

**MAY 10, 2005 THE 11<sup>TH</sup> DAY  
OF THE APRIL ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:02 a.m. pursuant to adjourn with Chuck Pennel, Presiding and Danny Strahan, Eastern District present. Ron Herschend, Western District was absent. The following proceedings were had and made a matter of record.

The prayer was led by Donna Neeley followed by the pledge.

**ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve all accounts payable warrants #89097-89199 except Sunny Hills Nursery #89181, Chuck Pennel #89117, and Kissee Vest Mortuary # 89146. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**TRANSFER OF FUNDS  
TRESSA LUTTRELL**

Tressa Luttrell, Administrator, presented the Commission with two memos for a transfer of funds pursuant to the budget. Commissioner Pennel made a motion to make the transfers as per the two memos. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes)

\$64,896.75 from Road & Bridge Trust to General County Revenue for Administrative Costs.

\$104,323.89 from Sewer Sales Tax to General County Revenue for Administrative Costs.

**LETTER  
ROY COMBS**

Presiding Commissioner Pennel read the following letter from Roy Combs, Sewer Board Member: "I am speaking to you as a member of the Taney County Regional Sewer Board. I have listened to both sides of this ongoing problem concerning the Bee Creek Project. I believe that a little compromise from both sides would benefit everyone. The lawyers for both parties say they have a good case, which means it could drag on for a long while taking money and time for court that could be better spent elsewhere. The Commissioners, the Taney County Regional Sewer Board, all those representing Branson are intelligent reasonable people and should be able to compromise to give up little in the interest of the greater good without losing face. Surely the best interest of the county and the community should be everyone's priority. If everyone would just give each other a chance to speak, actually listen, and honestly work towards a solution, we could do this without having a judge do it for us. I've been a Taney County Regional Sewer Board

Member for 6 years. I've stayed because I feel we have accomplished a lot during that time. I assure you it is not for the \$25 a month that I receive in compensation from the county. Some of the things said in the press lately have been less than flattering but I want you to know that I sincerely believe we can solve this. Life is too short to cause hard feelings, make enemies, and lose respect if there is anything that I can do to help in any way please let me know. As I said surely the interest of the county should be everyone's top priority!"

Commissioner Pennel thanked Roy Combs for his leadership and attitude that is reflected in this letter.

**HOLIDAY INN PROPERTY  
JAMES STRAHAN**

Donna Neeley, County Clerk, asked why this issue was being brought up in a Commission Meeting and not Board of Equalization. Neeley discussed the opinion letter from the State Tax Commission, requested by James Strahan in 2004, which stated that a specific statute overrules a general statute and therefore The Board of Equalization for Taney County must meet a minimum of once per month to correct, erroneous errors, double assessments, and clerical errors.

Bob Paulson, County Counselor, stated he believes the statute says specifically the County Commission has authority to decide on issues of back taxes over the Board of Equalization.

Donna Neeley pointed out that the statute also says that a specific statute overrules a general statute, and therefore the BOE should be making any needed adjustments to the Back Tax Book, and questioned why Assessor Strahan was bringing it to the Commission this week, when he brought it before the BOE last week.

James Strahan, Assessor, stated he handed a copy of RSMo 105.140 to everyone saying the Commission can hear and decide on this issue. Strahan stated that he doesn't see how this has anything to do with Board of Equalization they have no authority to touch anything dealing with penalty and interest.

Shelia Wyatt, Collector, clarified that the County Commission has no authority on penalty and interest.

Commissioner Strahan made a motion to table this matter until there is more clarity on who should hear the issue. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**WINCHESTOR  
RICK FINDLEY**

Rick Findley, Auditor, presented the Commission with requests from Road and Bridge for an easement on Winchester Road. Commissioner Strahan made a motion to approve check # 89200 for a \$2400 easement to widen Winchester Road due to safety hazards. Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

### **COURTHOUSE SECURITY**

Tressa Luttrell, Administrator, updated the Commission on the latest Courthouse security plans. Luttrell explained they had taken another walk through of the courthouse to determine which door will be appropriate for the front door. There are concerns about the lack of room at the side door where the flagpole is located so they are leaning toward the present front door as the main entrance to the courthouse. Luttrell went on to discuss the card readers for the doors that will be closed off. Each employee will be given a card with security code on the back only letting each employee into places where they are authorized to go. The card readers will also have a logbook telling if there are any employees trying to get into places where they are not supposed to be. Luttrell stated that each door is approximately \$3500 to \$4000 with the card readers. There will be two by the sheriff's department with the main door opened to the public from 8-5. They also discussed various cameras and alarm systems.

### **ESTABLISHMENT OF FIRE PROTECTION DISTRICT DONNA NEELEY**

Donna Neeley, County Clerk, stated that two fire districts were formed on January 6, 2005, Cedar Creek Fire Protection District and Protem Fire Protection District. Both were confirmed upon the results of the April 5, 2005 Municipal Election and both Districts passed by vote and are established.

### **SCENIC BYWAY**

Presiding Commissioner Pennel stated there was a MoDot meeting about scenic byway and a pattern letter was written to establish the Ozark Mountain Highroad as part of the scenic byway, limiting the amount of billboards in a certain area. Pennel explained once the boundaries of the scenic byway are established then the state will put up signs and establish the road on maps as a "scenic byway" acting as a tourism booster. Pennel stated that part of the Ozark Mountain Highroad is in Stone County and other part is in Taney County.

Bob Paulson, County Counselor suggested the Commission post this on the agenda before voting on the issue.

### **MASTER PLAN**

Tressa Luttrell, Administrator asked if the Commission is ready to move forward with interviewing the vendors who submitted qualifications for the master plan.

Commissioner Pennel said he is attending a Planning and Zoning meeting but is ready to reject it unless someone changes his mind at the meeting.

**PUBLIC COMMENT**  
**ART BECK**

Art Beck asked the Commission if anyone saw the new Communications Center when it was here this weekend and stated that it would be set up at Saddlebrooke and encouraged them to attend.

**RECESS**

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