back to build the 16' and added that he would like for Mr. Preston to come back with a plan.

FRANK PRESTON
JOB TITLE

Ms. Luttrell noted that a recent issue had arisen regarding Mr. Preston's title. Ms. Luttrell stated she could not find where the Commission had changed it, however there are a few that think it has been changed so she would like some clarification.

Commissioner Herschend made a motion to give the title of County Operations Administrator to Mr. Preston as defined in the document he has presented. Commissioner Pennel stated he was not ready to make that change and made a motion to

table the issue. Commissioner Strahan echoed that he also was not ready and seconded the motion to table.

Commissioner Herschend stated he would like a time table for which a decision would be made. Commissioner Pennel noted that there were reasons that he was not ready to make the change and added if Mr. Preston is spending 40% of his time away from road & bridge we need to look at it. Commissioner Herschend asked how much information Mr. Pennel needed to make a decision. Commissioner Pennel withdrew his motion.

MARSHA LAY AGREEMENT

Commissioner Herschend made a motion to approve the agreement between Marsha Lay and the County to address the storm water issue as the only and final offer for Ms. Lay. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

OZARK MOUNTAIN HELICOPTERS

Commissioner Herschend made a motion to approve the billboard lease agreements with Ozark Mountain Helicopters. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

WIDE FORMAT PLOTTER BID

Commissioner Pennel made a motion to approve the bid for a wide format plotter to Missouri Document Solutions as recommended by Recorder, Bob Dixon. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

HANGAR FUNDING ADDITIONAL DOCUMENTS

Ms. Luttrell reported that Mark Parent, Airport Manager had telephoned and was still in need of a resolution/ordinance noting that the county has the ability to borrow money. Ms. Luttrell stated she had informed Mr. Parent of the previous discussion which he commented that he was not aware of.

Commissioner Herschend stated that the county is not holding up anything on this project. Ms. Luttrell noted that according to Mr. Parent, the proposal submitted by the bank required this documentation and suggested that the Commission might just want to have Mr. Parent come to discuss the issue. The Commission suggested that a work session with Mr. Parent, the Chairman of the Airport Board as well as a decision maker for the bank be scheduled.

**COUNTY CLERK
PAYROLL ISSUE**

Commissioner Pennel commented that he had been made aware through the Auditors Office that Clerk Neeley has requested to give one of her part time employee's benefits. Clerk Neeley noted that she had spoken with Auditor Findley and since both the husband and wife will be employed with me, they would be speaking with Dixie Wagner, Benefits Coordinator to determine the best route for them.

Commissioner Herschend suggested that they not do that until Clerk Neeley presents her plan, in writing, as requested. Clerk Neeley noted that she had prepared it and would present it the following Wednesday. Clerk Neeley verbally noted that she will be transferring funds from her Election Fund accounts contingency.

Commissioner Strahan made a motion to table the issue. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS
5:50 p.m.

Minutes taken and typed by Tressa Luttrell.