

**FEBRUARY 27, 2006 THE 17<sup>TH</sup> DAY  
OF THE JANUARY ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:00 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 Ron Herschend followed by the pledge.

**TANEY COUNTY FINANCIAL STATEMENT  
DONNA NEELEY**

Donna Neeley, County Clerk presented the Commission with the following financial statement that needs approval so that it can be published in the newspaper.

<b>FINANCIAL STATEMENT - 2005</b>				
<b>Taney County, Missouri</b>				
<b>COUNTY FUNDS</b>	<b>BALANCE 1/1/2005</b>	<b>RECEIPTS &amp; TRANSFERS IN</b>	<b>DISBURSEMENTS &amp; TRANSFERS OUT</b>	<b>BALANCE 1/1/2001</b>
General County Fund	\$13,154,890.79	\$10,693,558.20	\$9,836,068.08	\$14,012,380.91
Road & Bridge Fund	\$6,673,957.30	\$1,294,468.45	\$501,961.05	\$7,465,464.71
Road & Bridge Trust Fund	\$8,980,798.03	\$6,281,767.89	\$9,183,827.67	\$6,078,738.25
Assessment Fund	\$19,815.20	\$558,598.35	\$558,548.04	\$19,865.52
Elections Fund	\$42,943.67	\$7,083.48	\$6,120.31	\$43,906.84
Transfer Station Fund	\$512,938.96	\$486,214.75	\$452,853.80	\$546,299.91
LEPC Fund	\$18,323.47	\$5,270.64	\$13,046.89	\$10,547.22
Law Enforcement Training Fund	\$1,300.78	\$9,774.67	\$7,287.56	\$3,787.89
Prosecuting Attorney Training Fund	\$6,189.36	\$1,887.83	\$0.00	\$8,057.19
County Insured Fund	\$271,508.27	\$6,274.22	\$76,380.77	\$201,401.72
911 Fund	\$1,422,209.59	\$594,772.01	\$571,504.79	\$1,445,476.81
Use Tax Fund	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Fund	\$10,330,399.01	\$7,104,263.20	\$1,863,118.04	\$15,571,544.17
Sewer Designated Fund	\$895,442.76	\$30,007.08	\$0.00	\$925,449.84
Sheriff Fund	\$58,842.49	\$52,094.72	\$38,641.68	\$72,295.53
Tax Maintenance Fund	\$163,669.73	\$101,879.55	\$113,117.91	\$152,431.37
<b>TOTAL COUNTY FUNDS:</b>	<b>\$42,553,229.41</b>	<b>\$27,227,895.05</b>	<b>\$23,222,476.59</b>	<b>\$46,558,647.87</b>
<b>Bonded Indebtedness:</b>				
<b>Bee Creek SRF</b>		\$15,590,000.00		
Rate levied by County Commission for County/Road & Bridge purposes for year ending Dec. 31, 2005		\$0.00		
Total amount of Delinquent Taxes for all funds for years		<b>Personal</b>	<b>Real Estate</b>	<b>Total Delinquent Taxes</b>
2001			10,002.18	10,002.18
2002		144,156.20	1,297.35	145,453.55
2003		165,308.24	12,704.19	178,012.43
2004		189,697.28	583,097.07	772,794.35
Total		499,161.72	607,100.79	1,106,262.51

We, Chuck Pennel, Presiding Commissioner, Ron Herschend, Western Commissioner, and Danny Strahan, Eastern Commissioner, duly elected commissioners of the county commission of Taney County, Missouri, and I, Donna Neeley, County Clerk of Taney County, certify that the above and foregoing is a complete and correct statement of every item of information required in section 50,815, RSMo, for the year ending December 31, 2005, and we have checked every receipt from every source and every disbursement of every kind and to whom and for what each disbursement was made, and each receipt and disbursement is accurately included in the above and foregoing totals.

<b>NON-COMMISSION FUNDS</b>	<b>BALANCE 1/1/2005</b>	<b>RECEIPTS &amp; TRANSFERS IN</b>	<b>DISBURSEMENTS &amp; TRANSFERS OUT</b>	<b>BALANCE 1/1/2006</b>
County Fines (DFS)	\$33,213.00	\$186,670.30	\$169,957.81	\$49,925.49
Domestic Violence Shelter	\$1,615.67	\$4,027.14	\$0.00	\$5,642.81
Land Sales Surplus	\$67,174.80	\$72,296.10	\$47,198.38	\$92,272.52
Prosecutor's Bad Check	\$125,198.55	\$52,475.59	\$3,369.86	\$174,304.28

Prosecutor's Delinquent Tax	\$5,276.87	\$784.11	\$0.00	\$6,060.98
Sheriff Federal Drug Forfeiture	\$1,214.91	\$27.76	\$98.90	\$1,143.77
Unclaimed Fees	\$8,812.82	\$4,963.31	\$382.00	\$13,394.13
Flood Control	\$0.00	\$61,806.84	\$61,806.84	\$0.00
National Forest	\$0.00	\$0.00	\$0.00	\$0.00
Taney County Health Center	\$0.00	\$913.31	\$913.31	\$0.00
Criminal	\$169.62	\$353,063.43	\$352,661.25	\$571.80
Cities	\$0.00	\$3,529.98	\$3,529.98	\$0.00
Central T.C. Fire Dist.	\$0.00	\$0.00	\$0.00	\$0.00
Western T.C. Fire Dist.	\$0.00	\$2,301.86	\$2,301.86	\$0.00
Taney County Ambulance Dist.	\$0.00	\$0.00	\$0.00	\$0.00
Day. Disabled Center	\$0.00	\$589.34	\$589.34	\$0.00
CERF	\$0.00	\$693,397.86	\$693,397.86	\$0.00
Schools-All	\$0.00	\$239,804.26	\$239,803.12	\$1.14
Recorder of Deed Users Fund	\$336,125.75	\$233,276.76	\$208,264.30	\$361,138.21
LLBEG Grant	\$210.08	\$4.78	\$214.65	\$0.21
Sheriff Revolving Fund	\$5,497.81	\$2,022.75	\$0.00	\$7,520.56
Justice Vest Grant	\$4,770.33	\$4,962.53	\$9,689.15	\$43.71
CDBG Grant (Powersite)	\$5.00	\$0.33	\$0.00	\$5.33
TOTALS	\$589,285.21	\$1,916,918.34	\$1,794,178.61	\$712,024.94

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

#### **PRIOR MINUTES**

Commissioner Pennel made a motion to table the minutes from November 14, 2005, February 22, and February 23, 2006. Commissioner Herschend 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 #93420-93484. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

#### **RENTAL SPACE DONNA NEELEY**

Donna Neeley, County Clerk requested that the Commission approve the rental space for voting equipment at All Certified for another two months.

Presiding Commission Pennel suggested approving it for one month, which will cover the storage of voting equipment until the first of April. Commissioner Strahan expressed that the Commission might as well approve it for a second month so that it will be approved through the April 4, 2006 Election and that will prevent the Clerk's Office from having to move the equipment multiple times.

Commissioner Herschend made a motion to approve the rental of storage space at All Certified for one month and one week and asked that Donna Neeley see if All Certified will work with the county since it will only be needed up to April 4, 2006. Commissioner Pennel seconded the motion.

Commissioner Herschend asked if the cost of the rental is outside the budget? Commissioner Pennel explained that it comes out of the construction fund just like the funds for the storage at Branson Underground.

The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **AFFIDAVIT**

Donna Neeley, County Clerk explained that she has an affidavit that needs to be completed and asked Commissioner Herschend if he could please identify the expenses on the account numbers that he submitted because the statutes require it? Neeley added that she went to Rick Findley, Auditor to see if he could help identify the expenses and he could not.

Commissioner Herschend asked Findley if he could identify the receipts that he turned in and was compensated for? Rick Findley, Auditor stated that he could not find them but he didn't look very hard and that it might just be listed as a reimbursement and added that he could do some digging for it. Herschend then asked if it would have been paid without a receipt being submitted? Findley stated that he doubts it would have.

Commissioner Herschend explained that he submitted his form exactly the same way he has been submitting it for the past five years and that he believes it meets the requirements. Herschend added that if it doesn't the State would notify him. Neeley clarified that it is not the States responsibility it is her responsibility to make sure the form is completed. Herschend expressed that the form is complete. Neely explained that it does not list the expense just the account code, which does not identify whether it was for meal, travel, or etc. Herschend responded that the account coded does relate to travel. A general discussion ensued.

Commissioner Herschend stated that he is requesting Neeley to submit the form exactly how it was submitted to her. Neeley stated that she is advising him to identify his expenses and that she will have to act pursuant to statute. No motions were made and no votes were taken.

### **FLOOD MONEY DISTRIBUTION**

Tressa Luttrell, Administrator informed the Commission that Helen Soutee, Treasurer has asked several times for a work session regarding flood money to determine which way the Commission wants the distributions to go.

Donna Neeley, County Clerk clarified that the Commission needs to decide whether to give Road and Bridge the money that the county has been giving them in the past or not to give it to them since there is no levy for Road and Bridge anymore.

Commission Strahan asked how many years the county has distributed to Road and Bridge? Donna Neeley stated that it has been submitted the same way for the past 20 years.

Commissioner Strahan made a motion to distribute the flood money to Road and Bridge as previously done for the last 20 years. Commissioner Pennel seconded the motion.

Commissioner Herschend asked where the money would go if it is not distributed to Road and Bridge? Helen Soutee, Treasurer answered that it would go to the schools. Herschend asked what the total is? Soutee stated that she believes it is \$69,000 and if the Commission decided to give 11% for Road and Bridge, then the 11% would come out of the before going to the schools. Herschend requested that the Commission consider passing that money through to the schools since the county has such a surplus and economic engine in Road and Bridge.

Commissioner Strahan explained that the amount that goes to each school has to be percentage out to all the schools and even though all the schools need it, the distribution doesn't work out in a fair proportion. Donna Neeley added that the distribution has to do with the percentage of land owned by the school.

Commissioner Strahan withdrew his motion. A general discussion ensued. Commissioner Pennel withdrew his second.

Commissioner Herschend made a motion to pass the 11% of the 2006 Flood Money through to the school districts and ask Bob Paulson, County Counselor to review as to whether or not the Commission can allocate that distribution or if it is on a fixed formula. Commissioner Pennel seconded the motion and suggested getting the figures from Donna Neeley, County Clerk. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

## **BIRD ROAD**

Commissioner Herschend informed the Commission that at a public hearing for the TIF, it was mentioned by the attorney of the developer that they were going to relocate Bird Road. Herschend explained that he told them Bird Road is a county road and that the Commission needed to be contacted first. Herschend added that they have not contacted the Commission to date and was wondering what is prudent in the way of communication to address not only Bird Road but also eleven other roads inside the city limits. Herschend asked what the Commission's position is going to be before the demolition is started on a county road?

Commissioner Strahan expressed that they better not start demolition on a county road unless they contact the County Commission.

Commissioner Herschend suggested sending them a letter expressing a desire to sit down and establish ownership of roads. Commissioner Strahan clarified that it would be a courtesy letter and that the Commission is not bound to contact them, it is their duty to contact the county if they plan on doing something with a county road.

Presiding Commissioner Pennel expressed that he is in favor of sending a letter. Herschend stated that he would draft a letter to Tery Dody. No motions were made and no votes were taken.

## **FRUIT FARM ROAD**

Commissioner Herschend requested support of communication from the media in regards to the widening, straightening, and safety of citizens on Fruit Farm Road. Herschend explained that after four years in office and multiple public hearings on Fruit Farm Road, the Commission has not been able to reach a consensus and expressed that with the growing traffic county it has become necessary to protect the public and take action. Herschend further explained that a survey was done and it was concluded that there are over 157 trees that are currently in the right of way and that some places there is less than eight feet lane width. The county normally requires a nine or ten foot lane width for each direction. Herschend added that while the county does not want to damage the beauty of the Ozarks they must put the safety of the public foremost. Herschend stated that the county has gone and measured Fruit Farm allowing for a ten foot travel lane and a two foot shoulder and will be clearing approximately forty trees, plus relocating 300 yards of fence to provide for a wider travel surface and shoulder. Herschend explained that the trees being taken out are marked with a white dot. Herschend invited the public to go out and look at it and if there were any questions the county would be willing to go and look at any spot in question.

John Simperts, Taney County Times asked if there would be a time limit for the public to go and look at Fruit Farm Road? Herschend stated that the public would have 30 days from today to respond.

Commissioner Pennel explained that he went out with Randy Haes, Road and Bridge to look at Fruit Farm because he had some calls and expressed that he felt there is a happy medium of addressing the safety issue without destroying the beauty of the road. Pennel further stated that he has considered going and sitting at the entrance with a sign so citizens could ask questions.

Art Beck asked who would be responsible if someone has an accident and gets into the trees on the right-of-way? Beck added that there are not supposed to be trees or fences in right-of-ways. Herschend explained that as long as a fence isn't causing a safety issue it could be in a right-of-way. A general discussion ensued. No motions were made and no votes were taken.

## **COPY OF DOCUMENT**

Commissioner Herschend requested that Donna Neeley, County Clerk give him a copy of the document that was addressed earlier including the address where to send it and he would send it himself. Neeley explained that she does not send the form to the state that she complies the information into another form, which is a sworn affidavit. Neeley added that she would get him the information he requested.

## **AUCTION GITHENS AND GRANT HOUSES**

Commissioner Strahan informed the Commission that an auction would be held to sell some of the doors and windows at both the Githens and Grant houses. Strahan stated that it is

tentatively scheduled for this Saturday at 9:00 a.m. and that once items are sold the people will have ten days to remove what they bought before demolition is started.

Rick Findley, Auditor stated that usually two weeks are required before having an auction. Findley added that he has an auction both this coming Saturday and the next but he would be more than happy to help and suggested having it this Friday instead. A general discussion ensued.

Presiding Commissioner Pennel stated that the purpose for the auction was because several citizens have shown an interest and the Commission would hate to see something good be thrown away. It was decided that the auction would take place this Friday the 3<sup>rd</sup> of March at 4:00 p.m. and that the people would have ten days after the auction to collect their purchases. No motions were made and no votes were taken.

### **RECESS**

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

### **RECONVENE**

The County Commission met in conjunction with the Board of Adjustments and Planning and Zoning in Associate II Circuit Courtroom at 7:00 p.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.

### **COUNTY MASTER PLAN DIANE MAE**

Diane Mae, Southwest Missouri Counsel of Government spoke to the issue of revising Taney County's Master Plan. No motions were made a no votes were taken.

### **RECESS**

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