

**JANUARY 24, 2005 THE 8th DAY OF
THE JANUARY ADJOURN TERM**

Taney County Commission met in the Associate Circuit II Courtroom at 9:00 a.m. pursuant to adjourn with Presiding Commissioner Pennel, Eastern Commissioner Strahan, and Western Commissioner Herschend present. The following proceedings were had and made a matter of record.

Prayer was led by Rick Findley; followed by the Pledge of Allegiance.

**ROSS SUMMERS
TOURISM TAX BOARD APPOINTEES**

Ross Summers, President and CEO of the Branson Lakes Area Chamber of Commerce, addressed the Commission concerning tax board appointees. Summers stated that he was in support of the Commission appointing a member to the Tourism Tax Board. Summers said that the board had become very active recently by establishing their by-laws and working on new legislation in regards to tax boards, adding that they were much more active than they had been in the past. Summers further stated that the board consisted of five members and that the Taney County representative was the only vacancy on the board. Commissioner Pennel asked why the Chamber had chosen to give up their two seats. Summers explained that of the five-person board two appointments were originally given to the Chamber according to the original statute. Summers further stated one of the problems encountered in the election three years earlier was that the community seemed to feel that the Chamber had too much of a hand in crafting the ballot language and too much say in how the money would be administered should the issue pass. Summers said that the Chamber had chosen to give up their two positions, adding that one position was given to the City of Branson Aldermen and one position to the Taney County Commission. Pennel stated that he had opposed the tax in the past. Pennel further stated that it appeared that the Chamber was trying to distance itself from the TTB, adding that he felt that the County Commission was only being used as a tool to do that. Pennel commented that he thought this appointment by the Commission was for face value only, based on the Chamber recommending specific individuals to the Commission to be appointed as their representative. A general discussion ensued. Commissioner Herschend stated that he felt that there was not a current TTB member to represent the County Commission's interests. Herschend further stated that he felt that it was urgent that a decision be made; adding that he felt the purpose of the TTB was to generate market awareness. Herschend stated that the longer that the Commission and the TTB waited, the more competition there could be for those tax dollars.

**JOHN SOUTEE
DAILY OPERATIONS SUPERVISOR**

John Soutee, Taney County Regional Sewer District Administrator, addressed the Commission concerning the need for a Daily Operations Supervisor in the Sewer District. Soutee stated that discussion had been ongoing for approximately two months involving

Ron Daniels, Western Commissioner Herschend, Presiding Commissioner Pennel, and at that time Eastern Commissioner Swan. Soutee presented the Commission with documentation outlining the new employee's responsibilities and how he proposed to fund the salary required for the position. Soutee stated that he had met with current Sewer District employee, Mike Cole, regarding the possibility of the new position and that Cole had agreed to accept the position if the Commission created it. Soutee requested that the position have a starting salary of \$32,000 due to responsibility required for the position. In addition, Soutee requested that the employee be provided with a county vehicle which he would take home due to the fact that he would be on call and it might be necessary for him to respond to sewer related emergencies. Soutee stated that in the event that a sewer main breaks, minutes equaled dollars in Department of Natural Resources fines. Commissioner Pennel asked if there were any sewer systems between Cole's home and the Taney County Courthouse. Soutee responded that there were not, but he felt it was advantageous to supply the vehicle in an effort to save time and the potential cost of additional fines from the DNR. Commissioner Herschend stated that due to the amount of the last fine incurred by Taney County he was in support of the vehicle. A general discussion ensued. Ron Daniels, Taney County Sewer Board Member, stated that he felt that the salary was a fair amount and that his position of the take-home vehicle was looked at from a utility point only, adding that 10 to 15 minutes could make a tremendous difference in a sewer related emergency. More discussion ensued concerning funding of the Daily Operations Supervisor's salary and the location of Sewer District projects within Taney County. Larry VanGilder, Taney County Sewer Board Member, stated that he was in support of supplying the Supervisor with a vehicle due to the nature of the position and given that the individual would be on call 24 hours/day, 7 days/week. VanGilder stated that in a position like this he considered it to be a part of the benefits package offered to the employee. More discussion ensued. Commissioner Herschend moved to approve the addition of the position of Daily Operations Supervisor for the Taney County Regional Sewer District with an annual salary of \$30,000, adding that a take-home vehicle would not be supplied to the Supervisor. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

EXECUTIVE SESSION

Commissioner Herschend moved to go into Executive Session for contract negotiations pursuant to RSMo. 610.021.11 Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

It should be noted that no motions were made and no votes were taken.

CHUCK PENNEL TANEY COUNTY PARK BOARD

Commissioner Pennel stated that Bob Paulson, Counselor, had concluded that it was legal for the Commission to establish a County Park Board. Pennel further stated that he was encouraging the Commission to move forward with the appointment of the Park Board.

Commissioner Strahan said that he felt it was too early to move forward appointing members to the park board. Strahan added that some communities were not represented yet. Commissioner Herschend stated that he would like to see the County Commission create a document that would identify what the board's responsibilities would be prior to moving forward with the establishment of the board. In addition, Herschend added that the document should describe the financial parameters of the park board. Strahan added that news coverage concerning the establishment of the park board might peak community interest bringing forth more individuals interested in serving as board members. A general discussion ensued. Herschend commented that the Commission was in support of the concept of the park board, but more discussion needed to occur prior to the establishment of the board.

**DANNY STRAHAN
ROAD PETITION – SPRING MEADOWS LANE**

Commissioner Strahan addressed the Commission concerning a petition to accept Spring Meadows Lane as a county maintained road. Strahan stated that he looked at Spring Meadows Lane from a safety standpoint and had some disagreement with individuals concerning his position on the matter. Strahan then moved to accept 600 feet and 8 homes located on Spring Meadows Lane with a cul-de-sac for the bus to turn around. Commissioner Herschend asked how the road should be classified and to what extent would the road be finished. Strahan stated that his motion was to accept the road as recommended by Dan Ratermann, County Engineer. Commissioner Pennel then read the following recommendation submitted by Ratermann "Road is unfinished, needs a little more aggregate, and the last part paved with curbing completed. I would recommend taking in the road from North Fork to the last house on the street #385 as a Class 6 until it can be improved the upgrade to a Class 2. Also, I would recommend taking in the sub-street off of Spring Meadow, which is close to the end of the road and would serve as a turn-around. It would not be approved unless warranted. It is my understanding that developer went under and the residents are left with an unfinished street." Strahan stated that his motion included the recommendation of Ratermann, which Pennel had read. Commissioner Pennel seconded the motion for discussion. A general discussion ensued. Pennel stated that the Engineer was recommending that 650 feet be taken in. Strahan stated that his motion should include all recommendations of Ratermann. Commissioner Herschend said that he thought it would wise to add a deadline for completion of improvements be added to the motion, because the road would be accepted due to safety concerns. More discussion ensued. Strahan amended his previous motion to accept the road as recommended by Ratermann, adding that safety improvements should be completed within 30 days. Strahan explained that the safety issues to be addressed were the creation of a turn-around and filling in the hole(s). Pennel amended his previous second. Pennel entered the following description from the road petition into the record: "Spring Meadows Parkway, a dedicated public road 50 feet as per the plat recorded in plat book slide F, page 607 of Spring Meadows North located in the SW ¼ of the NE ¼ of Section 34, T-23N, R-21W, Taney County Missouri". Taney County Citizen, Dick Clark, said that he did not agree that the road should be accepted due to safety issues. Clark stated that he felt that the tragic accident that occurred in the subdivision would not

have been prevented by the existence of a turn-around. The motion passed by vote: Pennel (yes), Strahan (yes), Herschend (no).

**DICK CLARK
SPRING MEADOWS PARKWAY**

Taney County resident, Dick Clark, requested a copy of the signed petition to accept Spring Meadows Parkway. Commissioner Pennel responded that he could get a copy at the Commission office. A general discussion ensued.

PRIOR MINUTES

Minutes for January 18th and January 19th were submitted to the Commission for approval. Commissioner Herschend stated that he was not prepared to approve the minutes due to the fact that he had not read them prior to the meeting. Donna Neeley, County Clerk, stated that her office was behind on printing minutes, adding that this delayed the public's access to the "Official" Commission Minutes. Neeley explained that she could provide the public with "Unofficial" minutes within 72 hours. Commissioner Herschend responded that he needed to review the minutes prior to Monday morning in order to be prepared to approve them at the Commission Meeting. Commissioner Pennel stated that he had been given a list the previous week showing that there were still minutes that had not been approved since July 2004 and requested that the Commission be reminded about tabled minutes by the Clerk's Office so as to not be waiting so long for approval. Herschend added that, in the past, he had been presented with minutes that he believed had already been approved by the Commission. Commissioner Strahan requested that the minutes be sent to the Commission by Thursday in order to have time to review them prior to the Monday Commission meeting. A general discussion ensued.

**DONNA NEELEY
BOE PROCESS**

Donna Neeley, County Clerk, asked if the Commission had made a decision regarding the Board of Equalization process. Bob Paulson, Counselor, stated that the Commission had asked him to review the statutes and that he had not reviewed the matter since their discussion on Friday, January 21st.

**CHUCK PENNEL
BALLOT ISSUE FOR THE GENERAL MUNICIPAL ELECTION**

Commissioner Pennel asked Donna Neeley, County Clerk, what the deadline to certify an issue for the General Municipal Election was. Neeley stated that the statutory deadline was 5:00 p.m. on Tuesday, January 25, 2005. Neeley further stated that the Commission could get a court order to place an issue on the ballot up to six weeks prior to the election. Neeley added that the Commission could also remove an issue from the ballot in the same manner with the six weeks prior to the election deadline applying also. In addition, Neeley explained that the Commission could incur additional charges pertaining to re-

printing ballots if the Commission chose to place an issue on the ballot pursuant to court order. Commissioner Pennel asked Neeley to estimate the cost of a countywide election. Neeley stated that the election would cost approximately \$38,000. Commissioner Herschend stated that he thought that the minimum cost incurred by the Commission for the General Municipal Election would be at least \$10,000. A general discussion ensued.

SHEILA WYATT BILLBOARD REDEMPTION

Sheila Wyatt, Collector, addressed the Commission concerning a billboard that was sold at the Taney County tax sale. Wyatt explained that it was an over the counter, 3rd year tax sale and that the billboard was not there at the time that it was sold. Wyatt further stated that it was her policy to provide James Strahan, Assessor, with a list of billboards prior to the tax sale so that he could verify that they were still in existence. Wyatt said that Strahan would need to abate the back taxes, which would make them refund abatements. Wyatt further stated that Strahan was waiting for a response from Randy Turley, State Tax Commission, concerning the matter. Wyatt said that the Commission would be responsible for \$79.49 if the redemption was completed prior to February 1st. Wyatt added that if Strahan refused to abate the taxes, the Commission would then have to pay the entire amount out of the GCR fund, which would be \$798.90. Wyatt explained that a 3rd year tax sale had a 90 day right of redemption which meant that the redemption needed to occur prior to February 4th. Wyatt stressed that it was important that the issue be addressed this week. Commissioner Herschend stated that all Commissioners would be available on Wednesday, January 26th to act on the matter.

HELEN HAVENER JUDICIAL FACILITY

Taney County resident, Helen Havener, addressed the Commission concerning the proposed downtown location for the judicial facility. Havener stated that she lived at 122 Felkins Street in Forsyth and was concerned that the judicial facility would be built right next door to her house. Commissioner Pennel stated that the proposed plan started where the County Clerk and Recorder were currently located and extended through the parking lot, Masonic Lodge, 2 small vacant lots, and 2 houses. Havener stated that her home was the 3rd house on that side of the street. Pennel explained that the plan was to stop at Dan Grant's house and not go any further, adding that the construction might stop before that point. A general discussion ensued.

ACCOUNTS ALLOWED

Commissioner Herschend moved to approve Accounts Payable checks #87355 through #87414 and manual warrants #4322 through #4323. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

EXECUTIVE SESSION

Commissioner Herschend moved to go into Executive Session pursuant to RSMo. 610.021(3) for personnel issues. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Commissioner Herschend moved to approve paying \$1,200 to the individual who fell on County property. Commissioner Pennel seconded the motion. The motion passed by vote: Herschend (yes), Pennel (yes), Strahan (yes).

Commissioner Herschend moved to go out of Executive Session. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECONVENE

Taney County Commission met in the Taney County Commission Office at 2:25 p.m. pursuant to adjourn with Presiding Commissioner Pennel, Eastern Commissioner Strahan, and Western Commissioner Herschend present. The following proceedings were had and made a matter of record.

COUNTRY CLUB HEIGHTS

Commissioner Herschend made a motion to authorize condemnation on the Keys property and further authorize Danny Strahan to approach Finnis Keys one more time with the knowledge that the County is going to move forward if needed. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

RECESS

Ordered that the Commission adjourn.

Minutes taken by: Tressa Luttrell and Chalet Harding