

**JULY 18, 2005 THE 3RD DAY
OF THE JULY ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom at 9:03 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 Wayne Brooke followed by the pledge.

ACCOUNT ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants # 90055-90147. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

**TAX PENALTY ISSUE
BOB TAYLOR**

Bob Taylor yielded his position on the agenda to Gene Taylor. Gene Taylor, Property Owner, addressed the Commission concerning a tax penalty. Taylor stated that two men came to appraise their property and told them they would be put on the tax roll and would get a bill. Taylor explained that they never received a bill and when she called about it she was informed that they would be fined a penalty for not paying the bill on time.

Presiding Commissioner Pennel stated that the obligation according to statute is for everyone to pay his or her taxes whether they receive a bill or not. Pennel further stated that he has spoken to other county's regarding this issue and everyone has stated that it is the taxpayer's responsibility to pay taxes.

Gene Taylor explained that she understands the taxpayer's responsibility but feels like they made every effort to be put on the tax roll and still came up negligent. Pennel clarified that the Taylor's had received a tax bill the previous year so they new it was coming.

James Strahan, Assessor, stated that it is the taxpayer's responsibility to pay taxes and that the statutes are straightforward. Strahan recommended the Commission follow the statutes.

**PROPERTY TAX ISSUE
THOMAS D'ALESSANDRO**

Thomas D'Alessandro addressed the Commission concerning a piece of property that does not have utilities and is looking for relief in the amount of taxes that he was charged on the lot.

Donna Neeley, County Clerk, stated that the Board of Equalization should hear his case however, since the deadline for BOE applications has passed the Commission needs to decide whether the BOE will make an exception to hear his case or not.

James Strahan, Assessor, stated that according to the statutes a citizen of this county has every right to come before the Commission under the erroneous assessment statute. Strahan further stated that D'Alessandro has since taken this piece of property and given it as a park and feels the Commission has more business hearing this case than the BOE. Strahan explained the computer put the value on for 2006 and should have been applied for 2005 making it an erroneous error.

Presiding Commissioner Pennel asked James Strahan since it is an erroneous error wouldn't the best way to handle this situation be to write it as an abatement and bring it before the BOE? Strahan stated that would be one way to do it as long as someone other than him hears the case so it is not questioned.

Presiding Commissioner Pennel stated that the ball is rolling and it was decided that James Strahan would write an abatement and go from there.

SEMI ANNUAL REPORT HELEN SOUTEE

Helen Soutee, Treasurer, presented the Commission with the following Semi Annual Report pursuant to RSMo 54.150. Soutee explained, that the total cash as of June 30, 2005 is \$46,280,545.78. Soutee further stated that sales tax is up to 3.6% for the year, which is up 8% from last year.

County of TANEY State of Missouri

TANEY COUNTY TREASURER
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FINAL SETTLEMENT AND INVESTMENT REPORT OF TANEY COUNTY TREASURER HELEN SOUTEE AS OF JUNE 30, 2005

Total Budget Funds	\$45,543,766.03
Total Treasurer's Funds	\$ 736,779.75
Grand Total All Funds	\$46,280,545.78

The attached report illustrates detailed fund balances, with the far right hand column, (Year to date) providing the breakdown of each fund. Beginning with balances as of January 1, 2005, revenues and expenditures and ending balances per fund as of June 30, 2005. This report is per RSMO 54-150 regarding the semi-annual settlement delivered to the Taney County Commission.

Investments and breakdown of cash on hand by the County Treasurer's Office as of June 30, 2005 are as follows:

Total Cash in Bank Cash Account	\$ 164,970.42
Sewer Reserve Certificate of Deposit	\$ 895,442.76
Certificates of Deposit	\$ 7,914,162.74
U.S. Agency Investments	\$35,518,058.32
Repurchase Agreement	<u>\$ 1,787,911.54</u>
Total All Cash	\$46,280,545.78

BID RESULTS OVERHEAD BOOM MOWER

Tressa Luttrell, Administrator, stated that the recommendation from the engineer was for the low bidder Victor Phillips at \$128,500. Commissioner Pennel made a motion to approve the bid from Victor Phillips. Commissioner Strahan second the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

PRIOR MINUTES

Commissioner Strahan made a motion to approve minutes from July 5, 11, and 13. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

ROAD PETITION EDISON LANE

Presiding Commissioner Pennel read the following road petition. Petition for establishment of Edison Lane, Jasper Township, Township 24 North, Range 22 West, Section 10.

Commissioner Strahan made a motion to table this road petition until the Commissioners have a chance to look at the road. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (absent), Strahan (yes).

Note: Commissioner Herschend entered the Commission meeting at 9:34 a.m.

ROAD PETITION WHITETAIL CROSSING

Presiding Commissioner Pennel read the following road petition for Whitetail Crossing including Jacks Hollow, Gabby Lane, and Rockpoint Drive. Jasper Township, Jacks Hollow Road: Section 19, Township 24, Range 21 with 50 ft right of way. Gabby Lane: Section 19, Township 24, Range 21 with 50 ft right of way. Rockpoint Drive: Section 19, Township 24, Range 21 with 50 ft right of way. Road supervisor comments: Road is in fair condition, has a grade of 15%, needs chip and seal, and classified as a Class 5.

Randy Haes, Road and Bridge Assistant Engineer, explained that Gabby Lane is the connection street between Whitetail Crossing and Jacks Hollow.

Commissioner Strahan stated that he has driven and looked at the roads in Whitetail Crossing.

Commissioner Herschend asked if Road and Bridge would have to remove the entire surface and redo the entire road? Haes stated that Road and Bridge is currently upgrading the sub grades on the roads that are being reviewed.

Commissioner Herschend recommended not taking in the roads until the development is complete. Herschend expressed a concern that the county would be finishing the road for the developer. A general discussion ensued.

Presiding Commissioner Pennel suggested making the developer chip and seal the road prior to the county taking it in and maintaining the road.

Commissioner Herschend made a motion to approve Jacks Hollow, Rockpoint Drive, and Gabby Lane as petitioned contingent upon a turnaround or driveway easement on Jacks Hollow and that the developer is aware that he is to complete the roads before the county will maintain them and the roads in their entirety will be taken in as Platted. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Strahan stated that Mr. Brown has been very cooperative and expressed his appreciation for his support.

CUL-DE-SAC WHITETAILE CROSSING

Randy Haes, Road and Bridge Assistant Engineer, explained that there is a cul-de-sac on Whitetail Crossing and there was question as to whether or not the county should maintain it or take it out. Commissioner Herschend made a motion to stop maintaining the cul-de-sac on Whitetail Crossing and have the property revert back to the adjacent property owners.

Bob Paulson, County Counselor, stated there is no reason to revert it back to the adjacent property owners and suggested the county just stop maintaining the cul-de-sac.

Commissioner Herschend amended his motion not to maintain it as a cul-de-sac but continue to have that right of way. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

CARLTON SHULL TAX ISSUE

Carlton Shull, Property Owner, stated he went to the Collectors office to get a waiver and was informed that he was three years delinquent in taxes and that his property was going on the tax sale next month. Shull explained that he has never gotten a bill or

notice explaining any of this. Shull further stated that he moved here from Arkansas where the taxes are collected later so he didn't think about checking sooner when he did not receive his tax bill. Shull then discovered that his address was incorrect in the system and his bill was being sent to a different address. Shull's address is correct on the deed he has filed with the county so he stated that the address was entered incorrectly by the Assessor's office. Shull admitted that he made a mistake by not asking sooner but the county also made a mistake by entering his address incorrectly and requested that half the taxes be dropped so both he and the county would pay for the mistakes made.

Commissioner Herschend stated he feels Shull is being fair in his request to share in the responsibility of paying taxes due to there being mistakes on both parts.

James Strahan, Assessor, clarified that he thinks the Missouri and Arkansas laws are similar when taxing and stated that the statutes say the taxpayers are responsible for paying their taxes. A general discussion ensued.

Commissioner Herschend made a motion to share in the responsibility of the 2003 and 2004, \$114.41 penalty on the Shull's property. The motion died for the lack of a second.

Commissioner Pennel made a motion to table this issue for two weeks to further look into the situation. Commissioner Herschend seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ROAD PETITION PLYMOUTH ROAD

Presiding Commissioner Pennel read the following road petition: Plymouth Road a 40 ft wide private road as depicted on the Platte of Zimmerman Edition filed in Platte Book 21 page 3 in the Records Office, Section 20, Township 24 North, Range 20 West, Swan Township. The road is 14 ft wide on the surface, .09 in length, aggregate surface, and in fair condition with no turnaround and narrow. Plymouth Road is recommended as a Class 6.

Commissioner Herschend made a motion to accept Plymouth Road contingent upon getting an easement from the last property owner and noting that no snow removal will be done without a proper turnaround for snow plow equipment. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

REMONSTRANCE PROPOSED ENTRANCE TO T-50

Tressa Luttrell, Administrator presented the Commission with a signed remonstrance against the proposed entrance to T-50. Pennel read the following remonstrance: We the undersigned are in opposition to the location of the proposed

entrance to county road T-50 Painter Road which is an entrance from a development onto Painter Road.

It was decided that Randy Haes, Road and Bridge Assistant Engineer, go out and look at the entrance to T-50.

Commissioner Herschend asked what other concerns would be with this entrance? Haes discussed drainage issues and site distance.

Commissioner Pennel asked for clarity as to what the Commission is asking Haes to do as far as giving his opinion on traffic load or site distance? A general discussion ensued. It was decided that more research would be done on easements and the cost of moving power poles.

RELINQUISHING HILLBILLY LANE

Presiding Commissioner Pennel explained that a development is being built and grant money is available to build the road so the City of Hollister has a quick claim deed and a petition for voluntary annexation for them to take over maintaining Hillbilly Lane.

Commissioner Herschend made a motion to approve the county relinquishing Hillbilly Lane, a county road, and deeding it to the City of Hollister contingent upon the approval of the three documents by the County Counselor and that all required steps are taken for annexation. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

TITLE III UPDATE DONNA NEELEY

Donna Neeley, County Clerk, addressed the Commission with an update as to whether Title III money should go under the county money or federal money code stating that according to the DESE it appears to be county funds.

Commissioner Herschend asked Donna Neeley to request something in writing that says federal money can be used to grant federal money and that the letter be sent to the entities involved.

**RECESS
11:01**

**RECONVENE
11:08**

SHEILA WYATT

Sheila Wyatt, Collector, addressed the Commission regarding a parcel of land previously discussed at the June 28, 2005 meeting. Wyatt stated that the parcel was missed in the transfer of property and the property owner never received a notice. Wyatt explained it was published in the paper under the old owners name for the tax sale. Wyatt asked the Commission to decide whether they want go back to the property owner and ask for more money or send them a redemption notice releasing the lean on the property.

Presiding Commissioner Pennel stated that without the property owners being notified that the property was going into the tax sale, the county should be responsible for the cost.

Commissioner Herschend suggested the Commission pay the 10% redemption on the tax sale cost and reminded the Commission that earlier in the meeting a statement was made about the taxpayers being responsible for their taxes. A general discussion ensued.

Commissioner Strahan made a motion to have the Commission pay for all of the tax sale cost including publication cost and leave the rest to the property owner. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

PARK FACILITY DEDICATION

Commissioner Strahan stated that there will be a park facility dedication in Taneyville on Thursday July 21, 2005 and other projects are in line to get started.

RECESS

Commissioner Herschend 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 Commission Office at 2:00 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.

IS DEPARTMENT

Commissioner Herschend made a motion to give an additional .50 cents per hour to Melissa Trotter, Patsy Alexander, and Joe Blackerby effective July 25, 2005. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS

RECONVENE

The County Commission met in Commission Office at 3:55 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.

65/465/F INTERCHANGE

Commissioner Herschend made a motion to install two stop lights out of the Road & Bridge Trust account and to work with the State as provided by Option 3 from MoDot, which allows Taney County to pay for work to be done now and MoDot pays Taney County back at a later date. Must be programmed in the S.T.I.P. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).