

#### Taney County Planning Commission

P. O. Box 383 • Forsyth, Missouri 65653

Phone: 417 546-7225 / 7226 • Fax: 417 546-6861

website: www.taneycounty.org

#### **AGENDA**

# TANEY COUNTY PLANNING COMMISSION REGULAR MEETING MONDAY, OCTOBER 16, 2017 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

#### Call to Order:

Establishment of Quorum

Explanation of Meeting Procedures

#### Review and Action:

August 2017 Minutes

#### Final Vote:

#17-23	Bender Retirement Home
#17-30	1345 Oakwood Dr Nightly Rental
#17-31	Parksley Lane Nightly Rentals
#17-32	177 Kings Way Nightly Rental
#17-33	Cox Vacation Rental
#17-34	Iowa Colony Vacation Rental
#17-35	Forsyth Senior Event Center
#17-36	Timberlake Nightly Rentals
#17-04A	226 Stoney Pointe Dr/Buffering Requirement

Amendments to Appendix E, Special Use section of the Taney County Guidance Code

#### Concepts:

#17-37	114 Fieldstone Drive Nightly Rental
#17-38	Lot 40 of the Pinnacle

#### Old and New Business:

#### Adjournment

Copies of this notice may be obtained by contacting the Planning Office at the above address and phone number.

Posted: 10/03/2016

By: MP

Time: 10:00 am

Posted At: David St. entrance to the Taney County Courthouse bulletin board, outside the County Commission meeting room and the Planning and Zoning office.



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## MINUTES TANEY COUNTY PLANNING COMMISSION PUBLIC HEARING MONDAY, AUGUST 14, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

#### Call to Order:

Chairman Steve Adams called the meeting to order at 6:00 p.m. A quorum was established with eight members present. They were: Steve Adams, Dave Stewart, Rick Caudill, Doug Faubion, Randy Haes, Howard Kitchen, Brad Lawrence, and Randy Fogle. Staff present; Scott Starrett and Bonita Kissee-Soutee.

Mr. Starrett read a statement outlining the procedures for the meeting and presented the exhibits.

#### **Public Hearings:**

Granny's K9 Clip Joint; a request by Tanya White to operate a dog grooming business from her residence located at 342 Savage Road. Mr. Starrett read the staff report and presented location maps and pictures of the site. Mrs. White was present, and stated that she and her husband live on the property. This request will include breeding, grooming and kennel. There are 17 dogs on site at this time. She is moving her grooming business from Forsyth to this location. They have family that can help with the business if needed. Discussion followed regarding noise. Several neighbors signed up to speak. Scott Hodge was first and lives next door. He stated that the kennels are approximately 200' from his home. He stated that he has a medical condition that prevents him from tolerating the barking dogs. He has called the Sheriff's office to report the nuisance many times. Mr. Hodge reported that the Whites didn't live there until recently. Don Phillips another neighbor attested that he had been to Mr. Hodges property and that it is very noisy. He stated that the barking is constant. William Bradt lives about a half a mile from this property and said that he also hears the dogs barking from his place and also from Mr. Hodges place. Robert Rose is the home health aide for Mr. Hodges and he reported that the dogs are loud. He presented a video on his cell phone of the dogs barking. A report was sent with this video to the Prosecuting Attorney's office by Mr. Hodges. He stated that Mr. Hodges condition is such that this isn't good for him. Another neighbor reported that not only do the dogs bark all the time, the White's play music loud enough to try and drown out the barking. With no other discussion this project will proceed to final vote next week.

Misty Mountain Dog Grooming; a request by Sheila Bailey to operate a dog grooming business from an existing bullding located at 20 Misty Mountain Road. Ms. Bailey was present. Mr. Starrett read the staff report and presented location maps and

pictures of the site. There will be no boarding and any dogs kept inside the building will be waiting to be picked up before or after being groomed. With no other discussion this project will proceed to final vote next week.

King's Ridge; a request by Vacation World to develop 35 acres for a nightly rental community located off Stinger Drive. Mr. Starrett read the staff report and presented location maps and pictures of the site. Mr. Ingram was present to represent the project. A site plan was presented. Mr. Kitchen and Mr. Caudill discussed parking. There will not be any boat trailers parked in front of the condo's, another space for that will be provided. The property owner will only own the foot print and the developer will own the land. Mr. Stewart asked what the time frame is. Mr. Ingram stated that there will be no full time ownership and will go as fast as the pre-sales. Mr. Ingram pointed out where the construction road will be located and will not interfere with regular traffic. Mr. Faubion was concerned that there would only be one way in and out. Mr. Ingram stated that there would be an emergency exit. The project will give the appearance of being gated. Mr. Haes asked if the 2 ½ acre plot was included in the access off Stinger Road. Mr. Ingram stated that it is. With no other discussion this project will proceed to final vote next week.

#### Old and New Business:

2581 Jones Road Nightly Rental; a request to continue the approval of a permit which was not recorded. Mr. Starrett presented the previous decision of record and location map. Mr. and Mrs. Nichols were present and stated that they didn't understand they needed to record. He wanted to make sure everything is in place before he spends the money for a sprinkler system. He asked for an explanation of #8 of the decision of record and if that included heirs. After discussion Mr. Faubion made a motion to allow the applicant to record the decision of record, with the addition of a new item regarding all items must be done before the C of C is issued. Discussion followed. Mr. Starrett explained each item of the decision of record for the applicant. Mr. Lawrence seconded the motion. The vote to approve was unanimous.

Mr. Caudill asked why the City of Branson didn't want control at the King's Ridge project. Mr. Fogel stated that it was because of the Bee Creek agreement. He also discussed that each owner would have to apply for their individual permit.

#### Adjournment:

With no other business on the agenda for August 13, 2017 the meeting adjourned at 7:05 p.m.



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# MINUTES TANEY COUNTY PLANNING COMMISSION REGULAR MEETING MONDAY, AUGUST 21, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

#### Call to Order:

Chairman Steve Adams called the meeting to order at 6:00 p.m. A quorum was established with eight members present. They were: Steve Adams, Dave Stewart, Rick Caudill, George Cramer, Randy Haes, Randy Fogle, Howard Kitchen, Brad Lawrence. Staff present; Scott Starrett and Bonita Kissee-Soutee.

Mr. Starrett read a statement outlining the procedures for the meeting and presented the exhibits.

#### Review and Action:

Minutes, July 2017; with no additions or corrections a motion was made by Mr. Caudill to approve the minutes as written. Seconded by Mr. Stewart. The vote to approve the minutes was unanimous.

#### Final Votes:

Granny's K9 Clip-Joint; request by Tanya White to operate a dog grooming business on property located at 342 Savage Road. Mr. Starrett clarified the request and reviewed the proposed decision of record. Mrs. White was present. Mr. Cramer asked about number of animals on the property at a time, and about the debarking procedure. She plans to do the debarking procedure. Mr. Lawrence asked how old the pups have to be when they are sold, Mrs. White stated that the law says 8 weeks. She and her husband live there about half the time and her son will be living there when they aren't there. Mr. Caudill asked if it would be cost effective to have the surgery done on that many animals. She stated that it will because it is her income. Mr. Fogle discussed the tickets she received. Mrs. White stated that they were dismissed. Discussion followed regarding mitigating the barking in the decision of record. After discussion Mr. Cramer made a motion to approve the addition of number 10 to mitigate the noise of barking within 60 days of approval. Further discussion followed. Seconded by Mr. Lawrence. The vote to add #10 was unanimous. A motion was made by Mr. Lawrence to approve the request based upon the decision of record. Seconded by Mr. Stewart. The vote to approve was five in favor and three against. Mr. Adams, Mr. Haes, and Mr. Kitchen, voted no.

Misty Mountain Dog Grooming; request by Verlin Haskins to operate a dog grooming business on property located at 20 Misty Mountain Road. Mr. Starrett cla rified the request and read the proposed decision of record. Sheila Bailey was present representing the applicant. With no discussion a motion was made by Mr. Cramer who asked if there would be breeding, she answered no then he made a motion to approve based upon the decision of record. Seconded by Mr. Haes. The vote to approve was unanimous.

Kings Ridge; request by Vacation World to develop a nightly rental community on property located at Stinger Drive. Mr. Starrett clarified the request and read the proposed decision of record and made an addition to #5. The two representatives were present. Mr. Adams asked Mr. Ingrum to explain the 2' of ownership around the structure. Mr. Cramer asked who inspected for fire codes. Mr. Ingrum answered that the fire district does. Mr. Haes discussed drainage. Mr. Ingrum explained that the runoff would go to the creeks. With no other discussion a motion was made by Mr. Lawrence to approve based upon the revised decision of record. Seconded by Mr. Cramer. The vote to approve was unanimous.

#### Motion to enter Closed Session:

Pursuant to RsMo 610.021.1 (Litigation); A motion was made by Mr. Haes to go into closed session. Seconded by Mr. Cramer. The roll call vote to go into closed session was unanimous.

After discussion a motion was made by Mr. Haes to come out of closed session. Seconded by Mr. Lawrence. The roll call vote to come out of closed session was unanimous.

#### Old and New Business:

No discussion.

#### Adjournment:

With no other discussion on the agenda for August 21, 2017 the meeting adjourned at 7:47 p.m.



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APPLICATION FOR CONCEPT DIVISION III

## DIVISION III TANEY COUNTY PLANNING COMMISSION

The Concept Application is for the use of the Planning Staff and Commission to enable us to know the nature of the planned project. The official Division III Application for permit will be filed along with everything needed to complete your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00, Special Use Applications: \$150.00.

your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00, Special Use Applications: \$150.00.
NAME OF PROJECT: 114 Fieldstone Dr. (94) Hollisto Mo 65672 - Rentals
NAME OF APPLICANT: The Revocable Toust Agreement of New in and Bonnie (Must be owner of record)  Avunakul
SIGNATURE: MILITARIA DE PROPERTO DATE: 9-24-17 (Must be owner of record)
MAILING ADDRESS: 128 Grande Summit Pt. Branson, MO 65616
TELEPHONE: 417-230-5003 EMAIL: MAYUNAKUL @ MAC. COM.
Representative Information
NAME OF REPRESENTATIVE: Heritage Properties USALLE (Keum Kurck)
MAILING ADDRESS (rep.): P.O. BOX 902 Branson, Mo 65615
TELEPHONE NUMBER (rep.): 417-598-1773 Revonkneck@gmail.com
CONCept = 10-16-17
PH = 11-13-17 Revised 01/01/2010
FV = 11-20-17

#### **Property Information**

ACCESS TO PROPERTY (street # and name):
114 Fieldstone Dr. Hollister Mo. 65672
Number of Acres (or sq. ft. of lot size):
PARCEL #: 17-8.0-28-000-000.103  (This number is on the top left hand corner of your property tax statement)
SECTION: 28 TOWNSHIP: 22 RANGE: 21
NAME OF SUBDIVISION (if applicable): The Villas of Fieldstone at Creek
Lot # (if applicable) Un; 4 9 A BLOCK #
WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)
☐ Commercial ☑ Multi-Family ☒ Residential ☐ Agricultural ☐ Municipality
SEWAGE DISPOSAL SYSTEM:  Treatment Plant
WATER SUPPLY SYSTEM:  □ Community Well  □ Central: District: #
DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN?   Yes   No
THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:
□ Residential □ Multi-Family □ Commercial □ Industrial □ Special Use □ Other − Explain: □ Multi-Family □ Commercial □ Industrial

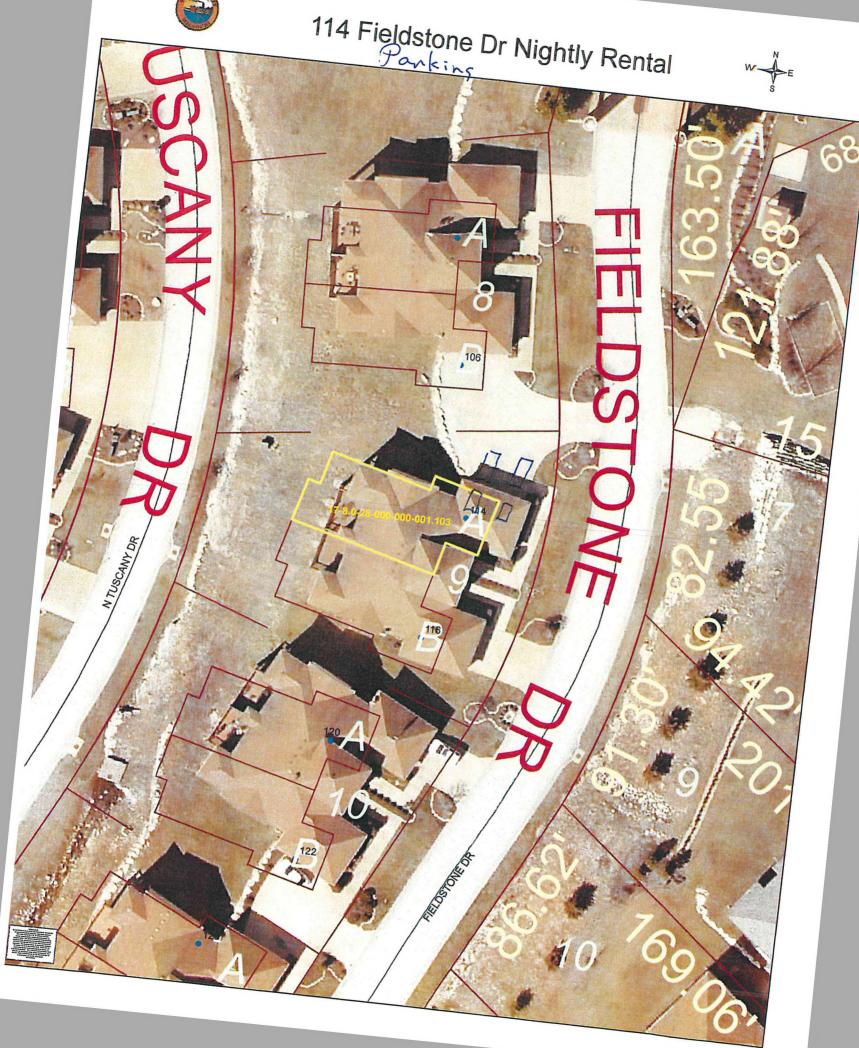
Any proposed project that does not have a posted 911 address must be identiafied with a survey flag at the proposed access to the property. Failure to post the survey flag will result in a delay of the Public Hearing. Please give a description of your proposed project including all uses: (IMPORTANT: Make this description as complete as possible as your public notice will be based on the information provided here.)

The permit needs to go to Heritage Properties CISACC.
The Sale of this property from the Arunakul's
to Heritage Properties USA ZLC is contigent
an approval few Nishtly Rentals.
This deplex Villa is attached to a relatives
unit (116 Fieldstone) who currently has their unit
rented out. We will use the existing dividing
wall between the units as a buffer wall.
Heritage Properties will also work with
the fire Marshall for what is needed for
Wightly Rental Occupancy including a
fire sponkler system if required.
Once approved, if there are stipulations
Heritage Properties will fallill them.
Herriage Properties USA LLC will have its
members (Keurn + Sana Kueck and Dean + Sonja G'Bryan)
as local representatives. Revised 12/19/03
(3 Bedroons)

### DIVISION III PERMIT APPLICATION/AFFIDAVIT

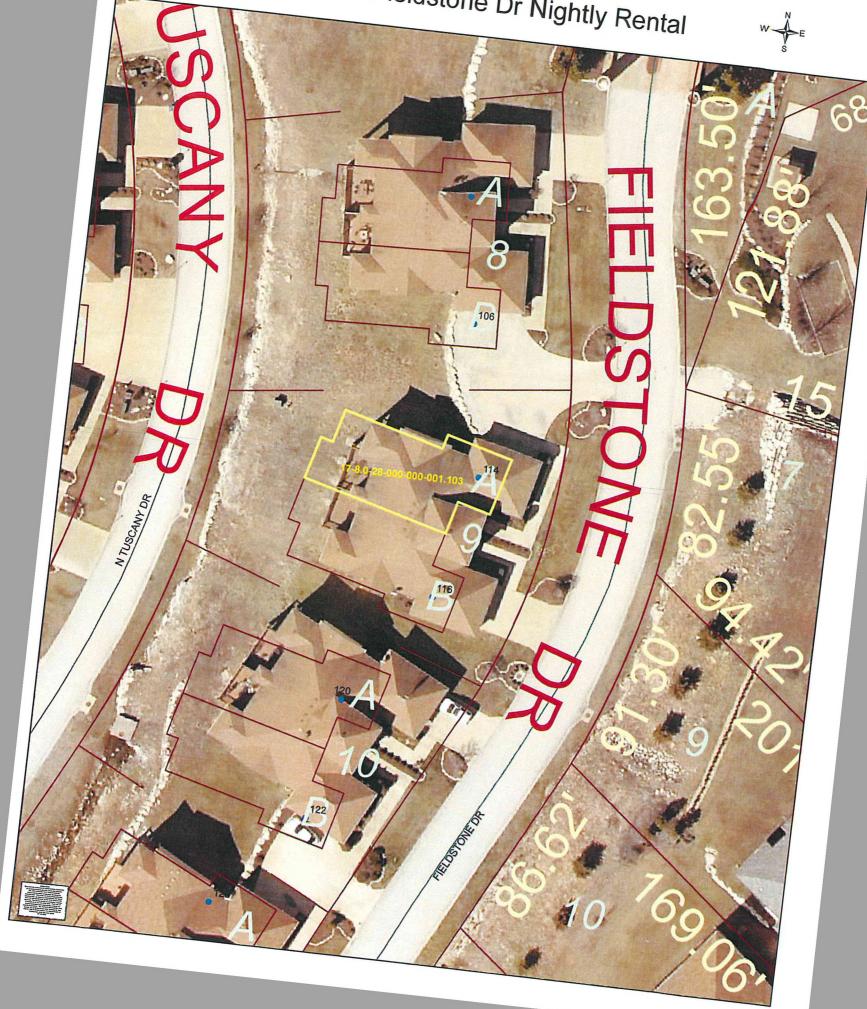
TANEY COUNTY PLANNING COMMISSION
Applicants Name: + Arunakul Toust Phone: Dupley
Applicants Name: + Arunakul Trust Phone: Ellupler Consider Name (if applicable): 114 Fieldstone Hollisto Ma. Nightly Rem Mailing Address:
Mailing Address:
Description of Request: Hartage Properties USA LC is buging this Properties USA LC is buging this Properties Contingent upon approval
Provided Submittels: Contingent upon approved
required submittals.
Typewritten Legal Description of Property involved in the request
Postage for notifying property owners within 600 feet of the request
Proof of Public Notification in a Newspaper of County-wide Circulation
Proof of Public Notification in a Newspaper of County-wide Circulation  Proof of Ownership or approval to proceed with request by the owner  Sketch Plan of the project which completely demonstrates request  Concept hearing conducted (date)
Sketch Plan of the project which completely demonstrates request
Concept hearing conducted (date)
All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.
In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my permit may be revoked.
Date of Application  Free Kneed for Herriage Properties USA CLC
Applicant's Signature Date of Application
I then thed for Herriage Hoperies







## 114 Fieldstone Dr Nightly Rental





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nebsite: www.taneycounty.org

## APPLICATION FOR CONCEPT 17-38 DIVISION III TANEY COUNTY PLANNING COMMISSION

The Concept Application is for the use of the Planning Staff and Commission to enable us to know the nature of the planned project. The official Division III Application for permit will be filed along with everything needed to complete your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00. Special Use Applications: \$150.00.

Applications, \$130.00, Special Use Applications, \$130.00.
NAME OF PROJECT: Lot 40 at the Pinnacle
NAME OF APPLICANT: MTS Ventures, Marga Spilde (Must be owner of record)
SIGNATURE: March DATE: 9/22/17  (Must be owner of record)
MAILING ADDRESS: 4189 E Berkoley Ct Springfield, MD 6580
TELEPHONE: 816-519-0979 EMAIL: Margo Spildo agm
Representative Information
NAME OF REPRESENTATIVE: Austin Miller
MAILING ADDRESS (rep.): 2124 Village Conter St. Nixa, MD 65714
TELEPHONE NUMBER (rep.): 417 - 689 - 4224
CONCEPT = $10-16-17$ PH = $11-13-17$ Revised 01/01/2010  FV = $11-20-17$

#### **Property Information**

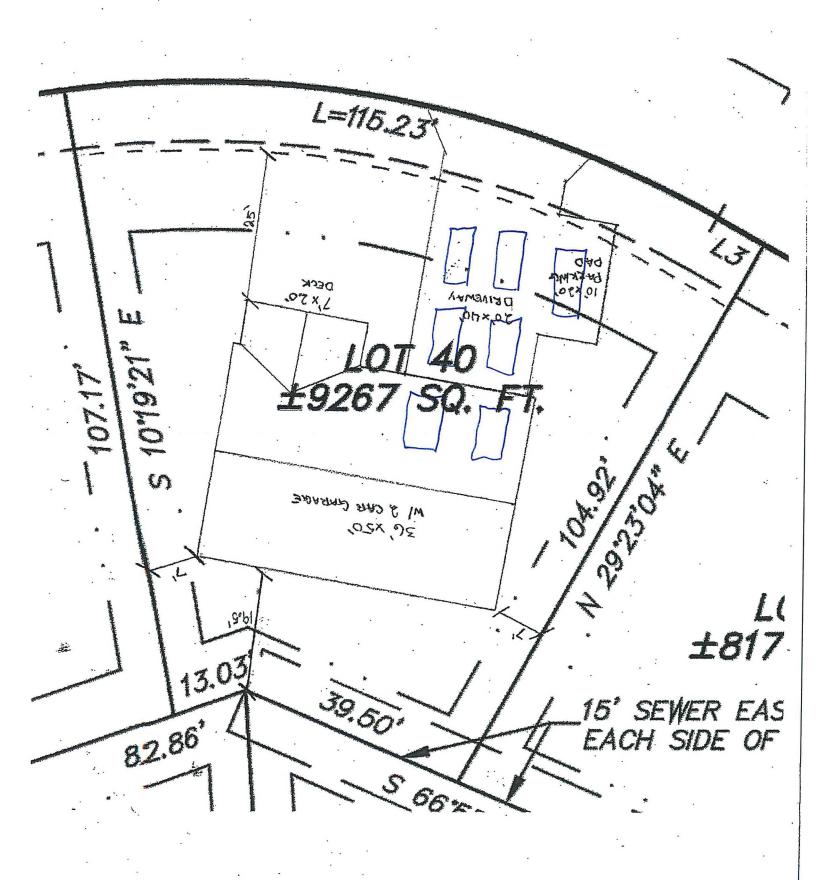
ACCESS TO PROPERTY (street # and name): /egends /ane
SCOVE TOWNShip CORYESTAL
Number of Acres (or sq. ft. of lot size): 9267 5.f.
PARCEL #: 17-8.0-27-000-000-009.000  (This number is on the top left hand corner of your property tax statement)
SECTION: 27 TOWNSHIP: 22 RANGE: 21
NAME OF SUBDIVISION (if applicable): Pinnacle @ Branson Cree
Lot # (if applicable) 40 000 BLOCK #
WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)
<ul> <li>□ Commercial</li> <li>□ Multi-Family</li> <li>□ Residential</li> <li>□ Agricultural</li> <li>□ Municipality</li> </ul>
SEWAGE DISPOSAL SYSTEM:  ☐ Treatment Plant ☐ Individual ☐ Central Sewer: District #
WATER SUPPLY SYSTEM:  ☐ Community Well ☐ Private Well ☐ Central: District #
DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN? The Yes X No
THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:
☐ Residential ☐ Multi-Family ☐ Commercial ☐ Industrial ☐ Special Use ※Other — Explain: <u>Vacation</u> Rental

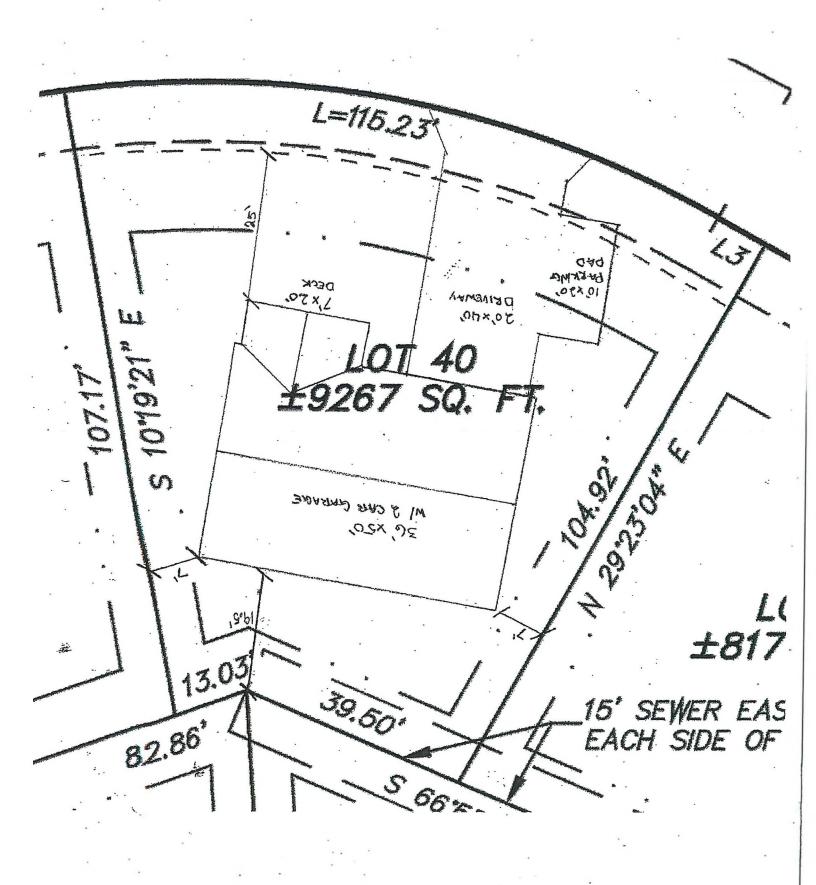
Any proposed project to with a survey flag at the survey flag will result your proposed project complete as possible a provided here.)	he prop in a dela includi	osed access to ay of the Publi ng all uses: (IN	the pro Hearing MPORTA	perty. ng. Plea. NT: Ma	Failure to post se give a desc ke this descrip	t the ription of otion as
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### DIVISION III PERMIT APPLICATION/AFFIDAVIT TANEY COUNTY PLANNING COMMISSION

TANET COUNTY TEARNING COMMISSION
Applicants Name: Margo Spilde Phone: 816-519-097
Project Name (if applicable): Lot 40 at the Pinnacle
Mailing Address: 4189 E Berke of Ct.
Description of Request: Vacation Rental Permit
Required Submittals:
Typewritten Legal Description of Property involved in the request  Postage for notifying property owners within 600 feet of the request  Proof of Public Notification in a Newspaper of County-wide Circulation  Proof of Ownership or approval to proceed with request by the owner  Sketch Plan of the project which completely demonstrates request  Concept hearing conducted (date)
All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.
In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my

Date of Application





Division III Planning Commission Permit Application for Legends Lane Lot #40 at The Pinnacle at Branson Creek

Legal Description of Property: AL OF LOT FORTY (40), THE PINNACLE AT BRANSON CREEK, A REPLAT OF PART OF THE LEGENDS AT BRANSON CREEK, A SUBDIVISION IN TANEY COUNTY, MISSOURI, ACCORDING TO THE RECORDED PLAT THEREOF IN PLAT BOOK J AT PAGE 699.

As the owner of record, please proceed with the application process.

Marguerite Spilde

Signer on behalf of MTS Ventures, LLC



#### Lot 40 at the Pinnacle





#### Dave & Sharon

From:

Dave & Sharon < crismon7777@gmail.com>

Sent:

Thursday, March 17, 2016 9:36 AM

To:

crismon7777@gmail.com

Subject:

Bee Creek Continued Problem of Flooding

To: Taney County Commissioners and City of Branson

Subject: Branson Hills Development

Dear Officials:

I'm paying a very high price for the development of the Bee Creek Water shed area.

Branson Hills, with its acres of asphalt and concrete parking, has altered the flow of Bee Creek beyond its capacity to carry the excess water thru Bee Creek to Lake Taneycomo.

The lack of foresight in planning has caused flooding and damage to my property and apartments along Bee Creek which lies downstream from the Branson Hills development. The holding ponds built to prevent this apparently were poorly designed and have not been effective for their intended purpose.

The altered flow has increased the velocity of the water causing more rock and gravel to descent to the lower reaches of the stream. The water then slows and fills the Bee Creek channel with rock and gravel The normal Bee Creek channel is now over one-half filled in some areas.

The flooding has caused damage to my apartments and will only increase as the development continues on the water shed area. I'm now in danger of losing an eight unit apartment building if the rock and gravel are not removed and the sides of the channel be cleared of the brush.

I have twice talked with Rocky Presley with the Corp of Engineers at Table Rock Lake. Each time he has told me the rock and gravel from the stream bed could be removed.

As the city and county are collecting the taxes from the development and their decision has adversely affected Bee Creek, this is a request for the stream to be cleaned out to prevent further damage and flooding.

See attached picture to show the water release from the Home Depot, Target, Pizza Hut area. There is no retention basin to stop or slow this deluge. Pictures Mot Mow Available.

In July 2015, I sent a report on the problem to Mayor Karen Best, Mike Scofield, Brandon Williams, Danny Strahan, David Miller, Randy Haas and Rocky Presley.

I received no communication from that report.

David Crismon 430 Green Briar Drive Branson, MO 65616



### CITY BR. NSON

110 West Maddux St. • Sulte 210 • Branson, Missouri 65616 (417) 834-3345 • Fax (417) 834-6095

September 13, 2017

Loren J. Friesen
205 W. Atlantic
Branson, MO 65616

Re: Bee Creek Flooding

Dear Mr. Friesen,

Your letter of August 31, 2017 regarding flooding on the David & Sharon Crismon property adjacent to Bee Creek in Taney County has been forwarded to myself from the Mayor's office for a response. First and foremost, I appreciate you keeping the city of Branson informed of the matter while you work with the Taney County Commission on a solution to possible issues.

The flooding events in 2011, 2013, and 2017 have made us all aware of continual and ever-increasing storm events. The last few years of flooding have been challenging for all of us as more intense and frequent rainfall has caused issues in various areas of Taney County.

In looking at the issues raised in your letter, I have been informed that that City has required storm water detention facilities on new projects constructed inside of the Branson city limits since the early 1990s. These detention systems are designed for the private developers by professional stormwater engineers. The systems are calculated to detain stormwater runoff so as to keep the rate of runoff comparable to the predevelopment rate. The Branson Hills development area within city limits has stormwater detention provided so as to not significantly altering the flow of Bee Creek. Even with these precautions, the runoff from the entire 3,775 acre Bee Creek watershed flows within 130 feet of the Crismon's apartments. These buildings were built in the FEMA Flood Insurance Rate Map Zone A and based on the flood elevations shown on the nearby FEMA Flood Insurance Rate Map Zone AE, it appears that at least one of the Crismon buildings is a few feet below the flood elevations in that area. This location is obviously susceptible to water flow issues.

The Bee Creek watershed, as stated above, is 3,775 acres in size. Approximately 42% of the watershed is in Taney County <u>outside</u> of the Branson city limits. The City is unaware of how Taney County may or may not have implemented any storm water detention requirements outside of the City. If there is not implementation of runoff requirements on developments in the unincorporated portions of the watershed, the rate of runoff will increase. In looking at the area

in questions the amount of impervious surfaces including all parking lots and roofs in Branson Hills, totals less than 10% of the watershed area. Again, these areas inside the City are required to develop detention basins to maintain the rate of stormwater runoff and the City believes from the provided plans that this was properly achieved at the time of construction.

Your letter indicates that at the Bee Creek channel is being filled with rocks and gravel. Since that creek is outside of the city limits, I would suggest that the Crismon's best plan would be to work closely with the Taney County Commission and the Corps of Engineers to obtain the necessary permits for the Crismon's to maintain the creek channel on their property. If Taney County did some improvements below the Crismon property, as stated in your letter, then it would be logical that they may want to do more repairs or alterations.

The letter mentions excess water coming over a bluff behind a Crismon apartment building. The contour mapping of Taney County indicates that the microwatershed north of the Crismon property is actually 460 acres in size. With an area this size, combined with a lack of stormwater detention facilities being required by Taney County, it seems inevitable that the Crismon's are having problems especially with their location at the bottom of a bluff. Also, be aware that recently Circuit Judge Laura Johnson ruled in case number 16AF-CC00524 that the City has zero authority to request that City Code be applied outside of City limits under the terms of the Bee Creek sewer agreement.

Thank you keeping the city of Brauson informed of the matter. If you have further questions, feel free to contact me.

Sincerely,

Interim-City Administrator

cc: Taney County Commissioners