

**AUGUST 25, 2008 30<sup>TH</sup> DAY OF  
THE JULY ADJOURNED TERM**

The County Commission met in the Commission Office 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.

Commissioner Herschend stated that he received a telephone call from Mr. Doug Meadows, informing him of Wade Meadows' passing away, the funeral will be held in the later part of the week.

**ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #305269 – 605424, 305447 – 305548 and manual warrants #4880 – 4881. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**PRIOR MINUTES**

Commissioner Herschend made a motion to approve prior Commission Minutes dated 8/11/2008, 8/13/2008 and 8/14/2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**SYCAMORE VIEW DEVELOPMENT**

Mr. Greg Rodewald with Preservation Resources, L.L.C appeared before the Commission representing PTTW, Inc., along with representatives, Mr. Tom and Mr. Ed Thornton, respectfully requesting a resolution of support for Sycamore View Development.

Mr. Rodewald stated that the development is an all brick 48 unit apartment complex for workforce housing, which consists of 32/3 bedroom units and 18/2 bedroom units. He also noted that the complex is located just off of Highway 248 in Branson, Missouri. Mr. Rodewald commented that part of the financing will come from tax credits that comes from the Internal Revenue Service and is administered by the Missouri Housing Commission.

Commissioner Herschend expressed concerns referencing zoning and topography. A general discussion ensued. Commissioner Herschend made a motion to table the letter of support for Sycamore View until the County Commission has an opportunity to visit the location. Commissioner Pennel seconded the motion for discussion. Commissioner Herschend commented that he would be willing to place it back on the agenda for next

week. Commissioner Strahan noted concerns of safety, turnaround and sewer system. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **PURVIS LANE**

Commissioner Pennel made a motion to return to maintaining Purvis Lane, which is located off of Fruit Farm Road. Commissioner Strahan stated that he had not visited the road and would be uncomfortable seconding the motion. Motion died for lack of second.

Commissioner Herschend expressed concern of road work being done due to property owners not holding up their end of the bargain, in the past.

### **BLUE RIDGE DRIVE**

Commissioner Herschend made a motion to table Blue Ridge Drive until the Commission could take a look at the road. Commissioner Pennel seconded the motion. Commissioner Strahan noted Blue Ridge Drive is ½ mile from Purvis Lane and that he was uncomfortable making any decisions prior to seeing the road. A general discussion ensued. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **HOMESTEAD ESTATES**

Commissioner Pennel made a motion to take into the county maintenance system, the remaining roads that were originally petitioned, which are Montana Road, Big Sky Court and Wild Prairie Lane. He noted that these roads were table because of the road standards not being completed.

Commissioner Herschend commented on not following the 4 year guideline policy. Commissioner Pennel stated that the roads in the sub-division were built according to county standards and there are several homes on the roads in question. Motion died for lack being seconded.

Commissioner Strahan re-stated an earlier motion, in the petition process, to take in to the county maintenance system, which is part of Montana Road where it meets Big Sky and Big Sky Court contingent upon a turn around at the top of the cul-de-sac. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

Commissioner Herschend made a motion to deny Wild Prairie Lane. Motion died for lack of being seconded.

Commissioner Pennel made a motion to table Wild Prairie Lane and the remainder of Montana Road. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (no), Strahan (yes).

## **COUNTRY VILLAGE DRIVE**

Commissioner Pennel stated that the petitioner contacted the Commission Office last week in reference to the petition. He also noted that the petition was approved contingent upon getting the needed right-of-way and an easement for the turn-around and/or a cul-de-sac on the 30<sup>th</sup> of May, 2006.

Mr. Frank Preston commented that he had spoken with Mr. Randy Haes and that there was issue with the turnaround. Commissioner Strahan commented that if the property owners would give an additional 5 feet, he would be favor of going forward.

Commissioner Herschend made a motion to direct Mr. Haes to give proof of right-of-way and to proceed with the cul-de-sac. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **RESOLUTION FOR THE APPOINTMENT OF A REPRESENTATIVE TO THE SOUTHWEST MISSOURI SOLID WASTE MANAGEMENT DISTRICT N EXECUTVE BOARD & COUNCIL**

Commissioner Herschend made a motion to approve the resolutions for this year that would mirror last year, as far as the appointment of a representative of Southwest Missouri So0lid Waste Management District Council and Executive Board. Motion died for lack of being seconded.

Commissioner Herschend made a motion to appoint Chuck Pennel, Presiding Commissioner, to Southwest Missouri Solid Waste Management District Council and to appoint Dan Nosalek, as the alternate to represent the county when Commissioner Pennel is unable to attend. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to appoint Danny Strahan, Eastern District Commissioner, to represent the county on the Southwest Missouri Solid Waste Management District Council as written. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

Commissioner Herschend made a motion to Chuck Pennel, Presiding Commissioner, to represent the county on the Southwest Missouri Solid Waste Management District N Executive Board and to appoint Dan Nosalek, as the alternate to represent the county when Commissioner Pennel is unable to attend. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (abstain), Herschend (yes), Strahan (yes).

### **BRADLEYVILLE ROAD SHARING PROJECT**

Ms. Luttrell stated that she had previously come before the Commission and asked for funds up front to pay for the invoice for Taneyville and Bull Creek projects, as

they don't have the monies to be reimbursed and this is the same situation as Bradleyville had.

Commissioner Pennel moved to pay the up front monies that are needed for Bradleyville's project. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **2009 BUDGET REQUEST**

Ms. Luttrell stated that the Commission suggested last week that she speak with Mr. Rick Findley, County Auditor, to see if he would give us an extension on the budgets that need prepared, as several offices will be busy with relocating of offices and the judicial facility deadline.

Commissioner Herschend made a motion to respectfully requested 2 weeks to get the initial budget paperwork, so that all parties involved can get past the September 2<sup>nd</sup> deadline. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **SCHEDULE OF MOVE**

Commissioner Pennel noted that the schedule of move is as follows:

The Sheriff's Department, Circuit Clerk, Associate Clerk Divisions I & II, Juvenile & Public Administrator were scheduled to move on September 2<sup>nd</sup>.

The Prosecuting Attorney and the Recorder's Office were scheduled to move on September 3<sup>rd</sup>.

The County Clerk was scheduled to move on September 4<sup>th</sup>.

Road & Bridge Department was scheduled to move on either September 5<sup>th</sup> or September 8<sup>th</sup>.

Commissioner Strahan noted the limited services that county offices will be able to offer.

### **SHERIFF RUSSELL**

Sheriff Russell questioned whether there was a time limit on county maintained roads that had been abandoned by the county.

Counselor Paulson commented that in order to have a road abandoned, it must be vacated and thus go through the proper channels.

### **COMMISSIONER HERSCHEM**

Commissioner Herschend expressed a public compliment to Mr. Chris Berndt, as there was a house fire and his performance was questioned by the homeowner, he went back and revisited the home owner and explained why he made certain decisions. Commissioner Herschend also noted that the home owner was very satisfied and thankful for his service.

**RECESS**  
**10:07 a.m.**

Commissioner Pennel made a motion to go into executive session per Section 610.021.12 RSMo. after a 5 minute recess. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes taken and typed by Nikki Lawrence.

Commissioner Herschend made a motion to go out of executive session. Commissioner Strahan 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.

**RECESS**  
11:08 a.m.

**RECONVENE**  
11:18 a.m.

**EMERGENCY MEETING**  
**DAM SITE SITUATION**

The County Commission conducted an emergency meeting without 24 hour notice due to the nature of the sewer situation at Dam Site.

John Souttee, Sewer Administrator and Mel Eakins with Great River Engineering presented the Commission with a plan for the Dam Site location. Commissioner Herschend commented that if the three heroic individuals did the work that was needed for the emergency, then why are we here. Mr. Eakins noted that he wasn't sure what was done was working.

Mr. Souttee noted that he hadn't been over there today, but was afraid that it will fall right back to the current situation. Mr. Eakins added that it would be another \$40-45,000 to put the Hillbilly Motel on the plan. Commissioner Herschend asked why it was the county's responsibility.

Commissioner Pennel noted that it would be bumping up the project on the matrix as it was an emergency. Mr. Eakins commented that it would only be a temporary fix as

it would not meet the City of Branson's requirements. Commissioner Herschend added that the County should tell the City of Branson that we are stepping up, why don't they. Commissioner Pennel noted that he thought they would step up.

Commissioner Herschend made a motion that under the emergency situation of raw sewer going into the drinking water of Branson that the county approve up to \$85,000 towards this process contingent upon the City of Branson accepting the resolution. Commissioner Pennel questioned the bidding procedure. Commissioner Herschend noted that he would rather not have raw sewer on the ground. That we go out and select a contractor to perform the work.

Commissioner Pennel repeated the motion...Commissioner Herschend added that it would include by passing the normal bid process due to the emergency situation. Mr. Eakins suggested doing the project at costs plus reasonable markup. Commissioner Strahan asked if the county would be criticized, knowing it is an emergency, but how long has it been an emergency. Commissioner Strahan added that he would like to have the Sewer Board member's agreement. Commissioner Herschend noted that he would make the motion contingent upon sewer board ratification.

Commissioner Pennel asked about an agreement with the water district. Mr. Eakins noted that at this point it has not been determined if the system will be the county's or the city's.

Commissioner Pennel asked if the motion would add contingent upon the City of Branson's acceptance of the wastewater. Ms. Luttrell clarified the parts of the motion. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion to direct Mr. Souttee and Great River Engineering to go to the owner of the motel and talk about the quick fix situation and see if they would like to participate with \$40,000 so they could be done as well and be included as part of the project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend made a motion that the Presiding Commissioner go back to whoever wrote the article regarding this issue and explain county process. The motion died for a lack of a second.

**RECESS**

11:53 a.m.

**RECONVENE**

1:08 p.m.

**COUNSELOR PAULSON  
WORK SESSION**

Counselor Paulson met with the Commission to go over pending cases and his current schedule. Commissioner Pennel presented the Commission with a resolution from the IDA regarding a \$550,000 bond for the Hospital. Commissioner Herschend made a motion to approve said resolution. Commissioner Strahan requested that Counselor Paulson take a look at the document.

Commissioner Herschend added to his motion that it be contingent upon Counselor Paulson looking the document prior to Wednesday morning. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **JUDICIAL FACILITY WEEKLY UPDATE**

Commissioner Herschend noted that he had spoken with Chief Berndt who stated that by installing the button for the generator would indeed save the citizens money on their home insurance. Commissioner Strahan suggested contacting K&R to provide the installation.

Commissioner Strahan made a motion to approve PR#43 for \$5,344.00 which is for the extra tile needed, as there was a tremendous savings by changing the sealer previously. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to approve \$463.00 for the casework, toe boards to be finished. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **EXECUTIVE SESSION**

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(17). Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

Commissioner Strahan made a motion to go out of executive session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **JUDGES CHAIRS**

Tressa Luttrell, County Administrator informed the Commission that the Judges have indicated that the chairs previously picked out will not suit them. Ms. Luttrell added that they have given her specifications for a lazyboy chair that runs \$1,200 each.

The Commission concurred to discuss the issue on Wednesday.

## **COUNTY CLERK DESK**

Ms. Luttrell presented the Commission with a recommendation from the County Clerk for the purchase of a new desk. Commissioner Herschend made a motion to approve the purchase of a new desk for the County Clerk. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **UNIFORMS**

Frank Preston, Road Superintendent asked the Commission how critical wearing the uniforms is to the Commission. Mr. Preston previously sent a letter and the crews did better however it is back to not wearing them now.

Commissioner Herschend made a motion to instruct Mr. Preston to send a letter insuring the staff that uniforms are to be worn, if not they go home. Commissioner Strahan asked how strongly Mr. Preston felt. Mr. Preston noted that he was pretty strong, the county is supplying them.

Commissioner Strahan noted that the county has turned into one of the top three places to work within the county and they should obey. Commissioner Herschend commented that they are testing us like kids would. Commissioner Strahan noted that he would write them up after the first time. Commissioner Pennel agreed. Commissioner Pennel noted that now that we agree is there any reason for them not to.

Mr. Preston commented that the way it is set up now there is three options to choose from so there shouldn't be any reason not to. Commissioner Herschend commented that for them to not wear what has been given to them, they are not representing the county. The motion died for a lack of a second, however the Commission concurred with writing a letter.

## **ROUND MOUNTAIN ROAD**

Mr. Preston reported that individual's have been camping out as well as stopping up the culverts with hay bales to make the water deeper. Commissioner Strahan recommended placing signs at that location.

## **HOLLY PERRYMAN RACETRACK ISSUES**

Holly Perryman commented that she was present to get information regarding the Board of Adjustment process and added that Commissioner Herschend had recommended her coming in for a discussion. Counselor Paulson explained the BOA process and answered questions regarding conflict of interest and establishment of quorums.



**RECESS**  
4:52 p.m.

Minutes taken and typed by Tressa Luttrell.