

OFFICIAL MINUTES

JULY 11, 2011, 3RD DAY OF THE JULY ADJOURNED TERM

The County Commission met in the Commissioner's Hearing Room at 7:30 am with Ron Houseman, Jim Strafuss and Danny Strahan present. The following proceedings were had and made a matter of record:

PRELIMINARY STUDY MEETING (COMMISSION HEARING ROOM)

The County Commission met to review previous meeting minutes and accounts payable.

AGENDA REQUESTS REVIEW

The Commission reviewed the agenda requests with Nikki Lawrence.

PUBLIC COMMENT

There were no public comments.

CALL TO ORDER

Presiding Commissioner Houseman called the July 11, 2011 meeting to order at 8:01 am with all members present.

PRAYER

Commissioner Strafuss led the prayer.

PLEDGE OF ALLEGIANCE

Commissioner Strahan led the Pledge of Allegiance.

PREVIOUS MEETING MINUTES – 6/23 & 6/27

Commissioner Strafuss moved to approve the minutes of 6/23/2011 and 6/27/2011 with changes and corrections as noted. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

ACCOUNTS PAYABLE/JOURNAL ENTRIES/TRANSFERS

Commissioner Strafuss moved to approve accounts payable as follows, withholding 325150 and warrants 5442 thru 5444:

ACCOUNTS PAYABLE							
DATE	7/11/2011						
	CHECKS			WARRANTS			
	325121	to	325219		5442		
	325220	to	325223		5443		
		to			5444		

Commissioner Strahan seconded the motion for discussion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

**PROFESSIONAL SERVICES AGREEMENT
BRIDGE REPLACEMENT ON CEDAR CREEK**

Randy Haes presented the Commission with photographs of the proposed replacement structure, for the Cedar Creek-Protem bridge, which addressed concerns asked by the Commission. Mr. Haes stated that FEMA had looked at the project through their preliminary study and would review it further.

Commissioner Strafuss moved to postpone to a definite time of 10:50 am the Professional Services Agreement. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

CENTURY LINK MAINTENANCE AGREEMENT

David Wilcock with Century Link, business account manager for the County, addressed the Commission. He explained that the currently proposed Century Link Agreement language was to be reviewed by legal counsel. Interim IT Administrator Marc Rys asked what the hourly rate was for Taney County. Mr. Wilcock answered that it would be set at \$68.00 per hour for moving lines, additions and changes, which was different from the maintenance and repair charge. He further clarified that this agreement extended the maintenance agreement and the guarantee for parts and labor; however, lightning and software upgrades would not be covered.

Commissioner Strafuss moved to postpone to a definite time of 10:55 am the Century Link Maintenance Agreement. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

EXECUTIVE SESSION – LEGAL UPDATE PER SECTION 610.021(1), (2), (3) & (12)

Commissioner Strafuss moved to go into Executive Session pursuant to RSMo 610.021 (1), (2), (3) and (12). Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

**EXECUTIVE SESSION
8:30 AM**

See Executive Session minutes for actions if any.

Commissioner Strafuss moved to go out of Executive Session. Commissioner Strahan seconded the motion. The motion passed by roll call vote: Houseman (aye), Strafuss (aye) and Strahan (aye).

**OUT OF EXECUTIVE
10:56 AM**

**PROFESSIONAL SERVICES AGREEMENT
BRIDGE REPLACEMENT ON CEDAR CREEK**

Commissioner Strafuss moved to accept the Professional Services Agreement for the Bridge Replacement Project on the Protem-Cedar Creek Road, which had been postponed earlier in the day. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

CENTURY LINK MAINTENANCE AGREEMENT

There was no decision made regarding the Century Link agreement. It would be reposted at a later date for discussion.

BUDGET REVIEW/DISCUSSIONS

The Budget Review/Discussion would be reposted at a later date for discussion.

KASSEL ROCK CID

Darrel Gross with Gross and Associates appeared before the Commission. The Commission had reviewed the changes made in the CID application and the new information they had received. The Commission stated that they had met with counsel to discuss the agreement to create the Kassel Rock CID, and that they would like Darrel Gross to meet with legal counsel regarding a few issues.

County Clerk Donna Neeley presented the Commission with issues regarding the language in the ordinance requiring elections of the CID. Her main concerns were that there was no way to

request tax relief, and that there would be a 4% taxation of assessed valuation. She stated that CID taxes would reduce the amount of tax citizens pay to the federal and state governments.

Mr. Gross stated that the process for the CID tax rate would involve holding an annual public meeting to set the levy, and further, that State law allowed for the election process to be modified by a petition from the eligible property owners.

There was discussion on the appointment versus election of board members.

CID disclosure at the time of sale was discussed. Commissioner Houseman stated a disclaimer should be required to be added to any purchase agreements, as a means to inform the purchaser of any CID assessments.

County Collector Sheila Wyatt asked a question regarding a phrase within the document. Commissioner Houseman stated that the phrase in question had been removed from the agreement. Darrel Gross explained why.

Sheila Wyatt stated she was asked to find out what programming costs would be if the CID was approved. She stated the County was currently transitioning from one program to another, and the CID would affect all phases of the new tax book program. County costs associated with the inclusion of the CID into the programming were discussed. Mrs. Wyatt pointed out that if Kassel Rock LLC would deed property to the Kassel Rock CID then it would become an exempt property, as political subdivisions were not taxable. In response, Mr. Gross stated if the development transferred property to the CID, it would violate state law and would defeat the purpose of the CID, as a CID was not to be a land holding company. The Commission asked Sheila to get the information on the parcels that would be involved in the situation.

Sheila asked if the Board of Directors would have to be citizens of the United States. Mr. Gross stated that the CID would not exempt a foreign person from being a board member.

The Commission asked the County Assessor James Strahan to address them. James Strahan stated that the CID would have the same capability as a city, as it would be able to buy and sell property or claim tax exemption. He stated that the Assessor can set the parcel classification as agricultural or residential, and that the classification assignment would not be giving a discount to help in the creation of the CID. Mr. Strahan stated that he was reluctant to be in support of CID development, as the CID north of Branson had created problems as property values had dropped. The Commission asked the Assessor and Mr. Cottey to determine whether or not the CID property could be exempt.

It was requested that the formal letter of the Collector, Sheila Wyatt, be included in the official minutes. That letter follows:



Office of the Taney County Collector

Sheila L. Wyatt, Collector
Ph 417-546-7216 * Fax 417-546-3525

P.O. Box 278
Forsyth, Missouri 65653

August 8, 2011

To: Taney County Commission

Re: Kassel Rock Proposed Community Improvement District

The points below were made by the county collector at the public meeting in regard to the formation of the Kassel Rock CID.

- 1) Upon information stated by Darrell Gross at the above meeting Sheila Wyatt stated that if a person was not a citizen of the United States, they could own property in the community improvement district and be on the board of directors of a political subdivision in Taney County.
- 2) The collector also stated that there were parcels in the proposed CID district that she had on the collector's tax sale at the present time. If the commission granted the CID they could not be sold at the tax sale as the present law stands. In the future if a parcel were within the CID and delinquent on taxes the collector's means for collecting the taxes would be through the judicial court. If the owner's were not US Citizens the laws different on notification and all of this would be more costly.
- 3) The collector ask that if the commission establishes the Kassel Rock as a CID under the terms they have asked it would be in the county's best interest to have in the agreement to require her to collect for the assessor's office the first class county assessment percentage on the special assessment fee. This is due to the fact that the terms of this CID rely entirely upon the assessor's assessment unlike all other CIDs the collector collects for.

Respectfully,

Sheila Wyatt

The Commission thanked all the elected officials who came forward and brought information. Commissioner Strahan stated he would like to have the CID approval postponed and rescheduled to a later date.

RECESS
11:49 AM

RECONVENED
11:56 AM

STAFF DEPARTMENTAL UPDATE
PLANNING & ZONING WORK SESSION

Planning and Zoning Administrator Bob Atchley addressed the Commission. He stated that he had briefly met with Mr. Erickson at the Alderman Meeting at the City of Branson. While there, the Aldermen had voted to proceed with the Hazard Mitigation program and were going to submit a notice of interest by August 17th.

Mr. Atchley explained that the City of Branson had chosen to look at only substantially damaged homes, as a large number were not a primary residence. Further, that the County had eight interested homeowners with properties that were substantially damaged, and at least twice that number of homeowners with minor damage.

Commissioner Houseman requested information on the cost of the program. He also asked that cost information be provided for both the scenarios: one for substantially damaged properties only, and one for non-substantially and substantially damaged properties.

Mr. Atchley suggested prioritizing the homes that were damaged, and stated that in the signing of the actual application, the County indicated that 25% of the cost would be available in some way. The Commission asked Bob to find out which affected citizens were willing to pay for the necessary appraisals.

The Commission requested that Mr. Atchley get better answers from FEMA/SEMA so they could get the program started, and that he establish a meeting to look at BCA software which could be utilized to arrive at figures to give them more insight.

Commissioner Strafuss moved to adjourn the meeting. Commissioner Strahan seconded the motion. The motion passed by vote: Houseman (aye), Strahan (aye) and Strafuss (aye).

ADJOURNED
12:55 PM

Minutes were taken and typed by Lyn Wieneke, Deputy Clerk.