

**JUNE 9, 2008 35th DAY OF
THE APRIL ADJOURNED TERM**

The County Commission met in the Associate Circuit Courtroom at 9:03 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 Gary Groman followed by the pledge.

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #304042-304164 and manual warrants #4842-4844. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ADDITIONAL JUDICIAL CABLING

Gary Morgan, Information Systems Administrator, explained that there were some excessive amounts on the judicial OSCA cabling bid and that the job estimate was \$15,000. He asked the Commission for approval of the bid, but not to exceed \$15, 100.

Commissioner Strahan stated he had understood the OSCA cabling bid was the state's responsibility. Commissioner Herschend made a motion to approve the bid, but not to exceed \$15,100 in order to move forward and volunteered to go back to the state with Mrs. Neal to find out why the county is paying for the work.

Counselor Paulson stated the county would have to pay the bid regardless if the state reimburses the county. Auditor Findley stated he understood the bid was also the responsibility of the state. Commissioner Strahan suggested paying the bid under protest. Sheriff Russell suggested checking with other counties who have constructed new judicial facilities. Commissioner Pennel seconded the motion and asked Sheriff Russell and Auditor Findley to make a conference call to Jefferson City to inquire about the bid then report back to the Commission. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to table any other action needed until 3 p.m. today to allow Mr. Morgan to speak to Auditor Findley and Sheriff Russell after their conference call to Jefferson City. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

BENEFIT EVENT REQUESTS

Commissioner Pennel stated he had received a request for a bake sale for the ALS Association to be held on June 13th and a request for an event for Tim and Joy Gilzow. Commissioner Pennel made a motion to approve the bake sale. Commissioner

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

Commissioner Pennel made a motion to approve an event for Tim and Joy Gilzow. Commissioner Herschend seconded the motion with discussion. He noted, for the record, that both events were requested by the Taney County employees. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

FLAG DAY

Commissioner Pennel stated that he had received a request for an event on Flag Day, June 14th, at the Flag Pole. Commissioner Herschend made a motion to approve the event. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PARKING ORDINANCE

Commissioner Pennel explained there will be a public hearing held on the Parking Ordinance, Monday, June 16th, at 9:00 a.m. in the regular Commission Meeting. Commissioner Herschend stated the ordinance stems from emergency vehicles not being able to access properties due to vehicles being parked on narrow streets. Sheriff Russell stated he would like to see the signs have "Taney County" on the back side so that citizens know the signs belong to the county. Commissioner Herschend asked Counselor Paulson to review Item 4 of the Ordinance.

BILLBOARD LEASE AGREEMENT

Commissioner Herschend made a motion to approve the billboard lease for Branson Landing Hotel. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

FUEL PRICES VS COUNTY BUDGET

Commissioner Herschend stated that the news reported on the gasoline prices and that the national average is now at \$4.02/gallon, and is predicted to be over \$5.00/gallon by July 4th. He noted that both the Road & Bridge and Sheriff's Department would go over their fuel budgets by a significant amount, looking at the current costs. Commissioner Herschend requested for Frank Preston, Road and Bridge Superintendent, to devise a plan to conserve gasoline for both the departments mentioned. Commissioner Pennel commented that he would like to discuss the issue further during this afternoon's work session.

**ROBERT DIXON
RECORDER OF DEEDS**

Recorder Dixon commented that he had discovered some unclaimed funds in the Secretary of States Office for the Taney County Recorder's Office and that a signed affidavit is required to obtain those funds. Commissioner Herschend made a motion to approve the affidavit to allow the Recorder's Office to collect their monies. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

COMMISSIONER STRAHAN

Commissioner Strahan stated that there was a benefit held for a young child in the area recently and commented that he was disgusted with the media regarding the headlines and the story published, as he felt that the media should have been more sensitive to the families needs.

PUBLIC COMMENT

Mr. Gary Groman commented on the plan he submitted to the Commission for the White River Basin Water Control. Commissioner Pennel stated that he would work on developing a committee to concentrate on this issue.

RECESS 10:02 a.m.

Minutes taken by Susie Braden and typed by Nikki Lawrence.

RECONVENE 1:00 p.m.

FRANK PRESTON WORK SESSION

Frank Preston, Road and Bridge Superintendent, met with the Commission to discuss various issues.

1. Maintenance / Janitorial Support: John Lavender, Maintenance Supervisor, requested an additional full-time employee. Commissioner Herschend questioned why an additional employee would need to be hired when there would be no more duties/functions or offices. Mr. Lavender commented that with the Judicial Facility there would be an increase in square footage. Commissioner Pennel expressed concerns on hiring an additional employee once the Judicial Facility opens. Mr. Lavender stated that he had additional information to present to the Commission, but was not ready yet and would like to come back to next Monday's meeting with that information.
2. Slough Hollow Road: Mr. Preston submitted a proposal for the design of Slough Hollow Road, from Great River Engineering, due to the Corps of Engineers 5 foot

elevation change in Bull Shoals Lake. He also noted that it is not to exceed \$10,000 and that no plans were included. Commissioner Pennel commented on the work/cost comparison of Bluff Road versus Slough Hollow Road. Mr. Preston stated that he has not taken measurements as to how long the section is, but that he has been told that it is approximately ½ mile. Commissioner Strahan commented that the county could build it. Commissioner Pennel mentioned that it would be a great savings to the county if the work was completed by the county. Commissioner Herschend was unsure if the Department of Conservation would accept it being built by the county and not an engineer. Commissioner Pennel stated that before a decision would be made that he would like to wait and see how the increased elevation of the water affects Slough Hollow Road. Commissioner Strahan concurred. Mr. Preston stated that he would like to do some additional investigation.

3. Acacia Club Road: Mr. Preston informed the Commission that Charlie's crew will be pulled off of Acacia Club Road for approximately 2 or more weeks and sent over to Casey Road to work on 8 driveways and 2 walls. Commissioner Herschend requested that Mr. Preston put up a sign to let the citizens know when the work will resume.
4. DSL Service: Mr. Preston commented that the Road and Bridge Department is still in need of DSL service at the East and West Barn. He stated that he spoke with Gary Morgan, who commented that it would take \$1,000.00 to purchase two routers and the internet service fee would be \$59.00/month per location. Mr. Preston noted that having this service would give the mechanics the capability to access the county purchasing system, email and the ability to track incoming weather. Commissioner Herschend moved approval. Motion died for lack of second. Commissioner Pennel made a motion to table this issue until Tuesday, June 10th at the Shop Talk meeting. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
5. Poverty Point Update: Mr. Preston updated the Commission on 125 Winkle Creek in Poverty Point. He stated that next week the homeowners will appear before the Planning and Zoning Commission to obtain a Division III permit for a nightly/weekly rental property. Mr. Preston also stated that he had received correspondence from neighbors that were opposing this business in a residential neighborhood. Commissioner Pennel made a motion for a stop work order and to send a letter to the homeowners. Commissioner Herschend noted that there should be a cease / desist order immediately stating that the homeowners were in violation of the Planning and Zoning Code. He also commented that there should be a visit to the property to verify compliance. Commissioner Pennel withdrew his motion. Commissioner Herschend made a motion the table this issue until a later date as this issue falls under possible litigation. Motion died for lack of a second.

6. Planning and Zoning: Mr. Preston discussed a position in the Planning and Zoning Department that remains open. No decision was made by the Commission.
7. City of Forsyth Park Site: Mr. Preston toured the proposed park site. He also asked what our level of commitment was to the City of Forsyth. Commissioner Strahan stated that the City of Forsyth is still in the negotiation process.
8. Plumbing Issue: Mr. Preston commented that Jack's crew is 4 to 6 weeks behind schedule due to losing 1 crew member and the significant amount of rainfall.
9. Corporate Sponsorship: Mr. Preston re-visited the issue of a \$50.00 Corporate Sponsorship to allow all current county employees to join the Branson Rec Plex. Commissioner Strahan made a motion to approve the \$50.00 Corporate Sponsorship. Commissioner Pennel seconded the motion. Commissioner Herschend asked either Commissioner to amend their motion to allow him speak with the Health Care Center to see if they would waive our fee. Pennel (yes), Herschend (abstain), Strahan (yes). Commissioner Pennel stated that for the record the \$50.00 is a one time annual fee.
10. Venice on the Lake: Mr. Preston met with Dick Scott and Rick Pickering last Friday. He commented that they drove all of the county roads. Mr. Preston noted that they came up with a list of problems in that area. He stated that due to the significant rainfall there are several areas with erosion, many potholes and intersections that are roughed up. A general discussion ensued.

11. News Release: Mr. Preston read the following News Release:

County working with the state in cleanup of detention pond

The Taney County Commission and Road and Bridge Department are cooperating with the Missouri Department of Natural Resources in cleaning up a pond at the county's maintenance barn on Buchanan Road.

According to Taney County Road and Bridge Administrator Frank Preston, the Missouri DNR recently received a complaint about paint, road oil and possibly other contaminants flowing into the pond on the maintenance barn property.

Preston said it appears runoff from a nearby salt shed as well as oil and paint from county equipment cleaned by employees have entered the pond. DNR inspectors have been at the pond to investigate, and the county is working with the state to mitigate the problem.

According to Preston, the county has taken action immediately to protect the pond from any further contamination and to bring in outside help for the clean-up.

Preston has also invited DNR officials to examine another pond on maintenance barn property in Hilda, on the east side of the county. He said if pollution is found in that water by DNR, the county will also begin the clean-up.

DNR is expected to have a report in a few weeks on the extent of any contamination.

12. Fuel Savings: Mr. Preston reported to the Commission some additional ideas for fuel savings for Road and Bridge vehicles, which are as follows:
 - Run equipment at 85% throttle
 - Keep tires fully inflated
 - 3-5 minute rule on run-timeCommissioner Herschend suggested that if an employee gets out of the vehicle, then it is to be shut them off. Commissioner Strahan and Commissioner Pennel concurred.
13. Yearly Report: Mr. Preston stated that he was one month short of being employed with the county for one year and that he was working on a summary to present to the Commission. Commissioner Herschend also asked him for a list of goals for his department during the next 12 months.
14. Residential Waterways & Developing Practices: Commissioner Herschend stated that the Commission had a letter from Mr. Allen stating that he agrees with Department of Natural Resources.
15. Location of County Equipment: Commissioner Herschend commented that all three Commissioners had noticed county equipment at locations of old job sites and was concerned about vandalism and theft. He also requested that Mr. Preston consider moving equipment at the end of each project upon completion.
16. Iowa Colony Road: Commissioner Pennel asked Mr. Preston if Iowa Colony Road was on the schedule. Mr. Preston stated that it would depend on how much work needed to take place. Commissioner Pennel requested that all of them go out to Iowa Colony Road and then make a decision from there.
17. Range Road: Commissioner Pennel stated that the Commission needed to make a decision on Range Road. Commissioner Herschend commented that he went out there and removed the first 60 feet of the fence to allow property owners access from the county road to his property. Commissioner Pennel stated the fence is currently put back up. He also commented that before a decision is made, the Commission needs to go take a look at the road. Commissioner Pennel noted that the fence is in the middle of the county road. The Commission concurred that Mr. Preston should have his crew go out to the site and remove the fence, with a deputies assistance. Also, Mr. Preston is to speak with Mr. Range.

EXECUTIVE SESSION

Commissioner Strahan made a motion to go into Executive Session pursuant to RSMo. 610.021.3. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

No votes taken.

Minutes were taken by Jim Yust and typed by Nikki Lawrence.