

**AUGUST 18, 2008 25th DAY OF
THE JULY ADJOURNED TERM**

The County Commission met in the Associate Circuit Courtroom at 9:00 a.m. pursuant to adjourn with all members present and the following proceedings were had and made a matter of record.

Prayer was led by Commissioner Pennel followed by the pledge.

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable warrants #305176-305268 and manual warrants #4876-4877. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (abstain), Strahan (yes).

TAX ABATEMENT & FLOOD DAMAGE UPDATE

Commissioner Pennel stated that Counselor Paulson sent out a memo regarding tax abatements for flood damage and it read as follows:

I have stated on many occasions in the past that I have not found any authority to abate taxes for damage done after January 1st. I spoke with Randy Turley, General Counsel for the STC today. He stated that unless we had passed the occupancy law under Section 137.082 RSMo (attached to this memorandum), then there was no authority to abate taxes for damages during the year. He said when they have said this in the past it has sounded very harsh, but there is no legal authority.

This said, Randy said he is confident that there have been some counties in fact abate the taxes on property that has been damaged by flood, fire, tornadoes, etc. However, there is no legal authority to support such an action.

I tried to reach Mr. Davis, President of the Assessor's Association today without success. He is the Assessor in Jasper County, and he was out of the office this afternoon.

Bob Paulson

Commissioner Pennel commented that he supported James Strahan, County Assessor, in the actions he has taken as the Taney County Assessor, relating to fire damage. He also noted that Mr. Strahan has done the right thing in his approach.

Commissioner Pennel asked the Commission to make a commitment to support the efforts of Mr. Strahan regarding BOE abatements concerning flood damaged properties. Commissioner Strahan suggested a letter be sent to both the County Assessor and the State Legislature regarding natural disasters. Commissioner Herschend commented that if an individual is unable to use their property due to a natural disaster, the property owner should not have to pay taxes on it. The Commission concurred to sending letters to both parties.

Mr. Strahan expressed concerns on how the State Legislature would address the issue of tax abatements for flood damage.

NOLAN ROAD

Commissioner Herschend stated that he and Mr. Preston have had several conversations with the property owner on the north side of Roark Creek regarding a stretch of road the county has maintained in the past. He also noted that it is located off of Sycamore Log Church/Nolan Road, which is 120 yards to the south side of the creek that has been washed out. Commissioner Herschend noted that the property owner would like to repair the road.

Commissioner Herschend explained that there was a gate on Nolan Road, but it is never closed. The property owner is requesting that he be able to close the gate and maintain the road.

Commissioner Pennel made a motion to send a letter giving permission to the property owner to close the gate and that the county does not consider the road a county maintained road. Commissioner Herschend seconded the motion. Commissioner Strahan commented that he would like to have additional information on the road before he makes a decision on this motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (abstain).

80 & OUT

Commissioner Herschend requested for the Commission to reconsider 80 & Out as a benefit to attract long term employees, as he had been approached regarding this for years. Commissioner Pennel stated that he had already contacted Mr. Findley, County Auditor, in which Mr. Findley stated that LAGERS would need to be contacted for a cost estimate.

Commissioner Herschend made a motion to have Mr. Findley contact LAGERS and get an annual cost over the next five years for 80 & Out. Mr. Findley commented that he would get in contact with LAGERS with a couple of different scenarios. Commissioner Strahan noted that he was in favor of investigating the annual costs for this benefit. Motion died for lack of being seconded.

James Strahan, County Assessor, stated that Cerf has dropped their retirement age and that may be the county's answer. He also recommended that the Commission look into both options as being possible solutions.

CONTRACTS

Commissioner Pennel made a motion to table contracts until this afternoon's work session due to Counselor Paulson being in court this morning. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

HILLBILLY COUNTRY MOTEL UPDATE

John Soutee, Sewer Administrator, updated the Commission on the situation that is happening at the Hillbilly Country Motel and the Dam-Site Sub-Division. He noted that last week the Attorney General's Office brought charges against the citizens within the Dam-Site Sub-Division area for their waste water treatment facility and the lack of adequate operation

maintenance. Mr. Soutee also noted that there is an area where raw sewage was running out into the environment.

Mr. Soutee stated that he was informed by Ms. White that DNR had exhausted their efforts and the matter had been turned over to the Attorney General's Office. Mr. Soutee also stated that the Hillbilly Country Motel is in a similar situation, which is approximately 500 to 1000 feet east of the Dam-Site. He noted that the treatment plant at that location is being operated below standards, as there has been no submission of reports sent to DNR and samples that have been taken are showing that the wastewater has only been treated at a bare minimum.

Mr. Soutee stated that Ms. White had contacted him late last week and informed him of a meeting that was scheduled for Thursday, August 21st at 1:00 p.m. to be held at Table Rock Lake office. He noted that officials from DNR, the Attorney General's office and Mel Eakins of Great River Engineering, will be in attendance to discuss possible options that might be available to address the issue and what the Attorney General's Office plans to pursue and then visit the site, in addition, Mr. Soutee extended an invitation to the Commission to participate in the meeting. Mr. Soutee added that he was informed late last week that Gerth RV Park, which is located next to Hillbilly Country Motel, also had a similar issue, but indicated that it was not as bad as the other two and that would need to be addressed, due to being under some enforcement action by DNR.

Commissioner Herschend noted that the problem is approximately 2/10 of a mile from Lake Taneycomo and suggested that Mike Cole, Sewer Lab Technician, test the locations and have the results brought to the meeting on Thursday. Commissioner Strahan commented that emergency action may need to be taken for a short term solution until a permanent solution is reached by all parties.

A general discussion ensued regarding possible solutions for the three locations and whether or not the mobile homes at Gerth's RV Park fall within the zoning codes. Dan Nosalek, Planning & Zoning Division I Inspector, commented on the Planning & Zoning policy, which states that as long as the sewer permit is valid, there is no recourse that can be taken.

Commissioner Herschend stated that Mr. Nosalek needed to be prepared for Thursday's meeting to make a recommendation.

TAX SALE

Sheila Wyatt, County Collector informed the Commission that the annual tax sale would be held Monday, August 25th, according to Chapter 140.120 RSMo. She stated that each year the County Assessor inquires whether or not billboards are there. Ms. Wyatt noted that 3 billboards are no longer there and that they should be abated according to the above statute.

Commissioner Herschend moved to abate parcel #08-4.0-19-003-007-001.001B, 08-4.0-19-003-007-013.001B and 17-3.0-06-002-006-010.004B. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Wyatt presented abatement, #20090539, on a mobile home for 2006 and noted that it was abated for 2007, which will be subject to the tax sale. Commissioner Herschend made a motion to approve the abatement as submitted by Ms. Wyatt. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Ms. Wyatt stated that 2 parcels were charged under the City of Branson, another one under Taney County, which are also subject to the tax sale. She requested for them to be taken off of the books. Commissioner Herschend made a motion to table until this afternoon at 1:30 for an explanation and requested Ms. Wyatt to bring minutes from BOE meeting where this was discussed. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

RECESS
10:16 a.m.

Commissioner Herschend made a motion to take a 5 minute recess. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (yes).

Minutes were taken and typed by Nikki Lawrence.

RECONVENE
10:21 a.m.

EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo. 610.021(12). 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 taken.

RECONVENE
1:00 p.m.

The County Commission reconvened in the Commission's Office at 1:00 p.m. with Chuck Pennel, Presiding and Ron Herschend, Western Commissioner present.

MARIE CARMICHAEL
SUPPORT LETTER

Marie Carmichael with the Woodlands met with the Commission to again request a support letter in applying for state funds to build 32 units of housing. Ms. Carmichael noted that the units would run at a rate of \$355 for a two bedroom unit and \$395 for a three bedroom unit.

Commissioner Herschend inquired as to the Keeter project. Ms. Carmichael stated that it was a different type of project where the IDA issued bonds for the project and added that they were only able to produce ½ of the tax equity. The rents had to be raised because of that. Ms. Carmichael stated that she had approached the City of Hollister with the information and they still wanted the housing built.

Commissioner Herschend made a motion to send a letter that asks to consider this project but not as the county's first choice. Commissioner Pennel seconded the motion.

Ms. Carmichael asked if after hearing all the proposals could she come back to request that the county choose a top priority. Commissioner Pennel noted that he was not leaning that way. Commissioner Herschend added that the county would be endorsing projects not singling out which project was top. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

OVERTIME FOR MOVING

Brenda Neal, Circuit Clerk asked if the county would be paying overtime for her employees should they work packing files for the move noting that the state does not allow overtime pay or allow for the time to be taken off. Commissioner Pennel noted that he did not know how the county could do that.

Ms. Neal stated that it is not her employees' jobs to pack the boxes in the vault. Commissioner Pennel commented that he was not against speaking with the Auditor about the request. Commissioner Herschend added that Ms. Neal's employees were state employees and that the files did belong to her office.

GARY MORGAN JUDICIAL FACILITY

Gary Morgan, IS Administrator noted that the lanyards, clips and the printer was not included in the contract for the new building for the proximity cards so he would be purchasing them to get started. Mr. Morgan also informed the Commission that 55 new phones would need to be purchased. Commissioner Herschend commented that this would not be a one time cost, therefore he would like to review the locations prior to purchasing.

Mr. Morgan presented the Commission with information from Layer3 who will work alongside of the IS Department for the move to the Judicial Facility. Mr. Morgan noted that the cost would be \$7,200.00.

Commissioner Herschend made a motion to approve the expenditure of \$7,200.00 with Layer3 Technology. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

LISA OWEN DISPLAYS FOR OPEN HOUSE

Lisa Owen, Director with WRVHS requested some input on the displays for the open house at the Judicial Facility. Commissioner Herschend made a motion recommending focusing on historical building sequence and positive people. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

DEGRAFFENREID PROPERTY

Randy Haes, Road Coordinator updated the Commission regarding dirt work at the Degraffenreid property. Commissioner Herschend noted that any work done for the Degraffenreid's should be a part of the settlement.

Lost quorum.

Commissioner Herschend stated that he would let Herion get rid of the dirt. Commissioner Pennel added that he would like to discuss the issue with the Degraffenreid's. Commissioner Herschend commented that he believed the county should be giving them an estimate of damage not just a wish list. Commissioner Pennel made a motion to table the issue. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

LANDSCAPING PLAN

Renee Brusca presented the Commission with a landscaping plan for the new Judicial Facility with trees, benches, plants and planters. Ms. Brusca indicated that she located 36 3" Cleveland Pears in Tennessee for \$4,800 with shipping of \$1,565. The benches would be \$8,928 for 6-8' and \$7,128 for 6-6'. The planters are \$108 each for 12.

Ms. Brusca discussed placing crown vetch on the slope on the 160 side of the building. Commissioner Pennel noted that he was not in favor of that and would like to address the issue at a later date.

Ms. Brusca noted that the ashtray combo's are \$388.52 each for 3 and for 2 trashcans they are \$665 each. Commissioner Pennel noted that he was alright with the plan. Ms. Luttrell indicated that this was over the bid limits.

Commissioner Herschend made a motion to approve the purchase of the outer benches from a safety standpoint as the county has created a skateboard area. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Herschend made a motion to approve the purchase of all trees from Altmont due to the need to finish the tree grates and lighting prior to the end of August. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

PERSONNEL POLICY

Commissioner Herschend made a motion to approve the Personnel Policy as presented dated August 11, 2008. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

CATS

Commissioner Pennel informed the Commission that 70 some cats had been picked up from a residence in Hollister and asked if the Commission would give the owners father a break in the cost of those cats. Commissioner Pennel further asked if the County should have him pay directly to the County or to the City of Hollister.

Commissioner Herschend made a motion to charge only the actual costs for caring for the cats as this gentleman has gone out of his way to take care of the situation. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

SHEILA WYATT TAX SALE

Commissioner Herschend made a motion to abate #17-3.0-01-006-002-007-004.000 City of Branson 2006; #08-4.0-19-004-008-001-000.000 City of Branson 2005; #08-7.0-36-000-000-006-000.000 Taney County 2005-2006 as presented. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

INMATE SUPPLIES

Commissioner Herschend made a motion to approve the bid as submitted from Bob Barker Company for inmate supplies. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

REFRIGERATORS/MICROWAVES

Commissioner Herschend made a motion to deny requests to purchase refrigerators and microwaves. Commissioner Pennel noted that he would need to think about the areas where the public is being served in the courts areas. Commissioner Herschend noted that if we haven't needed it before this brand new building, it's a want versus a need. Motion died for a lack of a second.

EMPIRE EASEMENT

Counselor Paulson presented the Commission with an easement from Empire Electric for the Branson Airport. Commissioner Herschend made a motion to approve the easement contingent upon a centerline survey. Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

EXECUTIVE SESSION

Commissioner Herschend made a motion to go into executive session pursuant to RSMo 610.021.(1). Commissioner Pennel seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Commissioner Pennel made a motion to go out of executive session. Commissioner Herschend seconded the motion. The motion passed by vote: Pennel (yes), Herschend (yes), Strahan (absent).

Minutes taken and typed by Tressa Luttrell.