

**SEPTEMBER 15, 2008 43<sup>rd</sup> DAY OF  
THE JULY ADJOURNED TERM**

The County Commission met in the County Commission Hearing Room at 9:03 a.m. pursuant to adjourn with Chuck Pennel, Presiding, and Danny Strahan, Eastern Commissioner and the following proceedings were had and made a matter of record.

Prayer was led by Helen Souttee, County Treasurer, followed by the pledge.

**ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants #305749 through #305853 and manual warrants #4888, #4889. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**PRIOR MINUTES**

Commissioner Pennel tabled prior Commission Minutes dated 8/28/2008, 9/3/2008, 9/8/2008, 9/9/2008 and 9/10/2008. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**CHRIS BERNDT,  
EMERGENCY MANAGEMENT DIRECTOR,  
FLOODING UPDATE**

Chris Berndt, Emergency Management Director, updated the Commission on the effects of the storm throughout Taney County this past weekend.

Mr. Berndt noted that it flooded along Lake Taneycomo as well as Bull Creek. He also commented that residents were concerned that the Corp of Engineers would be releasing additional water over the weekend but added that that was untrue.

In addition to the flooding, Mr. Berndt noted that there were many trees down throughout the county due to high winds and the power companies are continuing to restore power.

Commissioner Herschend entered the meeting at 9:10 a.m.

Mr. Berndt commented that he is compiling a list of those who need assistance and will work towards gaining public and individual assistance through FEMA.

The Commission complimented Mr. Berndt and his staff, as well as the Road & Bridge Department for all their efforts during this storm.

**RECESS**

**9:15 a.m.**

Minutes taken and typed by Nikki Lawrence.

**RECONVENE**

**11:30 a.m.**

The County Commission reconvened in the Commission Office with all members present.

**“K” HIGHWAY  
EMERGENCY ROAD**

Frank Preston, Road Superintendent informed the Commission that he had received a phone call regarding the water rising over “K” Highway and that the residents couldn’t get through the locked gate.

Ed and Allan Wilson, owners of the property known as the “K” Highway Emergency Road had previously sent in a request for the Commission which is as follows:

“Items for Taney County to do prior to opening of roadway and after closing (dated September 11, 2008)

1. Raise the roadway at pond. There is a survey stake for height. From 6/13/02 contract. Road was closed August 2, 2002.
2. Road fixed when closed.
3. Gate on north side of road has post pulling out of ground. Result of original contract.
4. Gravel road from north side of road at creek to main road. From original contract.
5. Adjust gates. People have removed gates. They are sagging. Need to be welded.
6. Remove stumps off property by creek.
7. Trees down on left coming off K-10. From original contract. Need to be removed.
8. Center gate. Fence need to be tied to gate posts with wire ties and not plastic like was used originally.
9. Trash at east side of property from original road building. Old fencing and posts. Dixon pushed it over the hill to the east on roadway.
10. Need clay to build pond. County crews pushed what we bought over the hill.
11. 3-3 ft heavy duty chains and 4-4 ft chains to replace ones that were stolen on August 4 and July 26, 2008. On 3-22-05 drug bust at motel, 1 lock and two chains cut by Taney County Sheriff. Gates were left open.
12. Gravel at all cattle guards where traffic has worn it out.
13. Make sure Sheriff has keys to get thru when road is open. Don’t call us for entrance. This happened July 20, 2008.

Items 1, 3, 4, 6, 7, 8, 9, 10 are from the original building of the road. The original contract was signed on 6/13/02. All these items were to be done by the time the road was closed.

Items 2, 5, 11, 12, 13 are things that need to be repaired or replaced from this opening.

Per wording in the original contract dated 6/13/02, the County is the one that has not stood up to the agreement not the landowners. We have bent over backwards to accommodate the residents and landowners. We have been thanked by chains being cut, gates being taken off hinges, gates being left open, calls from people who have boats at K-Dock and the Dock Owner and littering on our property.

Before the road can be opened again, we as landowners need to assured in writing that the above mentioned items will be taken care of in a timely manner. A letter signed by the commissioners will suffice.

Ed Wilson”

Commissioner Pennel suggested that all parties go to the site for review. Commissioner Strahan noted that the County would replace what they broke. Commissioner Herschend made a motion to approve all requests with the exception of #1 and #4, replace the clay and line the pond.

Commissioner Pennel stated that most of the requests are maintenance and would want to look at #1, 4 and 10. Motion died for a lack of a second.

Commissioner Herschend made a motion to approve #2, 3, 5, 6, 7, 8, 9, 11, 12 and 13. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**RECESS**  
**12:30 p.m.**

**RECONVENE**  
**2:13 p.m.**

The Commission reconvened in the Commission Office with Chuck Pennel, Presiding and Danny Strahan, Eastern Commissioner present.

**FRANK PRESTON & TRESSA LUTTRELL**  
**WORK SESSION**

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

1. Weekend Storm: Mr. Preston updated the Commission on the storm damage from the weekend.
2. Fall Clean Up: Mr. Preston noted that the Fall Clean Up was scheduled for October 18<sup>th</sup>.
3. No Parking Signs: Commissioner Pennel commented that he had been requested to place four “no parking” signs at the senior housing complex located across from the new Judicial Facility so that their parking spots would not be taken up by citizens going to the facility.

After a brief discussion, Commissioner Pennel made a motion to provide four “no parking” signs of some sort, to be paid for out of the judicial facility budget and after consulting with the City of Forsyth. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

4. Flood Victims: Commissioner Strahan noted that he had received a call from the Village of Bull Creek regarding the dumping of items at the transfer station due to

the recent flooding. Commissioner Strahan questioned as to whether the Commission wanted to extend the free dumping or approve them as a case by case basis.

Commissioner Strahan made a motion that with the expense that the individuals at Bull Creek have incurred personally, that the County would extend free dumping at the transfer station. Commissioner Pennel noted that he would like to continue with how the transfer station has been handling these cases from the last flood, in which Karen Custer was using her judgment when the residents would come to dispose of items. The motion died for a lack of a second.

Commissioner Strahan made a motion to continue the use of Ms. Custer using her judgment on the dumping for the flood victims for Bull Creek. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

5. Animal Control Adoption: Commissioner Strahan made a motion to allow Animal Control to conduct adoptions at Autumn Days for 4 -5 hours. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).
6. "K" Highway Emergency Road: Commissioner Strahan made a motion to pay Allen Wilson \$700.00 for clay purchased by Mr. Wilson and used by the county for other purposes on the "K" Highway Emergency Road. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

## **RECESS**

Minutes taken and typed by Tressa Luttrell.