

TANEY COUNTY COMMISSION RECORD



**MAY 14, 2007 THE 16TH DAY OF
THE APRIL ADJOURN TERM**

The County Commission met in the Associate Circuit II Courtroom at 9:01 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 Gary Groman followed by the pledge.

PARADISE POINT, EMORY CREEK, FOREST HAVEN, WILSON'S LAKE ROAD VACATIONS

Bob Paulson, County Counselor stated that he met with Mr. Harry Styron last week in regards to road vacations. Mr. Paulson further stated that Wilson's Lake is waiting for easements and explained that he just wanted to update the Commission as to where they are with these vacations and suggested discussing them later in a work session as needed.

Commissioner Strahan clarified they haven't approved all of these vacations and added that there were some changes being made on the Wilson's Lake Platte. Mr. Paulson informed that a publication is still needed for the Emory Creek road vacation.

Commissioner Strahan made a motion to table the Paradise Point, Emory Creek, Forest Haven, and Wilson's Lake road vacations and discuss them in a work session with Bob Paulson and Harry Styron. Mr. Paulson added that Harry Styron has provided him with amended orders, proofs of publication, and easements to be recorded. Commissioner Pennel seconded the motion to table. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

MUTUAL AID AGREEMENT WITH GREENE COUNTY TRESSA LUTTRELL

Tressa Luttrell, Administrator reported that she applied for a reimbursement of ice storm work and FEMA asked that once they have paid the county they would like to have the Mutual Aid Agreement with Greene County. Ms. Luttrell added that Bob Paulson, County Counselor has looked at it and requested the Commission review and sign the agreement.

Commissioner Strahan asked if she or Jacob Rock did all the tracking of hours? Ms. Luttrell clarified that the Road and Bridge Department kept track of the hours and she filled out the necessary paper work for the reimbursement.

Commissioner Herschend inquired who the director of the Highway Department is? Mr. Paulson explained that he changed the wording to Road and Bridge Administrator for Taney County and left the Highway Department Director on the agreement for Greene County. Mr. Paulson added that this was not his document so it was their wording not his and he just revised part of it. Commissioner Herschend suggested specifying who's Director of Highway Department for clarity.

TANEY COUNTY COMMISSION RECORD

Presiding Commission Pennel suggested adding Greene County Director of Highway Department to the agreement. A general discussion ensued.

Commissioner Herschend then read the following from paragraph four: "All these things will be done so that we can recover all of our costs." Commissioner Herschend asked what happened if the county does not recover all of the costs? Mr. Paulson clarified that this is a document to get money back and it is after the fact. A general discussion ensued.

Commissioner Pennel made a motion to approve the document with the addition of "Green County" where it says Director of Highway Department and to cross out "all" and add, "it's cost or any part thereof." Commissioner Herschend seconded the motion.

Commissioner Herschend then asked if this is a one-time agreement or will it go for anytime there is a similar emergency situation. Mr. Paulson expressed that this is not a very good agreement, adding that it doesn't even have a term on it and stated that he would not have drafted it in this fashion.

Commissioner Herschend asked if there is not a starting or termination date, should they add one before signing it? Mr. Paulson stated that he could draft a much better intergovernmental agreement between Taney and Greene County for mutual aid in times of emergency.

Commissioner Pennel suggested after the Commission signs this agreement to take care of this immediate need, to then get a better agreement.

Commissioner Pennel then amended his motion to add "This document will terminate on December 31, 2007 and put today's date of May 14, 2007 on it. Commissioner Herschend amended his second. Mr. Paulson explained that he would change the agreement to read "This agreement remains in affect until December 30, 2007." Commissioner Pennel further expressed that once this all gets worked out Taney County should do the same kind of agreement with all surrounding counties.

Commissioner Strahan expressed that the county already has the check and is not sure what the Commission is doing here. Commissioner Strahan clarified they are just asking for a receipt saying this agreement was in place and added that this was an emergency situation taken care of by the Commission's approval.

Bob Paulson clarified the changes are minor and should be not problem to amend. Commissioner Pennel explained that the Commission agreed to take action and now they need to agree on this document before they sign it.

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

PRIOR MINUTES

TANEY COUNTY COMMISSION RECORD

Commissioner Pennel made a motion to approve minutes from March 5 and 7, February 23, and May 2, 2007. Commissioner Herschend seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

ACCOUNTS ALLOWED

Commissioner Strahan made a motion to approve accounts payable checks #100882-100931 and warrants #4659, 4660, 4661. Commissioner Pennel seconded the motion.

Tressa Luttrell, Administrator informed the Commission that they have a reimbursement to be included with accounts payable. A general discussion ensued.

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

Commissioner Herschend made a motion to table "Exhibit B" {the reimbursement for disbursement from the construction fund to United Missouri Bank (UMB)} to be discussed in a work session in order to better understand the reimbursement process. Commissioner Pennel seconded the motion to table. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

JAMES STRAHAN ASSESSMENT BOOKS

James Strahan, Assessor reported that tomorrow May 15, 2007 by 5:00 p.m. he would turn in the assessment books for the county due to reassessment. Mr. Strahan added that the personal property book would be turned in and the real estate book would be turned into the County Clerk for certification and added that this book is reflective of approximately a 6% growth in new construction and a 12% growth due to reassessment. Mr. Strahan added that there has been an increase from approximately \$750 million in 2005 to \$901 million assessment for January 1, 2007. Mr. Strahan further expressed his appreciation to his help and staff for getting this done on schedule regardless of the many roadblocks they encountered.

Commissioner Herschend asked for an update as to the state reimbursement situation? Mr. Strahan confirmed that no money has come in from the state.

Commissioner Strahan asked Mr. Strahan if he read the letter from Mr. Epperson, State Tax Commission (STC) that stated the facts about the Assessor being in compliance and added that he doesn't understand why the county still doesn't have the money?

Commissioner Strahan confirmed that he read the letter and Mr. Epperson talked about compliance but they haven't seen any money yet.

James Strahan further informed that there would be some gains and losses during Board of Equalization (BOE) and all increase notices have been sent out with the exception of approximately 300, which will be sent out on Friday, May 18, 2007.

OAKMONT SUBDIVISIONS

TANEY COUNTY COMMISSION RECORD

CRAIG WHITE

Craig White, Member of the Oakmont Subdivision Board of Directors addressed the Commission in regards to taxpayers concerns about several burglaries in the Ridgedale area and asked where southwest Taney County is headed in the future as far as the new airport and law enforcement in that area?

Commissioner Herschend reported as to the status of the airport and asked Mr. White specifically what he is asking the Commission in regards to law enforcement.

Mr. White responded that he and some neighbors have been robbed and have made many calls to the Sheriff's Department to which no one has contacted him or his neighbors in regards to the burglaries. Commissioner Herschend asked if they filled out a report? Mr. White confirmed they did fill out a report and expressed that as a taxpayer when he calls to ask questions he feels like he should have some kind of response. A general discussion ensued.

Commissioner Herschend then referred Mr. White to Sheriff Russell to report his concerns about his phone calls not being returned and expressed he feels this is something the Sheriff would want to know. Mr. White then inquired as to the process for incorporation due to Ridgedale's recent growth and development? A general discussion ensued.

Mr. White then brought up another issue about a dumpsite where Oakmont complained to the Health Department about the site being full of injection needles and pharmaceutical bottles. Mr. White added that the Health Department said the majority of the needles were used for animal health and turned the issue over to Animal Control to which there has also been no response or nothing done in regards to the situation.

Commissioner Strahan asked Mr. White to find out whether the dump site is next to a county road or not and added that if it is, then the county would take care of it and if not a different action would need to be taken. Commissioner Herschend affirmed that Mr. White came to the right people as far as where to start looking for answers and stated he would be happy to schedule a meeting to further discuss these issues.

SAFTEY CONCERNS PARKING SIGNS

Commissioner Herschend stated that he has been approached by a gentleman who addressed the Commission in the past in regards to, "no parking on my side of street" subdivision signs. Commissioner Herschend added that the concern is for public safety as far as ambulance or fire trucks not being able to get through streets in the event of an emergency because cars are parked on both sides. Commissioner Herschend suggested setting up a work session with the Commission, Bob Paulson, County Counselor, and Sheriff Russell to discuss the possibility of an ordinance or something to make this enforceable.

Presiding Commissioner Pennel informed that the Commission discussed this issue about a month ago at a Road and Bridge Shop Talk. Commissioner Pennel explained that they ordered signs for four subdivisions and also mentioned getting an ordinance for the Sheriff's Department

TANEY COUNTY COMMISSION RECORD

to prosecute or tow vehicles in violation of the ordinance. Commissioner Pennel expressed that he feels they need to move forward with this process and agreed that they need to schedule a work session to further discuss this issue.

Commissioner Strahan added that they had a lengthy discussion about this when Jacob Rock was here and also discussed the possibility of getting signs that they can put stickers on to where in 48 hours the vehicle can be towed. A general discussion ensued.

Commissioner Herschend stated he would report back to the concerned person and asked Tressa Luttrell to set up a work session to further discuss this issue.

BRANSON CITY COUNCIL MEETING

Presiding Commissioner Pennel announces that the Commission will start having quarterly meetings with the Branson City Council and the first meeting is scheduled today.

RECESS
10:00 A.M.

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

RECONVENE
2:00 P.M.

The County Commission and Board of Directors of the Branson, Missouri Regional Airport Transportation Development District met in the Associate Circuit II Circuit Courtroom at 2:00 p.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District, and Danny Strahan, Eastern District, present. Also present was Gary Anderson with Gilmore and Bell, Steve Peet with Branson Airport, Mike Lause with Thompson Coburn, Neal Attermann with Citi, Donna Clevenger with Branson Daily News, Tim Bonner with Hometown Radio, Bob Paulson, County Councilor, Rick Findley, Auditor, Helen Souttee, Treasurer, Joe Reish, and Donna Neeley, County Clerk The following proceedings were had and made a matter of record.

PUBLIC HEARING PROPOSED ISSUANCE OF AIRPORT REVENUE BONDS

Gary Anderson with Gilmore and Bell Law Firm Bond Council opened the public hearing required by the Federal Government and explained that the following proper notice was given to the public with publications in the Taney County Times and Branson Daily News.

NOTICE OF PUBLIC HEARING

The Taney County Commission (the "County") and the Board of Directors of the Branson, Missouri Regional Airport Transportation Development District (the "District"), will hold a joint public hearing in the Associate Circuit II Courtroom, located at 132 David Street, in Forsyth, Missouri, on May 14th, 2007, commencing at 2:00 P.M., regarding the proposed issuance by the District of its airport revenue bonds in one or more series in an aggregate principal amount not to exceed \$150,000,000 to provide funds to finance a portion of the costs of the

TANEY COUNTY COMMISSION RECORD

acquisition, construction, improvement, furnishing and equipment of the Branson, Missouri Airport (the "Airport"), to be constructed on an approximately 440 acre tract of land located approximately 1 1/2 miles east of SR 65 and approximately 1 1/4 miles north of II highway, nine miles south of the City of Branson, in Taney, County, Missouri, which Airport will include an approximately 7,140 feet long and approximately 150 feet wide runway on an approximately 8,600 feet long platform, taxiways, taxiway connectors, parking aprons, main terminal building of approximately 35,000 square feet with passenger boarding bridges, maintenance buildings and all related infrastructure and support facilities necessary to handle commercial passenger traffic at the Airport, including wastewater treatment, water supply, stormwater management, roads and parking facilities. The Airport will be owned by the County and leased to the District. The Airport is anticipated to be operated by Branson Airport, LLC, a Delaware limited liability company (the "Company") under an operating lease agreement with the District. The bonds will be revenue obligations of the District, payable solely from revenues derived and to be derived by the District from lease payments made under the operating lease to the Company for the Airport. The hearing will be open to the public. All interested persons may attend the hearing and will have an opportunity to express their views with respect to the above-mentioned project and the issuance of bonds to pay a portion of the costs thereof.

Mr. Anderson then opened the meeting up for public comment regarding the issuance of bonds and explained that after the public hearing, the meeting will reconvene in the County Commission Office for further information.

Note: There was no public comment in regards to this issue.

RECONVENE

2:30 P.M.

The County Commission and Board of Directors of the Branson, Missouri Regional Airport Transportation Development District met in the County Commission Office at 2:30 p.m. pursuant to adjourn with Chuck Pennel, Presiding, Ron Herschend, Western District, and Danny Strahan, Eastern District, present. Also present was Gary Anderson with Gilmore and Bell, Steve Peet with Branson Airport, Mike Lause with Thompson Coburn, Neal Attermann with Citi, Donna Clevenger with Branson Daily News, Tim Bonner with Hometown Radio, Bob Paulson, County Councilor, Rick Findley, Auditor, Joe Reish, and Donna Neeley, County Clerk The following proceedings were had and made a matter of record.

PUBLIC HEARING PROPOSED ACQUISITION AND ISSUANCE OF BONDS BRANSON, MISSOURI REGIONAL AIRPORT

Presiding Commissioner Pennel called the meeting to order to discuss to following:

NOTICE OF PUBLIC HEARING

The Taney County Commission (the "County") and the Board of Directors of the Branson, Missouri Regional Airport Transportation Development District (the "District"), will hold a joint public hearing in the County Commission Conference Room, located at 127 Main Street, in Forsyth, Missouri, on Monday, May 14, 2007, commencing at 2:30 P.M., regarding the following: (a) the proposed acquisition, establishment, construction, ownership, control, equipping, improving, maintaining, regulating, operating and leasing of the Airport described hereafter; and (b) the proposed issuance by the District of its airport revenue bonds in one or more series in an aggregate principal amount not to exceed \$150,000,000 to provide funds to finance a portion of the costs of the acquisition, construction, improvement, furnishing and equipment of the Branson, Missouri Airport (the "Airport"), to be constructed on an approximately 425 acre tract of land located approximately 1 1/2 miles east of SR 65 and approximately 1 1/4 miles north of JJ highway, nine miles south of the City of Branson, in Taney, County, Missouri, which Airport will include an approximately 7,140 feet long and approximately 150 feet wide runway on an approximately 9,000 feet long platform, taxiways, taxiway connectors, parking aprons, main terminal building of

TANEY COUNTY COMMISSION RECORD

approximately 35,000 square feet, maintenance buildings and all related infrastructure and support facilities necessary to handle commercial passenger traffic at the Airport, including wastewater treatment, water supply, stormwater management, roads and parking facilities. Portions of the road improvements and other infrastructure will be located outside of Airport site. The Airport will be acquired and owned by the County and leased by the County to the District pursuant to a long-term lease of approximately 50 years. The Airport is anticipated to be equipped, maintained and operated by Branson Airport, LLC, a Delaware limited liability company (the "Company") under an operating lease agreement with the District. The County and the District propose to cause the acquisition, establishment, construction, ownership, control, equipping, improving, maintaining, regulating, operating and leasing of the proposed Airport pursuant to applicable law, including, but not limited to, Section 305.180 - 305.210 of the Missouri Revised Statutes ("MSR"), the provisions of the Missouri Transportation Development District Act set forth in Sections 238.200 - 238.75 MSR and the provisions on governmental cooperation and cooperation agreements set forth in Article VI, Section 16 of the Missouri Constitution and Sections 70.210 - 70.325 MSR. The public hearing will be held pursuant to and in compliance with the foregoing laws. The bonds will be revenue obligations of the District, payable solely from revenues derived and to be derived by the District from lease payments made under the operating lease to the Company for the Airport. The hearing will be open to the public. All interested persons may attend the hearing and will have an opportunity to express their views with respect to the proposed acquisition, establishment, construction, ownership, control, equipping, improving, maintaining, regulating, operating and leasing of the proposed Airport and the issuance of bonds to pay a portion of the costs thereof. All interested persons may review copies of proposed documentation regarding the Airport project including the proposed form of leases mentioned herein by contacting the County in advance of the hearing.

Commissioner Herschend made a motion to approve order number 51407 approving the proposed acquisition, establishment, construction, ownership, control, equipping, improving, maintaining, regulating, operating and leasing of the Branson Missouri Regional Airport. Commissioner Pennel seconded the motion. The motion passed by a vote of three: Pennel (yea), Herschend (yea), Strahan (yea).

Minutes taken and typed by: Donna Neeley and Hillary Bargman