

**AUGUST 11, 2008 21st DAY OF
THE JULY ADJOURNED TERM**

The County Commission met in the Associate Circuit 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 Ms. Donna Clevenger followed by the pledge.

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #305057-305175 and manual warrant #4875. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PRIOR MINUTES

Commissioner Strahan made a motion to approve prior Commission Minutes dated 7/29/08, 7/30/2008, 8/1/2008, 8/4/2008, 8/5/2008 and 8/6/2008 with corrections. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RIGHT OF WAY EASEMENT
FOR SANITARY SEWER COLLECTION FACILITIES**

Commissioner Pennel introduced an easement for signature for the Y Highway Sewer Project where the sewer lines will come up and across county property.

Commissioner Herschend moved to approve said easement. Commissioner Pennel seconded the motion. Commissioner Herschend noted a concern with the easement in that he questioned who compiled and produced the legal description.

Commissioner Herschend amended his motion to add approval contingent upon verification of the legal description by Great River Engineering or a qualified surveyor. Commissioner Pennel amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**TAX ABATEMENT FOR
FLOOD VICTIMS**

Commissioner Pennel stated that a flood victim/property owner, who resides on Foggy River Road, presented a request to the BOE to abate their taxes, was turned down.

Commissioner Herschend made a motion to officially request that the Assessor, James Strahan, abate 2008 taxes for the flood victims. Commissioner Strahan stated that he remembers already taking action on this issue at a prior BOE meeting and requested that the Commission

take a look at the minutes from that meeting before making any decisions. Commissioner Pennel asked for clarification on the motion. Commissioner Herschend restated his motion. Commissioner Pennel seconded the motion.

Mr. James Strahan, County Assessor, commented that he is in favor of doing something of this particular nature, but currently there is no law in place to allow for abatement in this situation. He had also spoken with the Legislature regarding this specific issue.

A general discussion ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (no).

Commissioner Pennel requested for Counselor Paulson to telephone the State Tax Commission to ensure there is no statute for this situation. Commissioner Herschend added that he would also like for Counselor Paulson to call the Assessor's Association.

AFFORDABLE HOUSING PROJECTS

Commissioner Pennel stated that HCW Consultants contacted him in regards to a support letter for an Affordable Housing project, which will be located on Bird Road in Branson. He also stated that he had received other requests from other entities requesting letters of support.

A general discussion ensued. Commissioner Strahan commented that he had concerns about supporting organizations/individuals that may sway their initial information. Commissioner Herschend requested that those requesting letters, need to present their project to the Commission prior to the Commission endorsing any project. The Commission concurred.

BUDGET REPORT

Mr. Rick Findley, County Auditor, presented current Fund Balances to the Commission.

FUNDBALANCE 07/31/08	TANEY COUNTY BUDGET FUND BALANCES	
	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL
GENERAL COUNTY REVENUE		
BEGINNING BALANCE	\$0.00	\$18,628,344.77
REVENUES	1,637,695.24	9,125,931.94
	-	-
TOTAL REVENUES GCR	1,637,695.24	27,754,276.71
	-	-
TOTAL GCR EXPENDITURES	1,811,596.26	13,004,698.88
	=	=
TOTAL GCR FUND BALANCE	(173,901.02)	14,749,577.83

ROAD & BRIDGE		
BEGINNING BALANCE	0.00	7,004,998.91
REVENUES	116,987.12	883,538.70
	-	-
TOTAL RB REVENUES	116,987.12	7,888,537.61
	-	-
EXPENDITURES	599,802.14	3,130,240.01
	=	=
TOTAL RB FUND BALANCE	(482,815.02)	4,758,297.60

ROAD & BRIDGE TRUST		
BEGINNING BALANCE	0.00	3,693,493.95
REVENUES	623,829.19	3,968,053.92
	-	-
TOTAL RBT REVENUES	623,829.19	7,661,547.87
	-	-
EXPENDITURES	123,865.92	4,494,311.03
	=	=
TOTAL RBT FUND BALANCE	499,963.27	3,167,236.84

ASSESSMENT FUND		
BEGINNING BALANCE	0.00	3,099.75
REVENUES	12,983.29	373,986.27
	-	-
TOTAL AF REVENUES	12,983.29	377,086.02
	-	-
EXPENDITURES	51,955.94	374,757.97
	=	=
TOTAL ASSEMENT FUND BALANCE	(38,972.65)	2,328.05

ELECTION FUND		
BEGINNING BALANCE	0.00	31,698.41
REVENUES	2,355.08	12,231.78
	-	-
TOTAL ELECTION REVENUES	2,355.08	43,930.19
	-	-
EXPENDITURES	(229.80)	11,366.59
	=	=
TOTAL ELECTION FUND BALANCE	2,584.88	32,563.60

TRANSFER STATION FUND		
BEGINNING BALANCE	0.00	747,493.99
REVENUES	108,519.62	663,647.92
	-	-

TOTAL TS REVENUES	108,519.62	1,411,141.91
EXPENDITURES	106,753.42	649,979.69
TOTAL TS FUND BALANCE	1,766.20	761,162.22

FUNDBALANCE
07/31/08

TANEY COUNTY
BUDGET
FUND BALANCES

	PERIOD TO DATE	YEAR TO DATE
	ACTUAL	ACTUAL
LEPC FUND		
BEGINNING BALANCE	\$0.00	\$11,839.45
REVENUES	38.95	1,918.97
TOTAL LEPC REVENUES	38.95	13,758.42
EXPENDITURES	207.40	4,553.58
TOTAL LEPC FUND BALANCE	(168.45)	9,204.84
LAW ENFORCEMENT TRAINING FUND		
BEGINNING BALANCE	0.00	3,608.14
REVENUES	348.98	2,881.69
TOTAL LET REVENUES	348.98	6,489.83
EXPENDITURES	1,270.00	4,769.96
TOTAL LET FUND BALANCE	(921.02)	1,719.87
PROSECUTING ATTORNEY TRAINING FUND		
BEGINNING BALANCE	0.00	6,364.77
REVENUES	110.86	886.44
TOTAL PAT REVENUES	110.86	7,251.21
EXPENDITURES	0.00	777.78
TOTAL PAT FUND BALANCE	110.86	6,473.43
COUNTY INSURED FUND		
BEGINNING BALANCE	0.00	96,313.14

REVENUES	485.20	2,817.08
TOTAL COUNTY INSURED REVENUES	-	-
EXPENDITURES	7,036.20	40,205.13
TOTAL COUNTY INSURED FUND BALANCE	= (6,551.00)	= 58,925.09

911 FUND		
BEGINNING BALANCE	0.00	1,099,556.88
REVENUES	46,681.11	325,104.11
TOTAL 911 REVENUES	-	-
EXPENDITURES	16,200.45	157,113.00
TOTAL 911 FUND BALANCE	= 30,480.66	= 1,267,547.99

USE TAX

FUNDBALANCE
07/31/08

TANEY COUNTY
BUDGET
FUND BALANCES

PERIOD TO DATE	YEAR TO DATE
ACTUAL	ACTUAL

SEWER FUND		
BEGINNING BALANCE	\$0.00	\$23,082,218.45
REVENUES	1,164,623.97	8,444,422.66
TOTAL SEWER REVENUES	-	-
EXPENDITURES	909,152.40	5,088,767.44
TOTAL SEWER FUND BALANCE	= 255,471.57	= 26,437,873.67

SEWER DESIGNATED FUND
EXPENDITURES

TOTAL ALL SEWER FUNDS	= 255,471.57	= 26,437,873.67
	=	=

SHERIFF CIVIL FUND

BEGINNING BALANCE	0.00	97,171.17
REVENUES	568.75	60,056.54
	-	-
TOTAL SHERIFF CIVIL REVENUES	568.75	157,227.71
	-	-
EXPENDITURES	(6,505.44)	13,297.87
	=	=
TOTAL SHERIFF CIVIL FUND BALANCE	7,074.19	143,929.84
TAX MAINTENANCE FUND		
BEGINNING BALANCE	0.00	111,445.25
REVENUES	6,912.04	76,977.42
	-	-
TOTAL MAINTENANCE FUND REVENUES	6,912.04	188,422.67
	-	-
EXPENDITURES	1,350.75	77,287.14
	=	=
TOTAL MAINTENANCE FUND BALANCE	5,561.29	111,135.53

He noted that the county has decreased by 4 million in General County Revenue, which is due to the construction of the Judicial Facility and the Road & Bridge funds had also decreased due to the Casey Road project.

Commissioner Herschend requested that Mr. Findley produce last years numbers so he would have something to compare it to.

CONTRACTS

Counselor Paulson stated there were no contracts to review at this time.

HELEN SOUTEE

Ms. Helen Soutee informed the Commission that the county has increased its sales tax amount by 10.738%, as compared to last year and for the year; the county sits at an increased amount of 1.420%.

RECESS

9:54 a.m.

Minutes taken and typed by Nikki Lawrence.

RECONVENE

10:00 a.m.

EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(1). Commissioner Pennel 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 Herschend 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 were taken.

Minutes taken by Tressa Luttrell and typed by Nikki Lawrence.

**RECONVENE
1:00 p.m.**

**BOB PAULSON
WORK SESSION**

Counselor Paulson met with the Commission to update his work schedule and any legal issues pending.

**TIM BARTH
PLANNING EXEMPTION**

Commissioner Herschend noted that he had invited Mr. Barth to discuss his issue of getting a permit from Planning & Zoning for a new building on his location for a Sara Lee distribution building. Commissioner Pennel stated that he had spoken with Mr. Coxie, Planning Administrator and Mr. Barth will only need to fill out a Division II and can get an emergency exemption from the Commission.

Commissioner Herschend made a motion to give Mr. Barth an emergency exemption that allows him to construct the building while the paperwork is being completed through Planning & Zoning. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**SEPTAGON CONSTRUCTION
WEEKLY UPDATE**

Mike Smith, Construction Manager updated the Commission on the progress of the building and noted that he needed direction regarding the phones for the elevators. Mr. Smith indicated that he needed to know if the Commission wanted to put in one line for both elevators or to put in separate lines.

Commissioner Pennel commented that he would be fine with one phone line for now. Commissioner Herschend stated that he hated to spend money on a feature that we aren't even

going to use. Commissioner Strahan added that should there be an emergency in one and the other elevator picked up not knowing there was an emergency, would someone know to call back or check.

Commissioner Pennel made a motion to have one phone line and see how it works. Motion died for a lack of a second. Commissioner Herschend made a motion to install a single phone line for communications but also install the amount of lines needed for the services. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Mr. Smith informed the Commission that the water valve box was damaged and at this point there is no way to determine who was responsible. So Walton has stated that they would provide the labor to replace the box if the County would purchase a new box. Commissioner Herschend made a motion to approve the request. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel made a motion to purchase the benches for the Circuit Courtroom as requested by the Circuit Clerk and the Circuit Judge. The motion died for a lack of a second. Commissioner Herschend made a motion to table the issue until the Commission can go look at the space again. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

PERSONNEL POLICY

The Commission requested that they have one more week to review and asked that it be placed on the August 18th agenda.

WEEKLY UPDATE CONT.

Commissioner Herschend commented that he had given some direction to John Lavender, Supervisor and Renee Brusca of the Maintenance Department to get a landscaping plan together. Ms. Brusca informed the Commission that they were going to need 36 trees, 12 benches and some planters with shrubs and plants.

Commissioner Strahan suggested checking with the Cross Creek Development who had several trees that hadn't been placed yet. Commissioner Herschend suggested that he would like to see a total plan of the area.

Tressa Luttrell, County Administrator commented that with this project there is going to be a lot of overtime and requested that those individuals working on the move be paid their overtime rather than placing it in their accumulative totals. Ms. Luttrell further noted that in one department for instance, they can not afford to be giving an additional amount of time off for the remainder of the year and that by paying the overtime; it would help them out in scheduling.

The County Commission concurred that the employees should be paid for the time on this project and that each department should keep track of the hours so that it can be charged against

the project. Mr. Lavender noted that he would need approximately 16 individuals to help with the move. Commissioner Herschend added that he had suggested going to an outside firm to help with the IS Department's task of getting all the computers/internet etc up and going in a timely manner.

Mr. Lavender informed the Commission that he had received a quote on 25lb of seed for crown vetch for the slope but also had heard some discussion about the rock wall being extended as well. Mr. Lavender noted that the cost for the crown vetch was \$360.00. A general discussion ensued but no decision made.

Commissioner Pennel asked if they could go backwards a bit, as there had been a question regarding the Road & Bridge Office. Commissioner Pennel asked if Commissioner Herschend felt like they needed the space. Commissioner Herschend responded do they need 4,000 square feet, no, but they do need space. Commissioner Strahan noted that he thought 4,000 was too much but added that he didn't think it was a hurry up plan to resolve.

FRANK PRESTON & TRESSA LUTTRELL WORK SESSION

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

1. Casey Road: Ms. Luttrell presented change order #5 from Herion Construction in the amount of \$91,026.00 which covers Slope Stabilization, Subgrade Stabilization and some reductions in bid items #26 and #8. Mr. Preston indicated that according to Great River Engineering this change order is through the end of the road.

Commissioner Strahan made a motion to approve said change order. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

2. Bid Award for Pots/Pans: Ms. Luttrell presented the Commission with the bids for the pots and pans to be placed in the new Judicial Facility. Ms. Luttrell added that there was only one bid as the second bidder was an hour and a half late.

Commissioner Strahan made a motion to approve the bid as recommended to Food Service Equipment Brokers in the amount of \$9,265.57. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

3. Journal Entries: Ms. Luttrell presented journal entries that had been given to the Commission previously. Commissioner Pennel made a motion to approve the following journal entries: Sewer – Coon Creek \$16.45; Bradleyville Pavilion \$5,763.95; Judicial Facility – Shorty Cooper Street \$4,050.48; Transfer Station \$1,756.91. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

4. Workers' Comp Agreement: Commissioner Pennel made a motion to approve the workers' compensation discount agreement with St Johns Facilities. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).
5. FEMA Update: Mr. Preston gave the Commission an update on the FEMA work currently being done.
6. Casey Road: Mr. Preston noted that Ron Wyatt had requested an additional 75-100 feet of the rock wall so that it esthetically would look right. This is at a cost of \$400.00. Commissioner Strahan made a motion to approve the request. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).
7. Mohawk Lane: Mr. Preston informed the Commission that he had been approached regarding the county taking in Mohawk Lane. Mr. Preston commented that it had not been petitioned for county maintenance but have since discovered that the land owners are not permanent residents. Commissioner Strahan made a motion to deny. Commissioner Herschend seconded the motion. Ms. Luttrell noted that there had not been a petition to vote on as yet. Commissioner Strahan withdrew his motion.
8. Bee Creek: Mr. Preston informed the Commission that he would be attending a "walk & talk" with Great River Engineering to look at the creek and discuss what should be taken care of , if there is anything the county should be responsible for etc.

Commissioner Herschend asked why the county would be down in the creek. Commissioner Pennel noted that he had previously asked Commissioner Herschend if it was alright to get Great River to look at the issue and you were alright with it. Commissioner Herschend asked why it is the county's responsibility to fix the creek. Mr. Preston indicated that he would like to get the information for future information in other areas.

9. "Y" Highway Sewer Project: Mr. Preston asked about the sewer project on "Y" Highway and inquired about the responsibility of the road repair. Commissioner Pennel indicated that at the sewer board meeting, the project would be bid out with an overlay. However, prior to the overlay, the county can get in there and build the roads up or improve the roads at county costs. Commissioner Strahan asked what Mr. Rider's job was as he should be down there laying in those streets.
10. Forsyth Ballfields: Mr. Preston stated that Mayor Oliphant has requested when the county would get in and work on those fields. Mr. Preston noted that he informed Mr. Oliphant that the county was already behind on scheduled work.

Commissioner Herschend made a motion that anytime the county is on their fields that the county bill the time against the approved \$50,000. Commissioner Strahan noted that there is no way to get them any equipment as the county hasn't even got to our scheduled work under our current situation. Commissioner Pennel noted that he thought it was clear. Commissioner

Herschend noted that it isn't clear if Mr. Oliphant wouldn't have contacted Mr. Preston. Commissioner Herschend added that he thought that is why the county gave them the \$50,000. Commissioner Pennel noted that from day one it has been said it would be contingent upon our Road & Bridge being able to get to it. Commissioner Strahan stated that his understanding was that the \$50,000 would take care of it.

Mr. Preston noted that should we have time in November, is that being taken out of the \$50,000. Commissioner Strahan noted that that would be determined at that time. Ms. Luttrell stated that Commissioner Pennel was very clear in his motion that the \$50,000 was cash and had nothing to do with the road & bridge work. Commissioner Herschend requested that something be sent in writing. Commissioner Herschend noted that he would vote no on anything that would take Mr. Preston off of working on county roads.

Commissioner Herschend made a motion that Mr. Preston sends Mayor Oliphant a letter noting that it would be November before the county could even consider working on this project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

RECESS

4:29 p.m.

Minutes taken and typed by Tressa Luttrell.