

**SEPTEMBER 26, 2005 THE 27<sup>TH</sup> DAY  
OF THE JULY ADJOURN TERM**

The County Commission met in Associate II Circuit Courtroom 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 Rick Findley followed by the pledge.

**TIF PROPOSAL  
TRESSA LUTTRELL**

Tressa Luttrell, Administrator explained that a request letter for TIF Proposals was written with the help of Bob Paulson, County Counselor and was sent. Luttrell further explained that Husch and Eppenberger were the only ones to submit a proposal.

Commissioner Herschend stated that the redevelopment area that is chosen should be based on what is the most advantageous project for the county as a whole.

Commissioner Herschend made a motion to table this until the Commission has had a chance to determine the next step in the process. Commissioner Pennel seconded the motion to table. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**GLORY ROAD**

Presiding Commissioner Pennel stated that Glory Road is included on the petition for Venice on the Lake. Pennel explained that he has looked at the road and stated that it is right behind Morning Glory Road.

Commissioner Herschend made motion to take in Glory Road as a Class 6 but only maintain the section of the road with houses. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**PRIOR MINUTES**

Commissioner Strahan made a motion to approve the minutes from August 15, 25, 29 and September 1,7,13,15. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

**ACCOUNTS ALLOWED**

Commissioner Strahan made a motion to approve accounts payable warrants # 91090-91157. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**SURPLUS FUND TAX SALE  
SHEILA WYATT**

Sheila Wyatt, Collector presented the Commission with the following statement regarding the Surplus Fund from the Tax Sale:

**Office of the Taney County Collector**

Sheila L. Wyatt, Collector  
Ph 417-546-2081 \* Fax 417-546-3525

P.O. Box 278  
Forsyth, Missouri 65653-0278

September 26, 2005

**TO:** Surplus amount for the 2005 Tax Sale  
**RE:** Taney County Commission

I present a statement of the surplus amount bid and as of today unclaimed for the 2005 Tax Land Sale held the fourth Monday of August. I present to you a written statement with the parcel number, the owner's name the property was sold in from the assessor's file along with the legal description and surplus amount. This list and well as the tax sale are done according to RSMo 140.230.

Each owner has been notified of the sale of the property.

Upon approval of the statement by you our county commission I will give a copy of the statement to our County Treasurer, Helen Souttee, to be credited to the county school fund and held for a term of three years.

Within the time period the owner or legal representative may come forth and claim the surplus bid on their land after redeeming the property or a collector's deed has been issued. After the time period is passed our county treasurer will distribute all unclaimed surplus funds to the schools as designated. I will include in the amount \$269.89 charged according to RSMo 140.280 when a bidder causes a sale to be void. The amount of the surplus is \$70,339.72 plus the \$269.89 causing the total to be **\$70,609.61**

Commissioner Herschend made a motion to approve the surplus amount for the 2005 Tax Sale as submitted by Collector, Sheila Wyatt. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Sheila Wyatt then explained that when a piece of property goes to a 4-year sale it is considered subsequent possession. Wyatt further stated that the law says to apply the first amount to the county for the publication costs and if there is any money left, then it goes towards the taxes against the property from the most delinquent tax year. Wyatt added that a tax sale deed is then given to the buyer and the new property owner is responsible for taxes from that point on. A general discussion ensued.

**RICK FINDLEY**

Rick Findley, Auditor stated that Gary Morgan and John Lavender informed him about equipment in storage that is worth nothing and that they have found someone who is willing to buy it. Findley asked if the Commission would be willing to sell some of the stuff in storage in order to create more space.

Commissioner Herschend suggested that the Commission not take action until next week and asked Findley to look into how much this stuff usually sells for in auctions of the past. Herschend further stated that the Prosecutor might not want to release some of the items he has in storage which will determine whether the county will have enough stuff to have an auction this year or not. Herschend explained that they should make sure there will be no auction before deciding whether to sell the equipment or not.

Bob Paulson, County Counselor stated that as long as the county deals with the sale in a commercially reasonable manner, he sees no problem with selling the equipment in storage.

### **RON HERSCHEND**

Commissioner Herschend stated that Bob Paulson, County Counselor provided a document at his requests that he would like approval on. Herschend explained that the contractors for the Table Rock Acres Sewer Improvement Project are concerned that they will be pulled into a law suite by the previous contractor and would like to be held harmless. Herschend read the following agreement that he is requesting to be approved by the Commission:

Taney County agrees to indemnify and hold harmless Contractor from any claims or causes of action brought by J. C. Industries, Inc., the previous contractor on the Table Rock Acres Sewer Improvement Project, if said claims or causes of action result in J. C. Industries, Inc. filing a lawsuit against Contractor alleging that Contractor has interfered with J. C. Industries, Inc.'s contractual rights with the City of Branson. Said indemnity and hold harmless includes all costs and expenses incurred by Contractor in any such lawsuit, including Contractor's reasonable attorneys' fees.

Presiding Commissioner Pennel asked if the contract would be with Taney County or the City of Branson. Commissioner Herschend explained that it is with City of Branson and that the contractor just wants to know that someone will stand behind them if there is a law suite.

Bob Paulson, County Counselor stated that there is a vested interest and that without it the contractor could potentially raise their bid to cover a law suite but if they don't get sued then the county would have paid them a premium for nothing.

Commissioner Herschend made a motion to move into an indemnity agreement with the contractors of Table Rock Acres Sewer Improvement Project. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

### **BRANSON REGIONAL AIRPORT MEETING**

Commissioner Herschend stated that a meeting was held with the developers of the Branson Regional Airport and it was requested that the county finance the project. Herschend further stated that there were a lot of great suggestions by various business

owners in Taney County and suggested having a work session to figure out where to go next with the project.

Commissioner Pennel responded that they also visited with the City of Branson and suggested meeting with them to see where they stand on the situation.

Commissioner Strahan suggested having the TIF Board look it over before having a work session to either get their approval or denial. A general discussion ensued.

It was decided that the Commission would have a work session on the issue later on in the week.

### **MODOT**

Presiding Commissioner Pennel asked about the status on the check for MoDot and suggested pushing it through to hurry the process for the stoplights on F Highway. Pennel further explained that the county has an agreement with MoDot to pay the money upfront and be reimbursed later for the project. Commissioner Herschend requested that the check be submitted by the end of the week.

### **FORSYTH BOARD MEETING**

Presiding Commissioner Pennel stated that he attended the Forsyth School Board meeting and presented the counties need for a new jail facility. Pennel also explained to Dick Clark that he mentioned Clark's desire for schools to contribute money to the project.

### **RECESS**

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

### **RECONVENE**

The County Commission reconvened via telephone at 12:00 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.

### **VARIANCE TO BUILDING CODE**

Commissioner Herschend made a motion to approve a variance to the building code to allow David Gibson to proceed with construction prior to the normal BOA process. Commissioner Strahan seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

**Note:** Gibson understands and is assuming the risk of not being able to proceed with construction after the BOA meets.

### **MODOT TRAFFIC STUDY**

Commissioner Herschend made a motion to work with MoDot on a traffic study which determine the most cost effective way in relieving traffic from the East to the West side of the County. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).