

**DECEMBER 26, 2006 THE 22<sup>ND</sup> DAY OF  
THE OCTOBER ADJOURN TERM**

The County Commission met in the Associate Circuit Courtroom II at 9:00 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 Helen Souttee followed by the pledge.

**SPRING MEADOWS**

Allen Nugent, Chairman of the Spring Meadows Homeowners' Association, spoke to the commission regarding the county maintaining the roads in the Spring Meadows neighborhood adding that they have been maintaining their roads and had them resurfaced three years ago. Mr. Nugent shared his feelings that Spring Meadows Parkway, which he reported has already been taken in to the county road system, needs 'no parking' signs, on at least one side of the road, due to the narrowness of the road, and expressed a need for emergency vehicles access and snowplows. Mr. Nugent explained that residents have been told to move their vehicles on snow days and offered for the homeowners' association to continue to do snowplowing after the county takes in the roads.

Commissioner Herschend explained that the Homeowners' Association should discuss this before they decide to come into the county system, as the county would not want any liability associated with the homeowners' association working on a county road.

Mr. Nugent further stated that there is an issue with a chain link fence that is on the property of a neighbor, who is not a member of the homeowner association adding that the property is at Katella and Maplewood, and clarified that he thinks the fence is on the county's right-of-way.

Commissioner Strahan asked Mr. Nugent about the Homeowners' Association, as he had been out to view the neighborhood and was unable to locate members? Mr. Nugent informed that the new officers took their seats in July and that all three current board members live on Northfork Drive.

Jacob Rock, Road & Bridge said there is a tree that is in the line of sight, water valves at the end of the cul-de-sac which need to be counter sunk, a soft spot in the pavement on Northfork, and that he is also concerned with the width of the roads, even though there are reportedly fifty-foot right-a-ways.

Commissioner Strahan commented that the Homeowners' Association has the authority to do something about homeowners parking on the side of the roads.

Commissioner Herschend requested that Jacob meet with the association to discuss the resolution of various issues and get a commitment in writing, before the roads be taken into the county system. The issues include: verifying the fifty-foot right a ways, the fence, possible platting issues, the tree, parking, the soft spot in the road, and snowplowing. Commissioner Strahan recommended contacting Road & Bridge about signs regarding vehicles parked on the side of the county road that lead into the subdivision. Mr. Nugent shared there is a tour bus that parks on the road for weeks at a time, causing a hazard and added that a child was killed there in recent years.

Commissioner Herschend made a motion to table, until the above issues have been addressed. Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (aye), Herschend (aye), Strahan (aye).

### **PROPERTY & SEWER ISSUES BRENDA GORDON**

Brenda Gordon addressed the commission in regards to a home she purchased on Victor Church Road. Gordon explained that she has been given a violation notice by the Sewer Department of Taney County saying she is in violation and needed to have the problem resolved within fifteen days. Gordon informed the commission that she has been trying since last spring to figure out and correct the problem and according to her seller's agreement, there were no septic problems, nor any previous septic problems. Gordon went on to state that she had the home inspected before purchasing and no problems were reported however, she has since learned that there are and have been reoccurring problems. Gordon asserted that she wants to have the problems corrected, but has experienced difficulty in so doing, and cannot have the situation resolved within the fifteen days given in the notice. Gordon expressed that she feels this is unfair for her to be required to resolve the problem in only a few days, when the county has apparently known about it for seven years, and that she has known about it for only ten months. Gordon added that she has not heard back from the sewer supervisor, and has contacted several people about the problem but cannot find anyone to fix the problem at this time. Gordon further stated that Richard Tillis, who built the house in 1999, was given two different notices about the septic (in 2000 and 2004), and that there is no county documentation that he was ever required to resolve the situation.

Commissioner Herschend addressed the issue, as he oversees sewer issues and apologized to Ms. Gordon for the problems in dealing with the county. Commissioner Herschend expressed that he could help her in working with Vince Chinell and the county. Commissioner Herschend further said that, with the commission's concurrence, the fifteen-day notice, would be rescinded, and that he would contact John Souttee, Mr. Chinell's supervisor at the county sewer department in regards to this issue.

### **STATE TAX COMMISSION AND TANAY COUNTY ASSESSOR'S TAX ISSUES STATE REPRESENTATIVE DENNIS WOODS**

Representative Dennis Woods, 62<sup>nd</sup> District shared that the reason he is speaking today is because of a dispute between Taney County and the State Tax Commission (STC). Representative Woods stated that he is not an attorney, nor is he an expert at assessing property in Taney County and that he is here to share his opinion, which is not necessarily representative of the State of Missouri, nor of the County of Taney, but as a caring citizen of the area. Representative Woods further expressed that he feels it is a privilege to represent the people living in this area. Representative Woods shared a story from his father, who is ninety-one years old, from the 1930's, which involved their chicken house and their livelihood. He told of his father going out to the chicken house in the middle of the night, in his nightshirt with his shotgun, after hearing a rustle. Prepared to shoot the intruding animal, he was startled by a hound dog licking him, and ended up shooting some chickens. Representative Woods point was that while his father was prepared to do one thing, because of other things happening, the gun went off when he had not planned, and they ate chicken for about a week. Representative Woods believes that both the Taney County Assessor and the STC are trying to do what they think is right, and serve the people of Taney County, however he is afraid that if the impasse continues, "we will have to eat a lot of chicken". Representative Woods expressed that he believes a solution needs to be found, so that the people of Taney County will be well served. Representative Woods relayed that he received a telephone call from the Taney County Assessor in October, telling him of the impasse and the withholding of funding and that he spoke to the STC and with his colleague, Maynard Wallace, although he is speaking only for himself today. In researching the issue, he found that the government created the STC, in 1979, by court order, to insure that the tax assessments were being done the same across the state in all 114 counties, as they were not, reportedly, at that time. In 1985, the state spent \$125 million across the state, to make sure that the tax assessments were being assessed equally across the state. Representative Woods clarified that tax assessments and tax rates are not the same; that tax rates are set by the political subdivisions, and that the assessor is not involved in setting the tax levies, and therefore does not set the taxes. He explained that all of the values have changed in all of the counties and believes that the dispute comes from the state saying that all of these should be assessed on an equal basis. He said that after being contacted by Assessor Strahan, in October, he began working diligently with the STC to reach a resolution and shared that the index seems to be in dispute. Representative Woods said that he has been told, and provided in writing, the following indices: Stone County, 2.20; Christian County 2.20; Douglas County 2.20; Howell County 2.20; Lawrence County 2.30; Ozark County 2.20; Webster County 2.20; and Taney County 1.90. Representative Woods explained that from his novice point of view, it appears that either all of the surrounding counties' indices are incorrect, or there is the possibility that Taney County needs to look, realistically, at readjusting the index. Representative Woods admitted that he does not know who is right or wrong; he is only pointing out that all of the counties around Taney have the higher index, and that Taney does not. Representative Woods has asked the STC, and Mr. Bruce Davis, STC Administrator, in particular, to negotiate and acknowledged that he was pleased the county assessor was present, as he would like to hear more from Assessor Strahan, and feels confident that the assessor is doing what he thinks is right for the people of Taney County. Representative Woods added that he thinks the state has made an effort to settle,

for now, for an index of 2.12, which would still be less than any of the counties around Taney. Representative Woods expressed that his understanding is that the reason that the STC is withholding the funding from Taney County for two quarters now, is because they are responsible for paying one-half of the cost of the assessment office, and thereby has the authority and right to examine and ask for equality across the board, and that this is their way of holding the county accountable. Representative Woods added that he absolutely hates that the state has withheld their share of funding for two quarters, that it is unfair to the county and the assessor's employees, whom have been unjustly served and asked if the county had offered to pay the employees out of county coffers?

Commissioner Herschend responded that the offer was made but that currently the county is only paying the benefits on those who are unemployed. Representative Woods stated that he wants it to stop, reiterating that he does not know who is right or wrong, and that he is not here to resolve it himself, rather his role is as an intermediary, to make the county and the state aware that it has gone to far, and that the issue needs to be resolved, so that the people can be better served.

Commissioner Herschend thanked Representative Woods for letting the commission know what he has been working on, and said that he would appreciate Representative Woods addressing the two-year plan, with the STC. Commissioner Herschend's stated that his understanding is that the county and the state agreed to the two year plan, that in April the state was okay with the plan, but by October, the state was not satisfied with the plan, and therefore, not going to pay. Representative Woods claimed that he has begged the STC to release at least one quarter of funding, as to not hurt the citizens of Taney County, and to resolve the issue over the next quarter or two. He says that the STC response is that what is hurting the citizens is the lack of correct assessments, that some citizens are paying more of a share than others, and that the state feels that they have made offers to negotiate, but that the county has not reciprocated. Representative Woods reassured that he does not know who is correct; that he is working between the county and the state to resolve the problem.

Presiding Commissioner Pennel said that he signed the plan, and would like Representative Woods to ask the STC if they are following the plan that was signed, or if their action is contrary to the plan. Presiding Commissioner Pennel thanked Representative Woods for his assistance, but said that he doesn't see anything different today, that would prevent the issue from going to court. Representative Woods stated that he hates taxes, that taxes haven't been raised while he has been in office, and does not plan for them to be raised, but that he does not feel that going to court on this issue would be the best use of the taxpayers' money.

Rick Findley, County Auditor informed Representative Woods that if his valuation would be raised to the 2.12 index, this would increase his taxes. Representative Woods commented on the CSI, which would not allow an increase of more than three percent in a year; that the levies would have to be adjusted and as a realtor, shared that property values in this area have been going up.

Commissioner Strahan said that he feels it is disgraceful for the STC to offer a small percentage of what is already owed to the county adding that there would be a whole lot of eastern county people eating chicken if they don't stand behind our position with the STC. Representative Woods explained that the state is saying the county is not completing the service they have asked the county to do, and that is why the state has not paid the county. He is not saying that the state is right, but that they are not picking on Taney County, that the state is just trying to do its job, as is Taney County, referring to the assessor as the commissioner's brother. Commissioner Strahan asked Representative Woods to refer to the office holders by title, rather than by family affiliation. Furthermore, Commissioner Strahan commented that he is not agreeing with the Assessor because they are brothers, that he agrees with the assessor on this issue.

Presiding Commissioner Pennel invited the Taney County Assessor, James Strahan to respond. James Strahan, County Assessor expressed that he does not believe the STC has spent a lot of time on the issue adding that he will be sending a Sunshine Law request, to the STC, as to where the state is getting their information. James Strahan claimed that the state has gone outside of their normal scope to get their information and asserted that the STC has asked him to do a massive study in 2007. He is to do a study of 1100 parcels to receive funding, but he feels that the state doesn't want to pay. Assessor Strahan reported that his staff has already visited each of these parcels, since the meeting with the STC (in November). He stated that he has never been out of compliance and that he has never been issued a letter to say so and that only last week, he received a letter from Randy Turley, saying that he may have been out of compliance one day at the end of June. The assessor expressed that he believes Representative Woods' report of like indices in the area, serves to substantiate that the state is pushing counties to set like indices and market value is established by the sale of homes in the area. The index is only one factor of many, the assessor relayed, and that the index is the only study that Bruce Davis can relate to the representatives to try to discredit Taney County. Assessor Strahan said that the indices are meant to be varied for different locations, and that the STC hasn't looked at the increases in land values that have been assessed. The land value increase is fifteen percent, \$136 million, since the (2007) reassessment has begun and stated that for Taney County to be in compliance, it must be between 90 and 110 of compliancy of the sales studies, and that the county is in the 90's range. The county has now been issued a letter stating that it is out of compliance on the school equivalency ratio, which the assessor relates is a different thing. James Strahan went on to say, that according to Statute 138.395, the STC can hold out 15% of the funding in the first quarter of 2007. The assessor's study shows that the county is in compliance and he believes that the STC does not want to give documents that would allow the county to take the state to court. James Strahan said that the state doesn't look at any of the evidence that he provides and reiterated that he has raised land values, as that is where the increase has occurred. The assessor stated that the county has never been out of compliance and feels he has not had full support, not because the people do not want to support him, but because they do not have the correct information. He feels that the STC should have to have restraints, as do other government bodies and agencies. Assessor Strahan said that material costs are up because of Hurricane Katrina, and in reaction, the STC wants

increases in the ratio. The assessor thanked Representative Woods for his presence and his assistance, as well as the help of the other representatives.

Presiding Commissioner Pennel asked about the assessor's comment about a lack of documentation for a legal case and asked if the withholding of funding isn't evidence? Commissioner Strahan told Representative Woods that the county did try to present evidence to the STC, and that when Commissioner Herschend handed it to them, they shoved it back at him. In response, Representative Woods said that he does not speak for, nor represent the STC; he represents Taney County. Commissioner Strahan asked Representative Woods to inform the governor as well.

### **CHUCK PENNEL FOR ROAD & BRIDGE**

Commissioner Herschend made a motion to table the issue until this afternoon and that the deadline for municipalities be extended until January 31, 2007. Presiding Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (aye), Herschend (aye), Strahan (aye).

### **OPT OUT TAX LEVY SUBCLASS**

Commissioner Herschend made a motion to table the opt out tax levy subclass until December 27, 2006. Presiding Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (aye), Herschend (aye), Strahan (aye).

### **APPROVAL OF MINUTES**

Presiding Commissioner Pennel made a motion to approve minutes for December 6<sup>th</sup>, 7<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, and 16<sup>th</sup> of 2006. Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (aye), Herschend (aye), Strahan (aye).

### **ACCOUNTS PAYABLE**

Presiding Commissioner Pennel made a motion to table accounts payable, until 1:00 pm, for further review. Commissioner Strahan seconded the motion to table. The motion passed by a vote of three: Pennel (aye), Herschend (aye), Strahan (aye).

### **BOB SCHANZ**

Bob Schanz thanked Representative Woods for being at the meeting and thanked the assessor for addressing the issue as well. Mr. Schanz said that he also has an issue about Lady Bug Lane and explained that he had a conversation with Jacob Rock, from Taney County Road & Bridge, about the road. Mr. Schanz claimed that Mr. Rock told him that he exaggerates and if he doesn't like it, he should move somewhere else. Mr. Schanz expressed that he feels this was uncalled for and that an employee behaving this way should be fired, adding that the county should have rules that would prevent the kind

of problems that exist in his neighborhood from occurring. Mr. Schanz then showed pictures of the area to the commissioners.

Commissioner Herschend asked if the county had started a nuisance order in this area? Presiding Commissioner Pennel replied that this has begun, and that an issue was raised about a car and a boat that belong to Mr. Schanz about which neighbors are complaining.

### **BARRICADE OLD HIGHWAY 65**

Commissioner Herschend asked if the county could barricade the old Highway 65, which goes by the Top of the Rock Restaurant and the new highway, as it has contributed to vandalism problems for Top of the Rock, while the process of abandonment occurs. Commissioner Herschend added that both sides of the road are owned by Top of the Rock.

Commissioner Strahan requested to physically review the area first, as he received a telephone call from a property owner in that area.

Art Beck questioned the county's authority in this area. Commissioner Herschend informed that the county had to take over this area, so as to not increase the amount of state highway, and had to do this in the Hollister area as well. Commissioner Herschend clarified that he is not asking to close the road permanently.

### **THREE RIVERS ENGINEERING SHORTY COOPER STREET GRADE**

Commissioner Pennel stated that he informed the City of Forsyth that the county has received a report from Three Rivers Engineering, regarding the grade of the street where Shorty Cooper Street is to be relocated. Forsyth City Councilman Buddy Roberts was present and asked about the slope. A discussion ensued.

### **RECESS**

Presiding Commissioner Pennel made a motion to recess at 11:15 a.m. Commissioner Strahan seconded the motion. The motion passed by a vote of three: Pennel (aye), Herschend (aye), Strahan (aye).

Minutes taken and typed by Lisa Owen