

**AUGUST 1, 2005 THE 7TH DAY
OF THE JULY ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:07 a.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District and Danny Strahan, Eastern District present. The following proceedings were had and made a matter of record.

The prayer was led by Chuck Pennel followed by the pledge.

**TAX ISSUE
DEANO ROAD-CARLTON SHULL**

Commissioner Herschend presented the following draft of a proposed tax issue policy for Taney County:

Whereas the Taney County Commission recognizes that the Taney County citizens should not be penalized for omissions or oversight made by employees of Taney County and

Whereas Missouri State Statute clearly makes it the responsibility of taxpayers to pay their taxes in a timely manner. The Taney County Commission adopts the following policy:

The Taney County Commission will hear and consider requests when only interest and penalties and only on the first year taxes not paid. The actual tax is always the responsibility of the taxpayer. The taxpayer not paying taxes for more than twelve months should be inquiring as to the status of their taxes.

It shall be the responsibility of the taxpayer to demonstrate and prove omissions or oversight on the part of the county that cause the tax situation to go unpaid.

Additionally they must demonstrate why they did not know the taxes where to be paid. Examples of lack of taxes due: knowledge, demonstration, new resident to the state, taxes previously paid by others such as an escrow situation.

If penalty and interest are to be waived after hearing evidence any penalty assessed by the collector shall be paid from an account budgeted by the Commission annually to handle such situations.

Presiding Commissioner Pennel stated that he has spoken to other counties regarding this issue and that the general consensus is not to adopt this policy and to stick to the statutes.

Commissioner Herschend explained that he feels if the county made the mistake of not sending the tax bill to the correct address then the taxpayer should not be penalized for it however, the law is very clear about the taxpayer being responsible to pay their taxes.

Sheila Wyatt, Collector, stated that she also called several counties and said that some counties follow the statute about it being the taxpayer's responsibility while others accept the responsibility for their mistakes. Wyatt suggested making a provision by adopting a policy that if the county makes an error it should not be the taxpayers responsibility.

Commissioner Herschend made a motion to have his policy follow the letter of the state law and not make any exceptions until otherwise amended. Commissioner Strahan seconded the motion. Commissioner Pennel expressed that he feels the

Commission should wait until they know more before making a decision. The motion passed by vote: Pennel (no), Herschend (yes), Strahan (yes).

James Strahan, Assessor, stated that he feels the county is making an issue out of nothing because the statutes are clear. Strahan expressed that he doesn't understand why the county is basing decisions on past cases when every case is different and clarified he is not in favor of waiving penalty and interest. A general discussion ensued.

Presiding Commissioner Pennel made a motion to ask the counsel to research the statutes specifically in regards to whether or not the Commission has a right to waive or refund penalty and interest for taxpayers who do not receive bill due to an error of the county. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ROAD PETITION EDISON LANE

Bill Stevens addressed the Commission regarding the road petition for Edison Lane that was tabled at a previous meeting. Stevens explained that he is the one who started the petition.

Commissioner Strahan stated he has not had a chance to look at the road and is not prepared to make a decision at this time.

Randy Haes, Road and Bridge Assistant Engineer suggested the Commission look at the road themselves before making any decisions. It was decided that this issue would remain tabled until the Commissioners have a chance to review the road and someone would be in touch with Stevens regarding the final decision.

RECESS

10:14

RECONVENE

10:27

POSTAGE MACHINE BID GARY MORGAN

Gary Morgan, IS Administrator addressed the Commission regarding a postage machine bid, stating that he went and looked at both postage machine in which the county received bids. Morgan explained that the Pitney Bowes machine was recommended as being the better machine out of the two. Morgan further explained that it was the highest bid at \$24,517 however; it is more reliable and has a lower cost of supplies plus its ease of use and maintenance response were better making it more likely to save money in the long run.

Commissioner Strahan asked how much mail the people who recommended the Pitney Bowes machine process in comparison to what the county processes. Morgan explained that they process in three to four weeks what the county processes in one year. Morgan further stated that he still feels it would be more beneficial to go with the more expensive machine.

Commissioner Strahan made a motion to accept Gary Morgan's recommendation for the Pitney Bowes Postage Machine. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS

10:36

RECONVENE

10:40

PERSONAL FINANCIAL DISCLOSURE

DONNA NEELEY

Donna Neeley, County Clerk, stated that she has received notice regarding the counties Personal Financial Disclosure Ordinance that Taney County must readopt and certify to the Missouri Ethics Commission prior to September 15th. Neeley went on to explain that she found the ordinance from last year and that Bob Paulson, County Counselor has looked at it and made the proper revisions.

RESOLUTION-STORAGE AND DISPOSITION OF RECORDS

DONNA NEELEY

Donna Neeley, County Clerk, presented the Commission with the following resolution to storage and disposition of records:

RETENTION:

Pursuant to Missouri Revised Statutes 50.172 "The original of all accounts, vouchers, and documents approved or to be approved by the county commission shall be preserved in the office of the county clerk..." however, due to the limited storage available, it is not feasible to store all documents in the clerks vault thereby requiring the use of the auditors, commission, and treasures vaults.

DISPOSITION:

Pursuant to RSMo 50.172.2 "The county clerk may destroy by burning or by any other method satisfactory to the county commission...all documents that have been on file in the office of the county clerk for a period of five years or longer, except such documents as may at the time be the subject of litigation or dispute."

PROPOSAL:

All documents scheduled for disposition should be submitted to the County Clerks Office for review, after which the records disposition will be entered into record at the commission meeting.

When documents need to be destroyed the clerk's office will make the necessary arrangements to pick up and destroy them. Also if the storage for records becomes scarce and documents need to be stored elsewhere please make arrangements through the clerk's office. As the chief custodian of records the responsibility falls to the County Clerk to store, keep track, and destroy all county documents in which the County Commission has or will make decisions on.

Donna Neeley stated that due to the limited storage space she plans to utilize Branson Underground for an extra storage facility

Commissioner Strahan stated that it is a good facility for storage and would like to see it utilized while the courthouse is under construction.

**BRANSON LANDING TRANSPORTATION DEVELOPMENT DISTRICT
DONNA NEELEY**

Donna Neeley, County Clerk, addressed the Commission regarding an election ran for Branson Landing Transportation Development District through the Circuit Clerk's Office pursuant to RSMo 238.216 (1) (3) & (6). Neeley explained that one of the requirements is that the documents of the election be entered into record. Neeley read the following ballot language for the election and explained that the City of Branson was the only voter in the election.

**BALLOT FOR THE BRANSON LANDING
TRANSPORTATION DEVELOPMENT DISTRICT SALES TAX**

Shall the transportation development district of the Branson Landing Transportation Development District impose a transportation development district-wide sales tax at the rate of one percent (1%) for a period of thirty (30) years from the date on which such tax is first imposed for the purpose of funding or assisting in the funding of bridge, street, road, highways intersection, parking lot, shelter, pedestrian, dock, wharf, lake port and river port improvements and infrastructure, including land acquisition costs and design and engineering costs, more particularly described as: (1) widening and improvements to Business Highway 65. from its intersection with Highway 248/Highway 65 on the north to its intersection with Skaggs Road on the south; (2) intersection improvements, including a roundabout, at the intersection of Business Highway 65 and Skaggs Road; (3) a bridge over Roark Creek that shall be located generally to the east the existing Business Highway 65; (4) the reconstruction, realignment and extension of Boxcar Willie Drive through the Property, which will replace the existing Boxcar Willie Drive; (5) improvements and widening to Sycamore Street from Atlantic Street on the north to Long Street on the south; (6) a new parking structure at the intersection of College Street and Sycamore Street and improvements to an existing parking structure at the northwest corner of Pacific Street and Sycamore Street; (7) two improved parking lots on the Branson Landing property, with the first generally located east of realigned Box Car Willie Drive and north of West Oklahoma Street and the second generally located east of realigned Box Car Willie Drive and adjacent to East Price Street and East Long Street; (8) the Town Center and Public_Domain dock, wharf, lake port and river port improvements on the Property adjacent to Lake Taneycomo, which consist of public pedestrian paths, paving and sidewalks, signage and related improvements; and (9) the Boardwalk dock, wharf, lake port and river port improvements on the Property adjacent to Lake Taneycomo, which consist of pedestrian paths, paving, sidewalks, wood boardwalks, piers, boardwalk shelters, improvements for marinas, boat docks and boat dock connections, signage and related dock, wharf, lake port and river port improvements?

Yes **No**

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the

question, place an X in the box opposite “NO”.

Commissioner Herschend asked if the Transportation Development District could spend money outside of their district. Bob Paulson answered “I haven’t looked at whether they can spend money outside of the TDD area but it sounds like they are going to?” Herschend expressed a concern about the Commission having something inappropriate on record that they did not address. Paulson clarified the Commission does not have to approve the action just have it entered into record. Herschend then asked, “without knowing the boundary of the district how do we know that they are the only owners of property?”

Donna Neeley then clarified that the Circuit Court verifies the authenticity of all signatures and that the Circuit Court as already gone through the verification process. Herschend then asked if there was a copy of the Circuit Court Order. Neeley stated that she does not have the order but will get a copy to present to the Commission.

Commissioner Herschend made a motion to table this issue until questions have been answered about boundaries and the Circuit Court Order is presented to the Commission. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

AIRPORT HEARING

Bob Paulson, County Counselor, reminded the Commission about the closing of the airport and suggested they make a motion to clarify the lawfulness of Taney County entering into a contract with the College of the Ozarks for ownership of the airport.

Commissioner Herschend made a motion that the Taney County Commission recognize the value of operating an airport for the citizens of Taney County and that pursuant to 305.180 the county enters into agreements and documents to accept and operate an airport. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PHILLIPS 66

Helen Soutee, Treasurer stated that Phillips 66 will only accept the county’s account number so they can debit directly from the counties account for fuel at the airport. Soutee further explained that it is not procedure to give out the counties account number because of the amount of money in the account and that no other vendors have that kind of access. Soutee stated that she offered to prepay for the gas but they refused her offer.

Commissioner Pennel asked about setting up a separate account. Soutee explained that if the airport wants to open up an account and if Phillips 66 will tell her how much they need then she can wire the money into the account for them to debit.

Commissioner Herschend stated that he would call Phillips 66 and see if he can talk to them to see what they can work out.

Note: Donna Neeley presented the questioned Circuit Court Order for the Transportation Development District to the Commission. It was decided that the issue would remain tabled until another meeting.

SEWER SERVICES AND TERRITORIAL AGREEMENT

Commissioner Herschend stated that Donna Neeley County Clerk was presented a document by the City of Branson, which is an amended copy of Sewer Services and Exclusive Territorial Agreement however, he feels it is not the document that the county presented to them. Herschend explained that he found several errors, that some things were left out such as funding agreements, and that things were changed. Herschend further stated that he would not sign the document because it is incomplete and that he will take the lead to getting this back on the table at Branson.

Presiding Commissioner Pennel agreed that this was a different document than what the county presented to the City of Branson and that he also found some errors.

TIF PAYMENT

Presiding Commissioner Pennel asked Rick Findley, Auditor about a bill last week for a TIF payment. Findley stated that he is getting better information however, there is still confusion about physical and mailing addresses. Findley suggested that the county go to the state in order to have access to physical addresses.

Commissioner Herschend asked if the state recognizing the moving of a business's physical address. Findley clarified that they do recognize the moving of a physical address and while the sales tax number is the same the state still must be notified as to address changes. A general discussion ensued.

It was decided that the Commission would write a letter to Deanna Schlegel to clarify that the County is current and up to date with everything owed and ask her if the county has satisfied her request.

WESTERN TANEY COUNTY FIRE DEPARTMENT CONTRACT

Presiding Commissioner Pennel stated that the Western Taney County Fire Department would be taking care of the airport for six months or until annexation occurs.

Bob Paulson, County Counselor stated that the Commissioners need to approve the contract however; this issue is not on the agenda so they need to make a motion to amend the agenda for an emergency situation in order to approve the contract.

Commissioner Pennel made a motion to amend the agenda to include the contract for Western Taney County Fire Department and to approve the contract with WTCFD. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PARK BOARD

Commissioner Strahan stated that he met with Sam Walls and platted out an area for a Mincy Park facility that is being donated by the Howell's. Strahan explained that the Howell's were originally going to donate two acres but after looking at the area decided to donate four to five acres and that Sam Walls will replatte the area.

NEW STATUTE

Bob Paulson, County Counselor stated there is a new Senate Bill, 420, that says no court or state or local agency shall post an address, social security number, or phone number of elected official on the internet without written permission. Paulson stated there will a meeting via phone conference regarding the new bill and asked for direction from the Commission.

Presiding Commissioner Pennel directed Paulson to sit in on the phone conference meeting but not to do anything until further directed.

PRIOR MINUTES

Commissioner Strahan made a motion to approve minutes from July 27 & 29 contingent upon the parcel number being added to the minutes from July 29. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants # 90234-90317 & 90319. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS

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

Minutes taken and typed by: Hillary Bargman