

**DECEMBER 18, 2006 THE 27TH DAY OF
THE OCTOBER ADJOURN TERM**

The County Commission met in the Associate Circuit Courtroom II at 9:04 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.

**NAME OF BRANSON
PAM DAPPRICH**

Pam Dapprich, Branson Sports Club asked the Commission to speak out and put a stop to the authority that the City of Branson is trying to have over the citizens of Taney County. Dapprich expressed that if they don't establish their concern over this issue and act then what good is it to have elected offices adding that they might as well just name it Branson County and let the City of Branson make decisions for everyone. Dapprich further explained that if they set a precedent for over stepping their authority, what keeps them from taking this action on a different issue in the future. Dapprich went on to state that there is no statute giving them authority to do what they are claiming and what they are doing is merit less and therefore unethical. Dapprich added that she has contacted Senators, Congressman, heads of offices nation wide, and media stating that what they are doing is wrong and it is only causing havoc on the community. Dapprich proclaimed that she would not stop until she sees the city officials either out of office or publicly apologize for the unfounded threats that they have made to their organization. Dapprich asked the Commission to get more involved in making a stand against Branson by voicing their opinion louder and by picketing City Hall with the community. Dapprich clarified that Commissioner Herschend and Commissioner Pennel have spoken out directly to the Alderman at their meetings but feels they should speak out publicly to the people.

Commissioner Strahan pointed out that Dapprich mentioned Commissioner Herschend and Commissioner Pennel speaking up and clarified that he has also made it perfectly clear about how he feels in regards to Mr. Link and the City of Branson situation concerning the lies that were told about the sewer lines on the Strahan property. Strahan added that the family never received an apology and the city even took an arrogant position by claiming they are in the right standing on this issue. Strahan expressed that he is in total support of what Dapprich is trying to do and that he feels they are trying to bully both the citizens and the county.

Presiding Commissioner Pennel expressed that he feels he was heard at the last city council meeting and doesn't see the sense of continuing forward with it because they heard his opinion and they are evidently doing what they think is right.

AIRPORT ISSUE TABELED FROM FRIDAY

Commissioner Pennel explained that Steve Peet and Tim Mahoney from the Branson Regional Airport came to speak to the Commission on Friday to say that a lot of people are interested and they are still working to make the big airport south of Hollister a reality. Pennel expressed that to his understanding they are not asking Taney County for any pay for performance or tax dollars and added that he doesn't see them asking the Commission for any action that they haven't already taken when the Transportation Development District (TDD) was established three years ago.

Bob Paulson, County Counselor clarified that the Branson Regional Airport wants the county to continue with and go forward with the Transportation Development District for the airport. Paulson explained that they have come to the Commission subsequent to that with other things such as possible pay for performance, tax increment financing, and other financing possibilities however, his understanding of the meeting on Friday is that they have withdrawn all of those other requests and want to just go forward with the TDD. Paulson went on to explain that there was some discussion concerning the number of years the lease could be extended, if there were financing troubles but essentially the county would have a simple title to the airport ground but that control wouldn't go into effect for approximately 40-years.

Commissioner Pennel asked what the county did two or three years ago when establishing the TDD and what action does the county need to take? Paulson responded that it is his understanding the county voted to go forward with the TDD however he wants to pull the minutes and documentation done on the issue. Paulson further explained there are many things that need to be done and steps taken to move forward with the TDD in order to make it a reality.

Commissioner Pennel clarified that his point is the Commission has already voted to go forward with the TDD, which is what they are asking them to do, so unless they take some action to reverse what they did, he doesn't see what else needs to be done.

Rick Findley, County Auditor clarified that one of the things the Commission asked specifically was if the airport was going to take care of all the documents and he heard the answer was "yes". Paulson stated that they will prepare all the documents but the county still needs to review them. A general discussion ensued.

Note: Commissioner Herschend entered the Commission meeting at 9:17 a.m.

Commissioner Strahan expressed a concern about the financing and stated that almost every meeting they've had, there has been some urgency for financial reasons.

Bob Paulson read the following outline from the meeting that occurred on Friday. Paulson read that the purpose of the meeting was to provide status on the update of the Branson Airport project, summarize the project timetable, summarize the key issue regarding alternative financing structures, and in conclusion follow-up decisions needed to require timing. Paulson explained they talked about the current status being that the

Branson Airport LLC is in the final stages of closing process for \$20 million in new equity, construction contract providing a final update on construction cost, and a first quarter bond road show in pricing. Paulson added that the tax-exempt bond market is very strong right now which was part of the reason for the urgency because they wanted to take advantage of the tax-exempt bond market. Paulson summarized that their equity is in place and tax-exempt financing is to follow in a favorable market with construction beginning as early as February 2007. Paulson expressed that he doesn't know what decision they were looking for from the county and stated that if the Commission has already agreed to go forward with the TDD perhaps it is in there court to bring the details to the county. Paulson then informed the Commission that there have been some minor changes in the original TDD plan such as the number of acres and years possible on the lease. Paulson expressed that he thinks they were looking for some confirmation from the county so they can go forward with the legal work.

Commissioner Pennel asked if they need to go to the Circuit Court and confirm whether the TDD as been established or not. Commissioner Herschend added that it is his understanding the TDD is in place.

Commissioner Herschend stated there was some question on moving forward when they introduced the number of acres because it gives the Branson Airport control of the board, which was not the original understanding. Herschend expressed that he would be willing to make a motion to move forward based on the original conditions which were that the airport gives the county the land and releases it back to the TDD for 40-years in order to have time to find a manager and go forward. Commissioner Pennel stated that before seconding that motion he would want to know exactly where they are and what has been done concerning the TDD.

Commissioner Herschend made a motion to table this issue until more information is found concerning the TDD. Commissioner Pennel seconded the motion to table. A general discussion ensued.

Bob Paulson informed the Commission that he found the file from the Circuit Clerk's office and that there was an order in September 2003. Paulson then read the following for the file: "4th of September 2003 final order and judgment certifying creation of the Branson Missouri Regional Airport Transportation Development District" and stated that it was signed by Judge Eiffert.

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

LEGISLATURES RESPONSE TO TAX COMMISSION

Commissioner Strahan addressed the Commission in regards to some of the Legislatures response to the Tax Commission and read the following letter from Representative Maynard Wallace to the State Tax Commission. Strahan added that he is looking for other responses from Legislatures:

State Tax Commission
P.O. Box 146
Jefferson City, MO 65101

Dear Commissioners:

This letter is to protest your sanctions against the Taney County Assessor's office. I feel you have made two mistakes in arriving at your decision that the Taney County Assessor's office is out of compliance. The first error is in the examples taken by the state for comparison. The samples are inadequate and fail to give a true representation of the assessed values. Secondly, I feel you have failed to adequately factor in land valuation in the overall assessment.

I strongly urge you to reconsider and reconcile your differences with the Taney County Assessor's Office immediately. This is creating a hardship on the citizens of Taney County.

Sincerely,

Maynard Wallace

Commissioner Strahan expressed that he appreciates the fact that Representative Wallace has stepped forward on this issue.

Commissioner Herschend clarified this letter was written to the State Tax Commission not the Taney County Commission adding that he was confused when he first read the letter because it says "Dear Commissioners" which is referring to the State Tax Commissioners and he wanted to clear that up.

James Strahan reported that he saw Senator Jack Goodman in person and that Goodman received the County Commissions letter and tapes of the meeting with the State Tax Commission however, the tapes were not clear enough for him to understand. James further stated that he called Randy Turley demanding from him the date that Taney County became non-compliant and asked Turley to tell Strahan specifically wanted he from the county. Strahan added that Turley has not yet responded. Strahan explained that Senator Goodman was truly concerned and wanted Strahan to write a synopsis of the whole situation. Strahan expressed that he hasn't heard a word from Representative Wood and that he seems to be the outlying player that doesn't want to do anything in regards to this situation. Strahan then expressed his appreciation to the citizens who have called their legislatures with concerns.

Commissioner Herschend asked if Mr. Strahan has brought any employees back to his office? James Strahan explained that he has brought back two appraisers in order to not fall into non-compliance with the State Tax Commission. Commissioner Herschend asked when Strahan wanted to address the payment of benefits? Commissioner Herschend adding that Bob Paulson has been working on it and has done an excellent job. Strahan stated that he can come back to discuss that issue towards the end of the meeting.

CASEY ROAD AND GREAT RIVER AGREEMENT

Commissioner Herschend explained that the county has a contract with an engineering firm to do preliminary work on Casey Road and that firm has come back with an offer to finish the engineering. Commissioner Herschend added the Jacob Rock,

Road and Bridge Engineer has gone out to find the best value for the citizens of Taney County and found another firm that would finish the detail needed at a better price.

Commissioner Herschend made a motion to approve Great River Engineering to complete the Casey Road engineering so the county can move forward with the project at a not to exceed \$65,000 limit. Jacob Rock clarified that the other firm who was doing the work said it would be \$126,000 to complete. Commissioner Herschend emphasized that Great River Engineering is approximately half of the amount of the other firm. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

SHORTY COOPER ROAD JACOB ROCK

Jacob Rock, Road and Bridge Engineer presented the proposed plans for Shorty Cooper stating that it is going to be a 19% grade and they have to move the sewer line up the hill in order to incorporate the grade. Rock added that by doing that it will keep the entire road on county property and that he has preliminary plans drawn out, which he will present to the Commission tomorrow.

Commissioner Strahan expressed that he would like to look at them to see the percentage of incline and how it is laid out.

Commissioner Pennel asked about the issue of buying the next lot? Rock stated that he would get back with Spencer to get more information about that issue.

Commissioner Herschend expressed a concern about the timing when dealing with moving sewer line plus finishing grade on the road and building foundation. Herschend expressed that if the purchase of land would take any time at all, then he would ask to accept what Spencer brings them and to make a decision within the next 48 hours.

Commissioner Strahan made a motion to table this issue until later today in order to have time to get more information from Spencer. Commissioner Pennel seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

BUDGET CONCERNS CAROL DAVIS

Commissioner Herschend expressed that he asked Carol Davis, Public Administrator to address the Commission in regards to court ordered fees and expenses that are outside of her control but is now affecting her ability to finish her work for the year because she is outside of her budget parameters.

Carol Davis, Public Administrator stated that this was already discussed on October 2, 2006 in regards to transferring funds from the GCR Contingency Fund to the

Public Administrators Line Item Account in which these court ordered fees were taken out of. Davis added that the court ordered fees are actually \$2,435 however she recovered some of those fees from last year so she is requesting \$2,367.02 to be transferred.

Commissioner Strahan asked if she would have any more fees before the first of the year? Davis clarified that she will not have any more fees.

Commissioner Herschend reminded the Commission that there were some discussion and several junctures to moving court ordered fees/expenses outside of the budget so they wouldn't impact her department but expressed that he feels it masks the real cost of this department.

Commissioner Herschend made a motion to transfer \$2,367.02 out of the GCR Contingency.

Rick Findley, Auditor expressed that he would like to see them make a motion to allow Davis's department budget to go over that amount so it will show up in her department but not count against the amount that she can spend. Findley added that otherwise they are transferring within a budget being that GCR is a budget made up of different departments and therefore he doesn't think it is a good idea to transfer. Findley clarified that as long as it is in the minutes, then the budget is okay to go over that amount and it should be covered.

Donna Neeley, County Clerk expressed that she understands Davis's concern of having her budget publicly show that she is over and the only way to solve that would be for the Commission to increase her budget in order to show that amount. Rick Findley clarified that is why he suggested it be put in the minutes, so anyone who has a concern about it, can refer to the minutes. A general discussion ensued.

Commissioner Herschend made a motion to allow the Public Administrator's Budget to go over \$2,367.02 because those are expenditures that she has no control over. Commissioner Pennel seconded the motion.

Bob Paulson, County Counselor asked what the nature of the fees was? Carol Davis explained that she works with mentally disabled and elderly people and a lot of them have no funds and there are times when she is contacted by nursing homes or family services and asked to petition the court for guardianship. Davis added that there are times when attorney fees have been carried over and there was a petition from the judge for attorneys to be paid these fees. Davis stated that the court believes the attorney's who have been asked to come in and represent these people should be paid. Bob Paulson then clarified that the county picks up the attorney's fees. Commission Herschend added that the county picks up all fees when the people have fees and no assets to pay them.

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

Carol Davis then stated that it was agreed mileage would be taken out of the fees that are paid into the Public Administrator GCR Funds and that her mileage started there but the account has also gone over by \$326.50 and requested this amount also be transferred back into that line item.

Commissioner Herschend expressed he cannot support that because it is a line item she can control being that she knows what her mileage is and how many trips she is making. Davis responded that she is required to visit her wards of the court and she tries to see them quarterly however there are some that she sees monthly. Davis added that she could control her mileage by not seeing them but feels she should see them. Herschend stated she makes that decision and the law requires her to visit them once a year, which is what she was budgeted for her based on what she thought she would need for mileage.

Commissioner Pennel commented that the \$326 is not going to make her budget go over as a whole.

Commissioner Strahan commended Davis on wanting to visit her wards as much as possible however he agrees that all departments have line items and can't go over.

PRIOR MINUTES

Commissioner Pennel made a motion to table the minutes from the State Tax Commission, November 16, December 6, 7, 12, and 14. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

ACCOUNTS ALLOWED

Commissioner Pennel made a motion to approve accounts payable warrants #98405-98505 and manual warrant #4602. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

COURTHOUSE CLOSED FOR CHRISTMAS

Commissioner Herschend reminded everyone that the courthouse will be closed next Monday December 25, 2006 for Christmas and therefore the meeting will be held next Tuesday December 26, 2006.

TITLE III

Donna Neeley, County Clerk updated the Commission in regards to Title III Monies stating that she has only received one application from Bradleyville School District and as of this date she has not received any receipts. Neeley added that they currently have \$17,214.28 left in the account and that she has nothing to publicize because she has nothing that meets the proper criteria.

Commissioner Herschend asked if Neeley sends them any correspondence when they are not in compliance? Neeley responded that she sends them notice explaining they are in non-compliance along with the next date and deadline on when to receive information. Neeley then read the following letter to these entities:

The Taney County Commission has asked me to inform you that as of today they have not received any receipts for Title III Funding. The next date for submission of a project in order to receive Title III Funding is December 1, 2006. If invoices are received for previous project, then new projects will be considered.

Donna Neeley added that the letters crossed each other in the mail and she sent this letter then received their application right after that.

Commissioner Strahan stated that he has had two people call since then asking when the next date is for Title III applications. Neeley stated that June 1, 2007 is the next deadline and added Mark Twain School District has sent invoices but not an application.

Commissioner Strahan expressed these places need money and that it is a simple matter of following state and federal regulations. A general discussion ensued.

BOARD APPOINTMENTS

Commissioner Pennel stated this week will be Ed Acres last Planning and Zoning meeting and that Bonita Kisse, Planning and Zoning has fixed a certificate, thanking him for his service. Commissioner Pennel went on to state that last week the Commission had appointed Carl Pride from Forsyth to the Board of Adjustments and Jerry Juske to Industrial Development Board.

PARK BOARD MEETING

Commissioner Strahan stated that the Park Board met and Fred Wippich, who has been the Secretary/Treasurer of the board, has sent in a letter of resignation. Strahan expressed that Wippich has served the board very well and his reason for resigning is so he can take some time off to do some traveling. Strahan further stated they are looking for another person to fill the vacant position.

ASSESSORS OFFICE BENIFITS

Bob Paulson, County Counselor explained that James Strahan, Assessor had to go to Kirbyville and he told Bob, in accordance with the memo he sent out, that his call back date is January 28, 2007.

Commissioner Herschend stated he sees in a letter from Mr. Paulson that he has contacted the unemployment office, the attorney for association of counties, and insurance company and they are all in agreement with the county being able to extend health and benefits for a period of less than eight weeks. Paulson clarified that it is less than eight weeks according to unemployment however, the counties insurance policy

requires if they are laid off in one month, that they return to work prior to the end of the next month or there is an interruption.

Commissioner Herschend made a motion for the County Commission to extend benefits to those employees from the Assessor's Office who have been laid off.

Rick Findley expressed that he doesn't know if the motion is needed and explained James has written a request saying that he will come to the Commission to make sure there are no legal ramifications involving benefits being paid otherwise Mr. Strahan has already instructed Findley to do it as proprietor of his funds.

Commissioner Herschend explained that he wants it to be in the minutes because Mr. Strahan is setting a precedent for the county to pay for employees who are not working.

Commissioner Strahan seconded the motion and asked how many employees are left to be called back? Paulson stated that he doesn't know.

Commissioner Herschend asked for clarity as to what benefits are being paid? Bob Paulson answered that they are not to get any salary whatsoever whether it be holiday or otherwise. Commissioner Herschend clarified that all the county is extending is the payment of their insurance. Paulson added that it is just on the health insurance. Commissioner Herschend then asked about the death benefit? Rick Findley they are not paying anything as far as salary.

Commissioner Herschend amended his motion for the extension to include both health insurance and death benefit. Commissioner Strahan amended his second. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Pennel expressed that he would still like to see James Strahan bring his people back to where they are working and not laid off.

Commissioner Herschend agreed and further expressed that one BOE document was twelve pages long because the Assessor's Office is behind and under a lot of pressure to serve the public. Herschend expressed a concerned that things are not being done to the high level of excellence in which people have become accustomed too.

EXECUTIVE SESSION

Commissioner Herschend made a motion to go into Executive Session pursuant to RSMo 610.021 (1) (2) (3). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).