

**MINUTES FOR JANUARY 26, 2015**  
**BOARD OF CHEROKEE COUNTY COMMISSIONERS**  
**CHEROKEE COUNTY, KANSAS**

**CONVENE**

Commissioner Hilderbrand called the regular session of the Cherokee County Board of Commissioners (The Board), to order and led all in attendance in the Pledge of Allegiance at 9:00 AM on Monday, January 26, 2015 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioners Richard Hilderbrand, Charles Napier, Pat Collins, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt, Machel Smith, Jordan Zabel

A motion was made by Commissioner Collins to approve the Minutes of the January 12, 2015 BOCC Meeting as written. The motion was seconded by Commissioner Napier. The motion carried 3-0.

A motion was made by Commissioner Napier to approve the Minutes of the January 20, 2015 BOCC Special Meeting as written. The motion was seconded by Commissioner Collins. The motion carried 3-0.

County Clerk Edmondson presented the 2015 Agreement for Services from CLASS LTD to provide services for individuals with mental retardation in Cherokee County. The Board signed two copies of the agreement. The budgeted amount for 2015 is \$111,457.

Edmondson presented an invoice from the Southeast Kansas Regional Planning Commission in the amount of \$5,640.45 for dues for 2015.

A motion was made by Commissioner Napier to approve the payment of \$5,640.45 for the SEKRPC 2015 dues. The motion was seconded by Commissioner Collins. The motion carried 3-0.

Commissioner Hilderbrand stated that his testimony before the Legislative Committee in support of HB 2003 last Tuesday went well and turnout was good. He said that it appears the legislature is willing to take some type of action.

Hilderbrand also stated that a conversation with Representative Houser, Senator LaTurner, and Bill Bider, Director of KDHE Waste Management revealed that Cherokee County would need to approve a new landfill. Bider stated that the County's interpretation of the law was correct and the County would need to approve such a landfill based on the Cherokee County Solid Waste Management Plan.

**Property Tax Relief Applications - Baxter Springs Tornado**

The Board reviewed Property Tax Relief Applications for consideration of tax abatements to homesteads damaged as a result of the tornado in Baxter Springs on April 27, 2014.

The Board reviewed the following applications and made determinations as indicated.

Gary, Lorne, Larry, & Roberta Buckmaster, 401 E 13<sup>th</sup> St. - A motion was made by Commissioner Hilderbrand, seconded by Commissioner Napier to deny relief based on the fact that the amount of damage is less than 50% of the value of the residence. The motion carried 3-0.

RH

Larry & Debra Busse, 712 E 8<sup>th</sup> St. - A motion was made by Commissioner Hilderbrand, seconded by Commissioner Collins to grant a 62.7% abatement. The motion carried 3-0.

Larry & Debra Busse, 1515 East Ave. - A motion was made by Commissioner Collins, seconded by Commissioner Napier to grant a 100% abatement. The motion carried 3-0.

Larry & Debra Busse, 711 Fairview - A motion was made by Commissioner Collins, seconded by Commissioner Napier to grant a 100% abatement. The motion carried 3-0.

Linda J. & James L. Bilke, 117 E 17<sup>th</sup> St. - A motion was made by Commissioner Collins, seconded by Commissioner Napier to grant a 100% abatement. The motion carried 3-0.

Michael E. Hesse, 2015 Lincoln - A motion was made by Commissioner Collins, seconded by Commissioner Napier to grant a 100% abatement. The motion carried 3-0.

All properties are located within the city limits of Baxter Springs. The abatements granted are for tax year 2014. The approved abatements will apply to property taxes on structures. Land values and taxes assessed on land are not affected.

A motion was made by Commissioner Hilderbrand, seconded by Commissioner Collins to take a 10 minute recess. The motion carried 3-0 at 9:50 AM.

The meeting reconvened at 10:00 AM.

A motion was made by Commissioner Collins to amend the agenda for the SEK Regional Planning Commission from 11:00 AM to 10:49 AM. The motion was seconded by Commissioner Napier. The motion carried 3-0 at 10:49 AM.

### **Dennis Arnold, Susan Galemore - SEK Regional Planning Commission**

They appeared before the Board to update them on the SEK Regional Planning Commission. The commission covers a 12 county area with each county being a member. They provide an Economic Development Plan for the region as well as CDBG grant writing services to members. They also have a revolving loan program that is available for use. They informed the Board that they are using the e-civis grant search service and will now be able to provide those services free of charge to member counties. Cherokee County currently pays an annual fee for the e-civis program independently. The Board discussed several projects and asked them to research grant opportunities currently available. The Board asked them to provide a list of cities and townships that currently qualify for grants due to an LMI of 51% or more.

### **Nathan Coleman - County Counselor**

He appeared before the Board with legal matters concerning Cherokee County.

At 11:30 AM the Board convened as Fence Viewers. Mr. Larry Prauser, representing John R. Gaither, requested the board to table a decision for 30 days. He stated that Mr. Gaither and Mr. Philip A. Roth have reached an agreement. The agreement basically states that Mr. Gaither will pay for all tree removal and any expenses to build and maintain his fence. The tree removal will be at the discretion of Mr. Mike Zwahlen. A copy of the signed agreement is attached to the minutes.

A motion was made by Commissioner Hilderbrand to table the fence viewing decision until February 23, 2015 at 11:30 AM. The motion was seconded by Commissioner Collins. The motion carried 3-0.

RH

The Board reconvened as the Board of County Commissioners at 11:36 AM.

A motion was made by Commissioner Hilderbrand to enter an Executive Session with the Board and Mr. Coleman for the purpose of Attorney/Client Privilege for a period of five minutes. The motion was seconded by Commissioner Napier. The motion carried 3-0 at 11:36 AM.

The meeting reconvened at 11:41 AM.

A motion was made by Commissioner Collins to enter an Executive Session with the Board and Mr. Coleman for the purpose of Attorney/Client Privilege for a period of five minutes. The motion was seconded by Commissioner Hilderbrand. The motion carried 3-0 at 11:41 AM.

The meeting reconvened at 11:46 AM.

No action was taken as a result of the Executive Session.

A motion was made by Commissioner Hilderbrand to recess for lunch until 1:00 PM. The motion was seconded by Commissioner Napier. The motion carried 3-0 at 11:47 AM.

The meeting reconvened at 1:00 PM.

#### **David Cooper - Casino Update**

He appeared before the Board via telephone conference at 1:10 PM.

He appeared before the Board as legal counsel to provide an update on the proposed casino in southeast Kansas. He stated that there is an additional applicant to consider for endorsement. He has prepared a resolution of endorsement if the Board desires. Mr. Ken Coleman is present and prepared to give a presentation in person to the Board.

The Board entered a Public Hearing for the purpose of hearing the proposal from SE Kansas Casino Partners, LLC.

Mr. Ken Coleman's presentation outlined a plan to bring a Resort & Casino to Cherokee County. There are 123 acres defined for use by the group. The first phase investment is \$140,200,000 which would include a casino, hotel, and restaurants. Future expansion would include other attractions such as an equestrian center and a mini lake with boat shows with a total investment of \$187,700,000. A veteran's plaza would also be added. Killian Construction Co. intends to use local labor. They have built several casinos as well as "The Landing" in Branson. Some of the other investors along with Killian Construction are, Tony Orlando, O'Reilly Automotive and the Plaster family. The first phase would take about one year to complete. The group will release more details during the presentation to the State of Kansas on Friday.

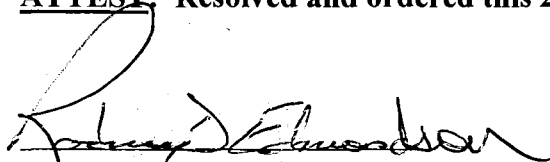
A motion was made by Commissioner Hilderbrand to pass Resolution 02-2015, a Resolution of Endorsement for the operation of a lottery gaming facility by SE Kansas Casino Partners, LLC in Cherokee County, Kansas. The motion was seconded by Commissioner Collins. The motion carried 2-0 with Commissioner Napier abstaining.

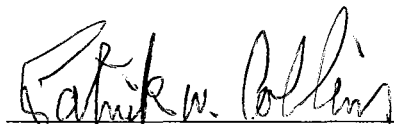
Mr. Cooper stated that he has no knowledge of any further interest from anyone to provide a casino in Cherokee County. The conference call with Mr. Cooper ended at 1:35 PM.

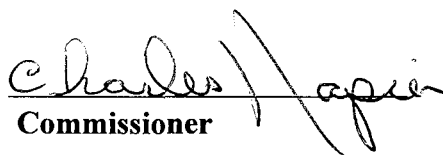
RH

Commissioner Hilderbrand made a motion to adjourn until the next scheduled meeting set for February 2, 2015 at 9:00 AM. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 1:36 PM.

**ATTEST: Resolved and ordered this 2<sup>nd</sup> day, February, 2015**

  
Cherokee County Clerk

  
Commissioner

  
Commissioner

  
Commissioner

Resolution No. 2015- 2

A RESOLUTION OF ENDORSEMENT FOR THE OPERATION OF A  
LOTTERY GAMING FACILITY BY SE KANSAS CASINO  
PARTNERS, LLC IN CHEROKEE COUNTY, KANSAS:

**WHEREAS**, the Kansas Expanded Lottery Act and amendments thereto, K.S.A. 74-8733, *et seq.* (the “Act”), was approved by the Kansas Legislature, signed by the Governor, and published in the Kansas Register; and

**WHEREAS**, the Act provides for the development of one lottery gaming facility per Gaming Zone in the State, as defined in the Act; and

**WHEREAS**, Crawford County and Cherokee County are the counties located in the southeast Kansas Gaming Zone; and

**WHEREAS**, the Act provides that each county in each gaming zone must submit to the qualified voters a resolution to permit the operation of a Lottery Gaming Facility within the County; and

**WHEREAS**, Cherokee County called an election on the question of “Shall the Kansas lottery be authorized to operate a lottery gaming facility in Cherokee County?”; and

**WHEREAS**, the election was duly noticed, conducted, and the votes counted and canvassed in the manner provided under Kansas law; and

**WHEREAS**, the qualified voters voted in favor of the development and operation of Lottery Gaming Facility in Cherokee County and the certified results were transmitted to the Lottery Commission; and

**WHEREAS**, the Act requires a Resolution of Endorsement from the County of any prospective Lottery Gaming Facility Manager submitting a Lottery Gaming Facility Management Contract to the Lottery Commission; and

**WHEREAS**, Cherokee County has received statements of qualifications for parties seeking a Resolution of Endorsement from the County as a Lottery Gaming Facility Manager; and

**WHEREAS**, the County held a public hearing on January 26, 2015, (“Public Hearing”) to receive information and testimony in support of prospective Lottery Gaming Facility Managers regarding their qualifications, proposed sites for the Lottery Gaming Facility, and specific development plans for the Lottery Gaming Facility and ancillary development; and

**WHEREAS**, the following parties presented statements of qualification at the Public Hearing: SE KANSAS CASINO PARTNERS, LLC; and

**WHEREAS**, after duly considering all information and testimony provided at the Public Hearing the County determined that SE KANSAS CASINO PARTNERS, LLC possesses the qualifications and financial resources to operate a Lottery Gaming Facility in Cherokee County, Kansas, and

**WHEREAS**, SE KANSAS CASINO PARTNERS, LLC controls approximately 80 acres adjacent to U.S. Highway 400 in close proximity to Interstate 44 and proposes this as the location for development and operation of a Lottery Gaming Facility; and

**WHEREAS**, Cherokee County has determined this location is well suited to attract tourism and enhance the economic development prospects of the County and State; and

**WHEREAS**, Cherokee County agrees to facilitate the delivery of water and sewer utilities, on terms acceptable to the County, to the agreed upon site as provided by law; and

**WHEREAS**, the proposed location in Cherokee County is presently eligible for County Emergency Medical and Fire Protection Services and are served by existing providers; and

**WHEREAS**, there are no zoning or building permits required in Cherokee County and SE KANSAS CASINO PARTNERS, LLC will be able to construct the proposed facility at the proposed location with no additional zoning or permitting requirements; and

**WHEREAS**, SE KANSAS CASINO PARTNERS, LLC is in compliance with all applicable Cherokee County resolutions, ordinances, and regulations; and

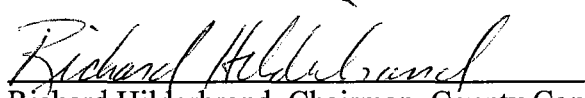
**WHEREAS**, the County expects to negotiate and enter into a development agreement with SE KANSAS CASINO PARTNERS, LLC before construction of the project;

**WHEREAS**, to facilitate the location of the southeast Kansas Lottery Gaming Facility in Cherokee County the County has determined it is in the best interest of the County based on the information and testimony provided at the Public Hearing and independent investigations of prospective Lottery Gaming Facility Managers to issue a Resolution of Endorsement at this time.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:**

SE KANSAS CASINO PARTNERS, LLC is hereby provided the Endorsement of the County for its proposal as Lottery Gaming Facility Manager Lottery Gaming Facility to be located in Cherokee County.

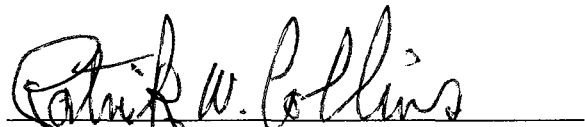
**PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, THIS 26TH DAY OF JANUARY, 2015.**



Richard Hilderbrand, Chairman, County Commissioner

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Charles Napier, County Commissioner



Pat Collins, County Commissioner

**Attest:**



Rodney D. Edmondson, Cherokee County Clerk

**Approved as to Form:**



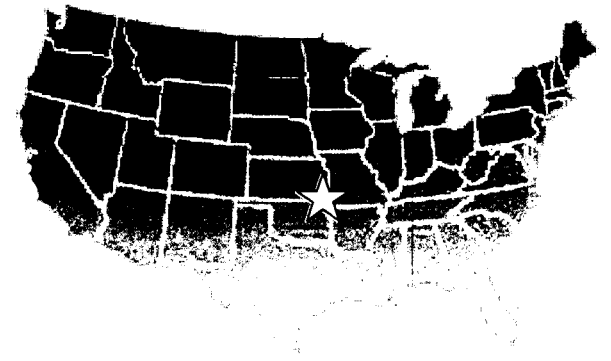
David R. Cooper, Special Counsel to the Board of County Commissioners

# SE Kansas Casino Partners, LLC

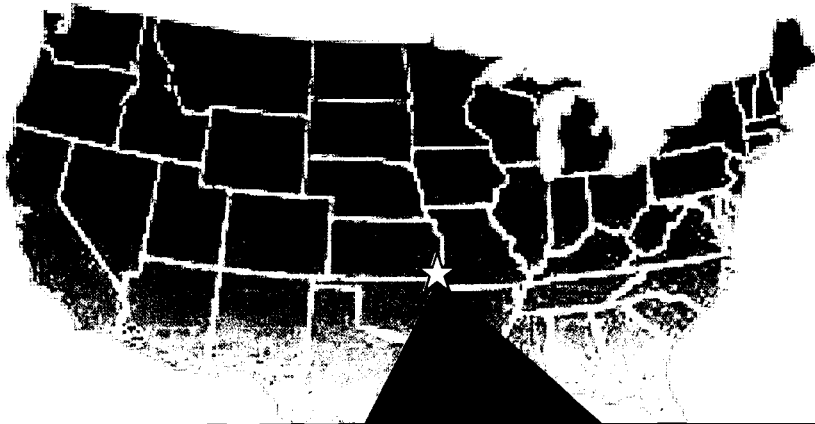


## Resort & Casino

Coming Soon To  
Cherokee County  
South East Kansas







# SE Kansas Casino Partners, LLC Resort & Casino

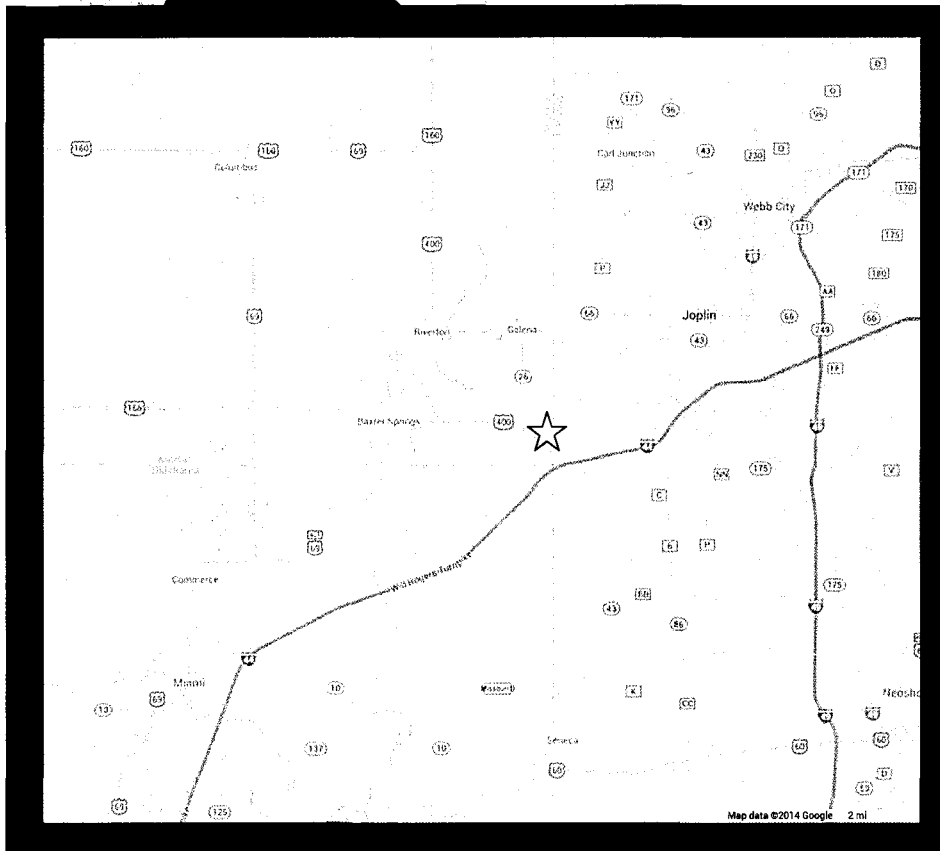
## LOCATION

Located at Exit 1 off I-44 on the  
north east side of U.S. 400

Strategically positioned five miles  
west of Joplin, Mo between Tulsa,  
Oklahoma and Springfield, Missouri

The I-44 corridor is a major interstate  
connector between St. Louis, Missouri  
and Oklahoma City, Oklahoma

2013 Average Daily Traffic (ADT) count  
on I-44 at Exit 1 – 26,460 cars per day

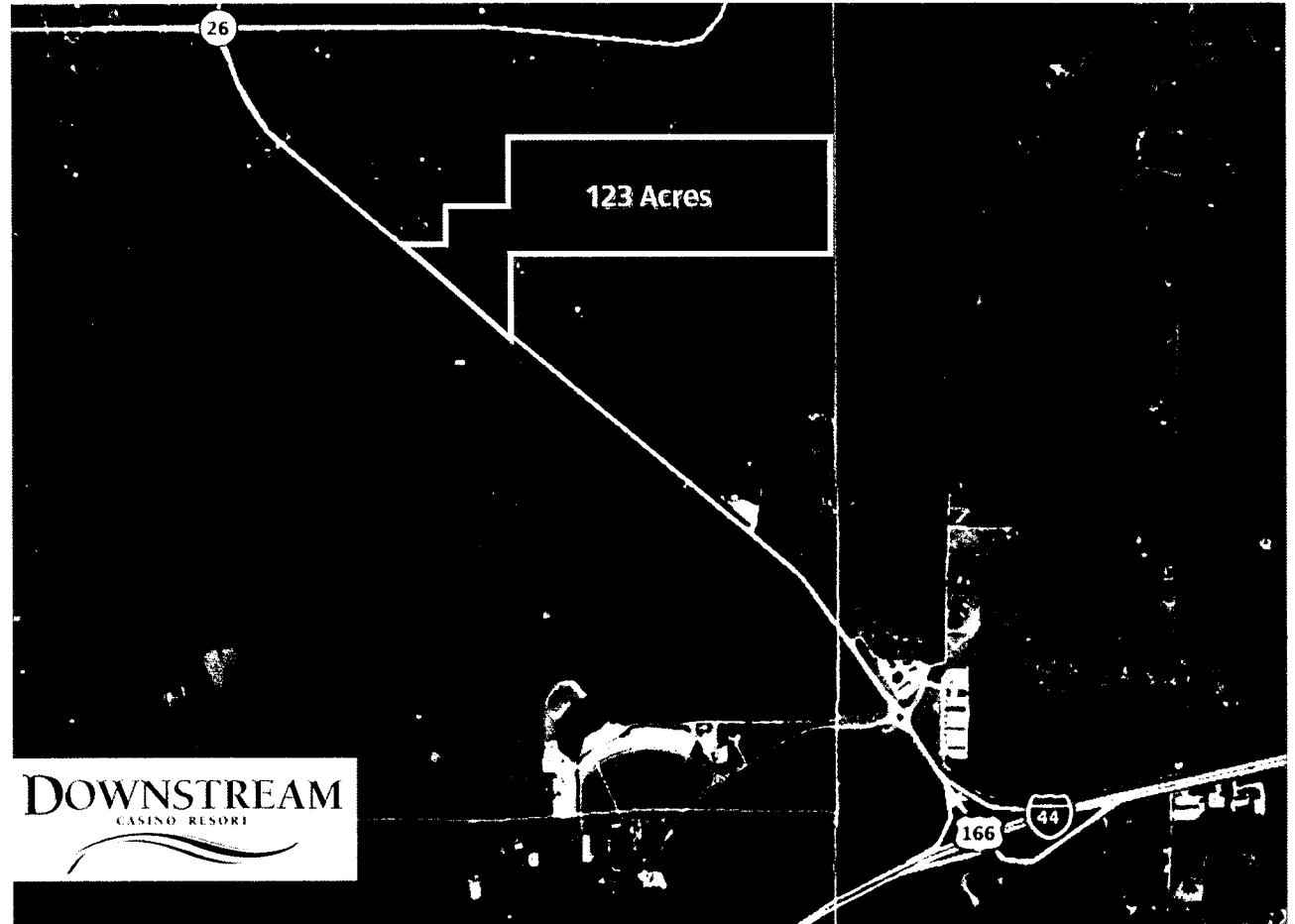


# Aerial

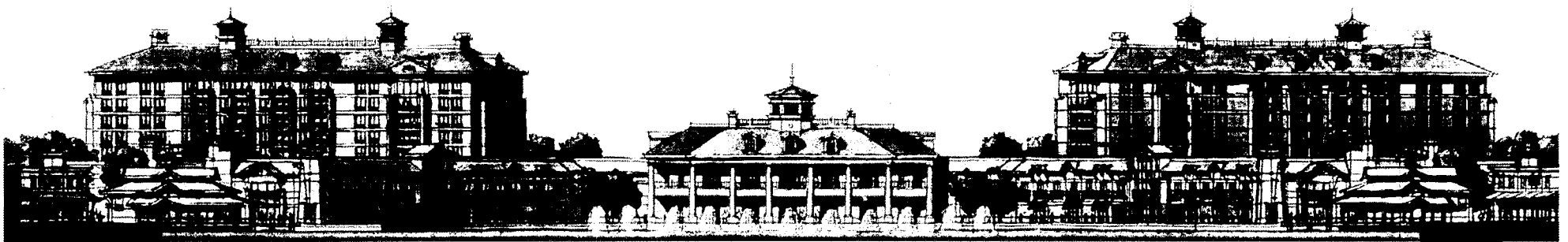
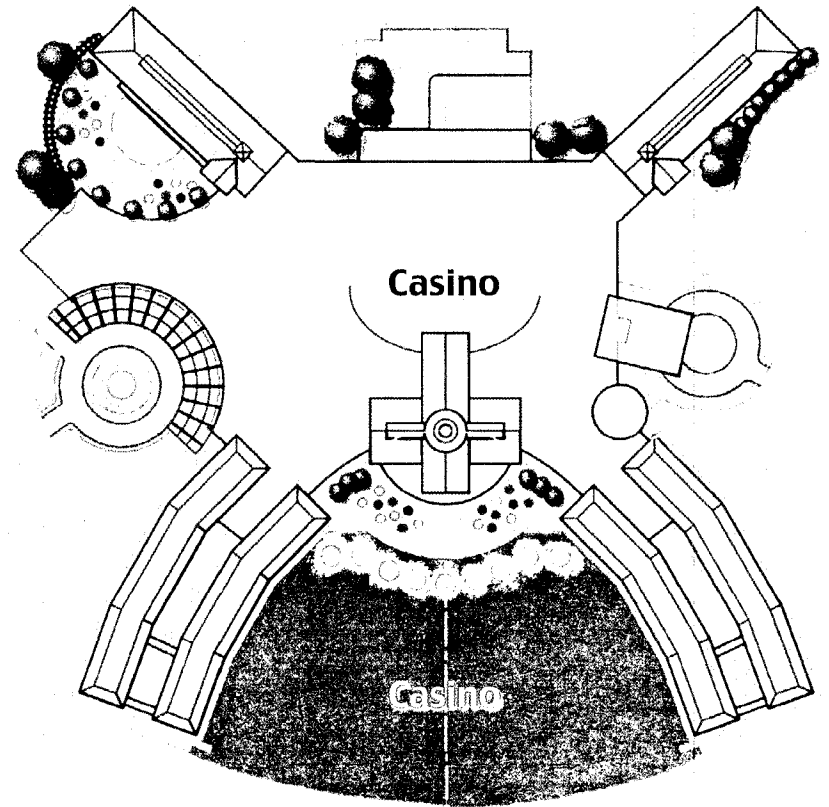
## SE Kansas Casino Partners, LLC Resort & Casino

The Subject Site For The  
Resort & Casino  
Consist Of 123 Acres Having Two  
Ingress/Egress Point On U.S. 400  
And a Service Access From  
Brent Lane

Additional Property Is  
Available To The Next To  
Subject Site For Additional  
Parking Or RV Resort



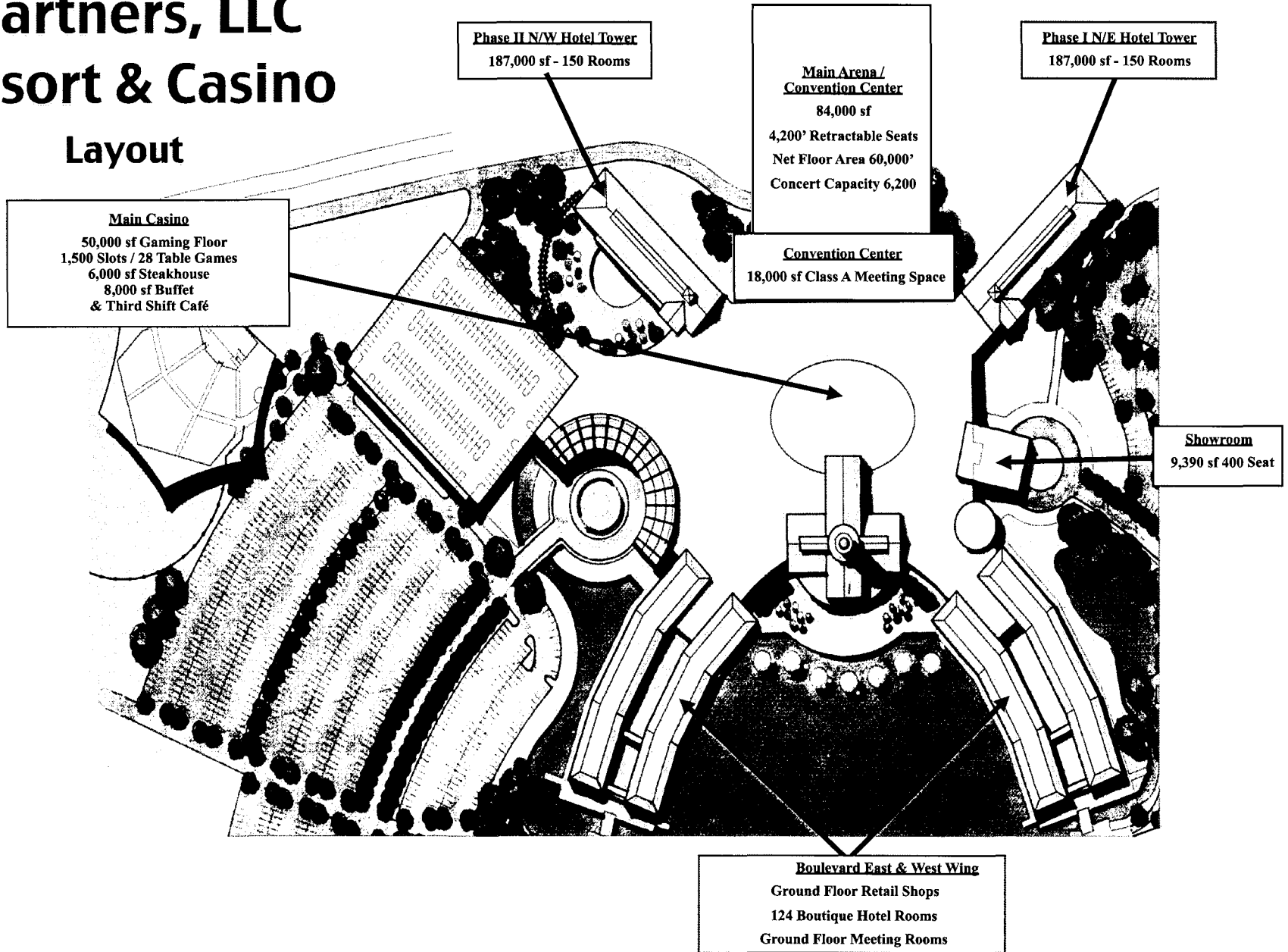
**SE Kansas Casino  
Partners, LLC  
Resort & Casino**



**Front Elevation**

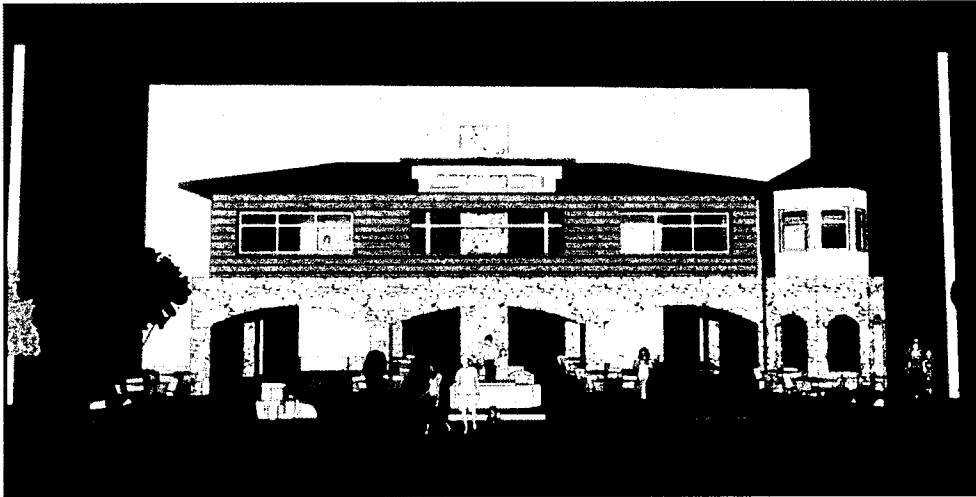
# SE Kansas Casino Partners, LLC Resort & Casino

## Layout



# SE Kansas Casino Partners, LLC

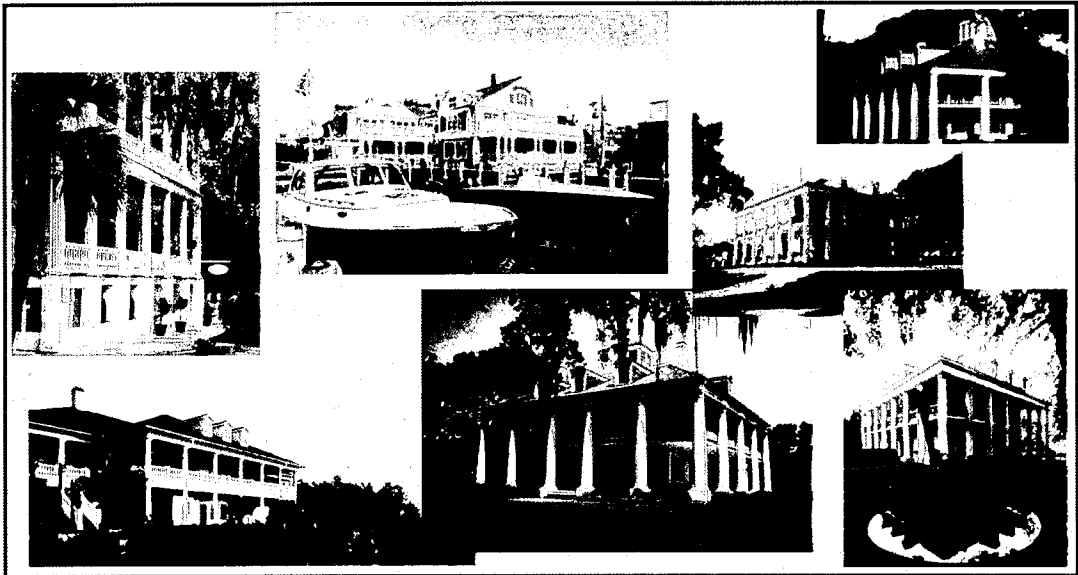
## Seafood Image Boards



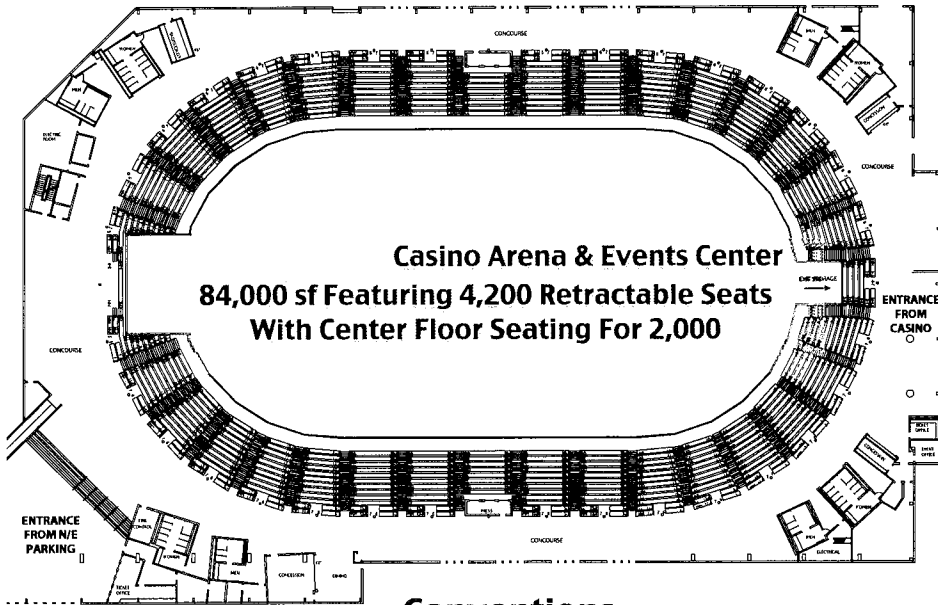


# SE Kansas Casino Partners, LLC Resort & Casino

## Steakhouse Image Boards



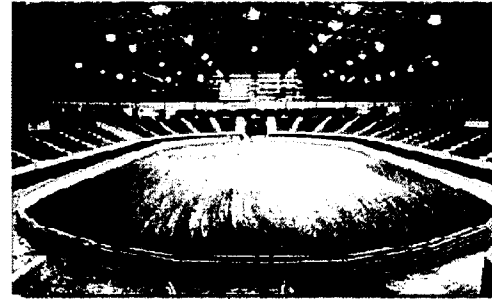
# SE Kansas Casino Partners, LLC Resort & Casino ARENA & CONFERENCE CENTER



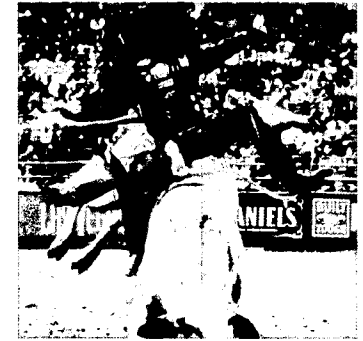
Conventions



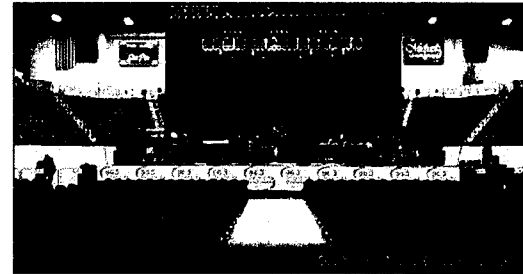
Equestrian Events



Pro Bull Riding  
Rodeo



Concerts



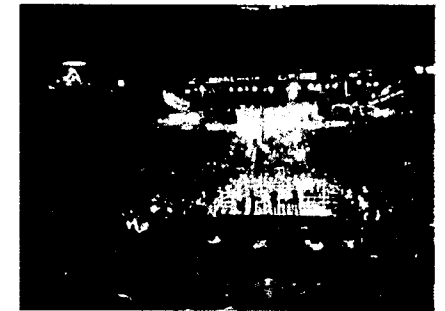
Motorsports



Trade Shows  
Consumer Shows



Sporting Events



The Conference Center Will Feature 18,000 sf Class A Meeting Space



# SE Kansas Casino Partners, LLC Resort & Casino

## Whistle Stop Rv Resort

Featuring:

12 Caboose Train Car Hospitality Units

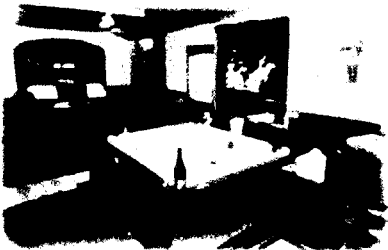
150 Premium RV Spaces

“The Depot” Retail Store & Service Center

“Loose Caboose” Bar & Grill



Individual Caboose Cars



Themed Interior Decor



Railroad Landscaping Motif

