

**MARCH 19, 2007 THE 28TH DAY OF
THE JANUARY 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.

Donna Clevenger led in prayer, followed by the pledge.

AGENDA AMENDMENT

Commissioner Herschend made a motion to amend the agenda and move Taney County Collector, Sheila Wyatt, to the top of the agenda. Commissioner Pennel seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

**DELINQUENT TAX BOOKS
SHEILA WYATT**

Sheila Wyatt, Collector stated that she is presenting a check for \$1674.10 to the Taney County Treasurer representing the investment interest from the "Pay in Advance Installment Program" for the 2005 and 2006 tax years, which will show up on the Collector's next year's end of year settlement. Ms. Wyatt went on to state that the County currently has two hundred and sixty-five customers wishing to participate in this program and anyone else wanting to participate may do so by calling the County Collector's Office. Ms. Wyatt explained that this program allows taxpayers to pay real estate taxes in advance in quarterly or semiannually payments, based upon the previous year's tax bill and added that the fourth payment will show the final payment due by December 15th. Ms. Wyatt informed that the County has been performing this service for four years and explained the abstract report to the Commission, which reflects the delinquent taxes Ms. Wyatt, was able to collect this year. Ms. Wyatt then explained the next column has those accounts that will be abated or outlawed off and the blue books represent the delinquent taxes as of February 28, 2007, and are divided by Real Estate and Personal Property. Ms. Wyatt further explained that in April, the Collector's Office would send the first notice for the tax sale, for bills that are two years' delinquent.

Commissioner Strahan asked if there was a statutory deadline by which the Commission must approve the delinquent tax books? Ms. Wyatt expressed that she is not aware of any, but is not authorized to collect the delinquent taxes until the Commission has voted approval of the delinquent tax books, the County Clerk has sent the corresponding form to the Department of Revenue, and the Collector has been charged with the delinquent tax book.

Commissioner Herschend made a motion to table the approval of the delinquent tax books until March 26, 2007 for the Commission's review. Commissioner Pennel

seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

**YEAR END SETTLEMENT
SHEILA WYATT**

Sheila Wyatt, Collector presented the Year-End Settlement Report to the Commission and explained that 92.8 percent of the 2006 real estate taxes and 89 percent of the personal property taxes were collected, and the Collector's Office continues to collect delinquent taxes. Ms. Wyatt stated next month she would check to see who has filed with the Circuit Court to protest taxes that the charge back shows it is equal to that of the collections, delinquents, and abatements. Ms. Wyatt further explained the County Clerk is responsible for the calculation of the Railroad and Utilities, based upon the schools' student ratio and debt collection, with 30 percent going to the county and the other 70 percent going to the school districts. Ms. Wyatt informed that the Collector's office collects for eight cities and the report includes Merchant and Liquor licenses, as well as expenditures and other items. Ms. Wyatt added the report also includes the Tax Sale proceeds, including the overpayments, which will go to the schools, not the county, if not redeemed by the property owners, but is required to be reported in the Year End Settlement and the total collections were \$36,071,000, reminding the Commission that a percentage of everything collected goes to the Assessment Fund.

Commissioner Herschend questioned the procedure on the outlawing of 2002 delinquent taxes, which is mandatory. A general discussion ensued.

Commissioner Herschend made a motion to table the approval of the Year End Settlement until March 26, 2007. Commissioner Strahan seconded the motion to table. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

**WILSON'S LAKE ADDITION VACATION
HARRY STYRON**

Harry Styron addressed the Commission and requested the vacation of the streets in the Wilson's Lake Addition, adding that none of these streets have been developed. Mr. Styron explained that the petition for this request was in front of the Commission on the first day of the January adjournment, which was January 8, 2007, and was continued until January 23rd. Mr. Styron reported that since then, the surveyor has created a legal description in the area of the subdivision for each lot that is not owned by the petitioner, and the order that is being submitted says the order is not effective until there is a recorded easement to each of these legal descriptions.

Commissioner Herschend made a motion to approve the vacation of the streets in the Wilson's Lake Addition. Presiding Commissioner Pennel seconded the motion for discussion.

Commissioner Strahan stated that he spoke with area residents, and there are concerns about the vacations and added that Robert Melton asked if the vacation would affect access to his property and if it would be subsequently divided.

Mr. Styron didn't know about that issue, but responded that easements have been created for property owners and might be affected by the vacations. Presiding Commissioner Pennel asked about how Belland Road would be affected? Mr. Styron clarified he is not asking the Commission to take any action on the road the county is currently maintaining.

Commissioner Strahan asked if Mr. Styron's client would have a problem with Bobby Rains having streets vacated from his neighboring property? Mr. Styron said Mr. Rains might want to have a number of streets vacated from his property as well as property in Mr. Rains' mother's name.

Commissioner Herschend clarified that his motion and vote to vacate these streets does not reflect his support of this development, or relieve his concern about access to and from this property. Commissioner Herschend further clarified that this is a different step, and that Planning and Zoning is responsible for that function.

Bob Paulson, County Counselor explained that the vacation of the roads on the bottom of page six of the vacation document is based upon the agreement to provide easements. Mr. Styron replied that he is aware of the legal requirement to provide access, which has led to the detailed legal descriptions.

The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

BIOXIDE SYSTEM FOR POVERTY POINT PUMP STATION CHUCK PENNEL

Commissioner Herschend informed the Commission that the Sewer Department has approved adding the bioxide system to the Poverty Point Pump Station, to break down sulfur that can build up and eat lines and that this problem occurred at Coon Creek. The Commission requested Ms. Luttrell go out for bid on this item, as it will be more than \$4500.

ROAD RELINQUISHMENT AGREEMENT CHUCK PENNEL

Commissioner Herschend made a motion to table the issue of the Road Relinquishment Agreement, so that the Commission could address this issue in a work session. Commissioner Strahan seconded the motion to table. The Commission will need to look at where these roads are located, and clarified that all of them are within the county's jurisdiction.

Commissioner Herschend pointed out that an intergovernmental agreement may not exist, and that this situation appears to be different than one in which the Commission previously acted.

The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

**INTERGOVERNMENTAL AGREEMENT
ROAD & BRIDGE TRUST TAX EXPENDITURES
CHUCK PENNEL**

Commissioner Herschend made a motion to move the issue of the Intergovernmental Agreement with the Road & Bridge Trust to the end of the agenda. Commissioner Strahan seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

PRIOR MINUTES

Commissioner Strahan made a motion to approve the minutes from March 14, 2007, and March 12, 2007. Presiding Commissioner Pennel seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (abstain), Strahan (yea).

ACCOUNTS ALLOWED

Presiding Commissioner Pennel made a motion to approve accounts payable checks #99842-99976 and warrant #4638. Commissioner Strahan seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

**MERRIAM WOODS
ANGELA LEIST**

Angela Leist, Merriam Woods Village Clerk announced that there would be a Candidates Forum at the Village of Merriam Woods Community Center on Tuesday, March 27, at 6:30 p.m. Ms. Leist invited the Commissioners to attend and discuss the Road and Bridge Tax Extension issue. Commissioner Herschend urged the Commission to send representation.

**ANIMAL CONTROL ORDINANCE
TRESSA LUTTRELL**

Ms. Luttrell announced that the Animal Control Ordinance has now been published three times and is in affect. Presiding Commissioner Pennel clarified that the county did take in an animal under this ordinance over the weekend and also wanted to thank the area veterinarians for the efforts made by these professionals adding that he would like to see the county recognize this group and their efforts.

**COUNTY CLEANUP
TRESSA LUTTRELL**

Ms. Luttrell reminded those present that the County Cleanup would be this coming weekend.

**ROAD & BRIDGE TAX
GARY GROMAN**

Gary Groman reported to the Commission that the Branson School Superintendent informed voters about upcoming taxes and that the superintendent was careful to point out that the Road & Bridge Tax is not a new tax, but one that has served the county well.

Commissioner Herschend pointed out that the Road & Bridge tax is a sales tax, and that the schools receive property taxes, not sales tax, and those visiting the area contribute to the Road & Bridge tax, not just residents.

**RECESS
9:55 A.M.**

**RECONVENE
10:00 A.M.**

**INTERGOVERNMENTAL AGREEMENT
ROAD & BRIDGE TRUST TAX EXPENDITURES
CHUCK PENNEL**

Creagh Tucker with the Village of Bull Creek, Angela Leist from the Village of Merriam Woods, and Mike Rankin from the City of Branson discussed the Intergovernmental Agreement for Road & Bridge Trust Tax Expenditures with Commissioners Pennel, Herschend and Strahan, as well as Mr. Paulson and Ms. Luttrell. There is an issue of smaller municipalities being able to authorize their projects, due to financing. A lengthy discussion ensued.

Presiding Commissioner Pennel made a motion to table the discussion and approval of the Intergovernmental Agreement of the Road & Bridge Trust Tax Expenditures until 3:00 p.m. Commissioner Herschend seconded the motion to table. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Commissioner Herschend recommended that the County go ahead and sign the agreements after the approval, and deliver them to the entities.

**BANKRUPTCY
SHEILA WYATT**

Ms. Wyatt requested an abatement be written on Kay Bee Toys, due to a bankruptcy proceeding. The Commission requested the County Clerk's Office write the abatement.

**EXECUTIVE SESSION
APPROVAL OF MINUTES**

Commissioner Herschend made a motion to recess the commission meeting and go into Emergency Executive Session under RSMo 610.021 (1) (12) after a two-minute recess, due to the necessity to discuss possible litigation regarding the Bee Creek Sewer. Presiding Commissioner Pennel seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

RECESS

**RECONVENE
3:30 P.M.**

The County Commission met in the Commission Office at 3:30 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.

**INTERGOVERNMENTAL AGREEMENT
ROAD & BRIDGE TRUST TAX EXPENDITURES**

Commissioner Strahan made a motion to approve the Intergovernmental Agreement for Road and Bridge Trust Tax Expenditure contracts as corrected by counsel. Commissioner Herschend seconded the motion. The motion carried by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Minutes were taken and typed by: Tressa Luttrell and Lisa Owen.