

**MAY 5, 2005 THE 10TH DAY
OF THE APRIL ADJOURN TERM**

The County Commission met at the Tri-Lakes Center in Branson, Missouri at 6:00 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.

The prayer was led by Chuck Pennel followed by the pledge.

The Branson Board of Alderman and the Sewer Board were a part of the meeting held at the Tri-Lakes Center. The public was invited and in attendance. The key issue for the evening was the Territorial Agreement (to be called agreement from hereon) between the City of Branson, the Taney County Regional Sewer Board, and the Taney County Commission. The Agreement required citizens developing property north and west of Branson to contact the City of Branson to see if their plan for handling effluent meets the standards required by the City of Branson. The following is a summary of the comments made at this meeting:

Ron Huff, Branson City Alderman expressed concern as to why the issue of the agreement was being brought up now as opposed to when the amendment to the agreement to take out forced annexations was being made. Huff went on to inquire why no concern was expressed over the Territorial Agreement when the SRF loan for the \$16 million dollar bond was being signed.

Presiding Commissioner Pennel responded by stating that it wasn't an issue until three developers wanted to attach to the sewer but realized it was going to cost more to attach to the City of Branson than to drill under Hwy 65 and hook on to Bull Creek. Pennel went on to explain that the issue for Taney County is the fact that the developer could pay another municipality and that the City should not be requiring the citizens of Taney County to meet City of Branson requirements when it would be sometime before the property would be annexed and the citizens would receive public services.

Mayor Schaffer said that the City of Branson had honored the Territorial Agreement and had made additions to their sewer treatment plant at a cost of \$25 million dollars to handle the additional effluent that would be handled under this agreement. Schaffer felt that it was unfair for the County to back out of the agreement now, when in good faith the City had increased capacity to meet the need that could be required by the agreement. Schaffer said that if the City of Branson had not made this financial commitment there would be no problem. Pennel expressed concern for the citizens north and at this time the three businesses would not add that much effluent to the City's system.

Commissioner Strahan stated that he represents 4/5's of the County that lay outside of the City of Branson and they don't agree with the situation. Strahan went on to say, "I'm thinking of future development that could come into that area."

Stan Barker, City of Branson Alderman, asked John Souttee, Taney County Sewer Administrator to explain the process for receiving a permit in the area covered by the Territorial Agreement. Souttee stated that a County Citizen developing property in the Agreement area would first contact the Taney County Sewer Department, then his department would inform them of the agreement, and direct them to the City of Branson. Branson would then evaluate the plan to handle effluent. If the City of Branson had no comments then the County would proceed with investigation and provide the necessary permits. Barker said this process was like having another set of eyes to make sure the Septic plans are adequate.

Commissioner Herschend explained that in the previous Monday meeting, he had done Bob Paulson, County Counselor a disservice by failing to explain why Paulson had not provided the amendment to the agreement sooner. Herschend said that Paulson was instructed to prepare other documents, to move the sewer project forward, before he worked on the amendment to the agreement. Herschend then added that the County had considered asking the City of Branson to make additional amendments.

Stan Barker, stated that the biggest issue was to take care of the Bee Creek Sewer Project, it was better to take care of the citizens rather than having annexations as part of the agreement, that's why the City of Branson agreed to amend the agreement and remove the forced annexation language.

Terry Dody, City Administrator stated that the city understood the direction for future growth into the County, which is why the Territorial Agreement was established in the first place. Dody explained that the ability to supply sewer to control urban growth is so development is not sub standard. The developers pay for the growth, the sewer, and the infrastructure required, rather than the citizens. Dody also clarified that it is not true that Lloyds and L & J would have to pay more to hook on to Branson Sewer than go to another municipality. Dody stated, "For the record we offered them a deal that would cost them less."

Presiding Commissioner Pennel stated that he wanted to amend the Agreement so that people are not put in a situation where they will have to negotiate with the City of Branson to receive sewer. Lengthy discussion and Public Comment ensued.

Presiding Commissioner Pennel then asked the City of Branson if they would consider amending the contract. The response to this was that the City would see the Commission in court. Ron Huff stated there is nothing left to negotiate.

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

Minutes taken and typed by: Donna Neeley