

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, JULY 08, 2002**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on July 08, 2002 at 7:00 p.m. with the following members present:

Mayor Schaefer presiding, Dick Gass, Stan Barker, Larry Taylor, Ron Huff, Eric Farris, and Bob Warlick present.

Also in attendance were: City Administrator Terry Dody, Assistant City Administrator Kevin Faught, City Attorney Deborah Deuster, City Clerk Sandra Williams, Police Chief Steve Mefford, City Engineer David Miller, Communications Director Jerry Adams, Health Director Linn Smith, Director of Planning Don Stephens, Director of Economic Development Mike Rankin, Bruce W. Bowlin, John Logan, Cliff Sain, Sharon Klein, Bob Klein, Brother Rick Posey, Dick Hall, Dimitris Tsahiridis, Christina Tsahiridis, Jim B. Perkins, Ricky Renfro, Ron Miller, Mr. and Mrs. Ed Delfin, Bob and Jerrie Glenn, Terrill Bradley, Jim Thomas, June Kuechler, Dick Hartley, June Hartley, Roland Carter, Bill Brooks, Steve Critchfield, Al Moon, Bill Hagler, Hank Griffin, Tim Finestead, Mark Weisz, Chuck Pennel, Bill Stark, Lucy Combs, Carolyn Wilson, Ray Wilson, Janice Kell, Rick Graf, Jim and Joyce Brines, William Watters, Brad Petersen, Elizabeth Farris, John A. Moon, and Larry Frazier.

Mayor Schaefer called the meeting to order with the "Pledge of Allegiance," and Associate Pastor Rick Posey of the Skyline Baptist Church gave the invocation.

Mayor Schaefer asked for any additions or corrections to the Minutes of the June 6, 2002 joint Chamber and Board meeting, the special meeting of June 21, 2002, and the regular meeting of June 24, 2002. Alderman Huff moved to approve the Minutes of the June 6, 2002 joint Chamber and Board meeting, June 21, 2002 special meeting and the June 24, 2002 regular meeting, as presented. Motion was seconded by Alderman Farris. Voting aye: Gass, Taylor, Barker, Huff, Farris, and Warlick. Nays: None. Motion carried.

**APPROVAL
OF MINUTES**

CONSENT AGENDA:

Mayor Schaefer asked City Clerk Williams to read the items being considered on the Consent Agenda as presented. City Clerk Williams read the following Consent Agenda items by title:

Final reading of Bill No. 2409, an ordinance approving an agreement between the City of Branson and the Missouri Highways and Transportation Commission, pertaining to the Intersection of Route 76 and Green Mountain Drive/Forsythe Street, and authorizing the Mayor to execute the Cost Sharing Agreement was approved within the Consent

**BILL NO. 2409
AGREEMENT
MO. HIGHWAYS
& TRANSPORTATION
GREEN MTN. DR.
ORD. NO. 2002-081**

Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-081 was duly enacted.

Final reading of Bill No. 2410, an ordinance approving an agreement between the City of Branson and the Missouri Highways and Transportation Commission, pertaining to the Intersections of Route 76 and the Route 65 Interchange Intersections and the Route 76 and Roark Valley Road Intersection, and authorizing the Mayor to execute the Cost Sharing Agreement was approved within the Consent

**BILL NO. 2410
MO. HIGHWAYS
& TRANSPORTATION
AGREEMENT
ROARK VALLEY RD.
ORD. NO. 2002-082**

Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-082 was duly enacted.

Final reading of Bill No. 2411, an ordinance approving an agreement between the City of Branson and the Missouri Highways and Transportation Commission, pertaining to the Intersections of Route 76 and Fall Creek Road, and authorizing the Mayor to execute the Cost Sharing Agreement was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-083 was duly enacted.

**BILL NO. 2411
MO. HIGHWAYS
& TRANSPORTATION
AGREEMENT
FALL CREEK RD.
ORD. NO. 2002-083**

Mayor Schaefer asked for any corrections on the Consent Agenda. Receiving none, Mayor Schaefer then entertained a motion to approve the Consent Agenda as read. Alderman Gass moved to approve the Consent Agenda as presented, seconded by Alderman Barker. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

REGULAR AGENDA:

First reading of Substitute Bill No. 2412, an ordinance amending Section 215.020 of the Branson Municipal Code to extend hours of operation at City Parks as posted at each park, was read by title by City Clerk Williams, and Kevin Faught provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Substitute Bill No. 2412. Alderman Warlick made the

**SUBSTITUTE
BILL NO. 2412
AMENDING
MUNICIPAL CODE
PARK HOURS
ORD. NO. 2002-084**

motion, seconded by Alderman Taylor. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried. Alderman Warlick moved to read the bill a second time by unanimous consent, seconded by Alderman Barker. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Motion carried unanimously. City Clerk Williams read Substitute Bill No. 2412 by title again. Mayor Schaefer entertained a motion approving the final reading of Substitute Bill No. 2412. Alderman Gass made the motion, seconded by Alderman Warlick. No discussion. Voting aye: Gass, Barker,

Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-084 was duly enacted.

First reading of Bill No. 2415, an ordinance amending Section 710.300 (C) of the Branson Municipal Code pertaining to fee schedule for sewer capacity for private swimming pools, was read by title by City Clerk Williams, and Kevin Faught provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2415.

**BILL NO. 2415
AMENDING
MUNICIPAL CODE
PRIVATE
SWIMMING POOLS
ORD. NO. 2002-085**

Alderman Huff made the motion, seconded by Alderman Farris. No discussion. Mayor Schaefer called for a vote on the first reading of Bill No. 2415. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried. Alderman Barker moved to read the bill a second time by unanimous consent, seconded by Alderman Farris. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried unanimously. City Clerk Williams read Bill No. 2415 by title again. Mayor Schaefer entertained a motion approving the final reading of Bill No. 2415. Alderman Farris made the motion, seconded by Alderman Warlick. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-085 was duly enacted.

First reading of Bill No. 2416, an ordinance providing for the issuance of coupons discounting campground user fees pursuant to Section 215.100 of the Branson Municipal Code, was read by title by City Clerk Williams, and Kevin Faught provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of

**BILL NO. 2416
CAMPGROUND
COUPONS
ORD. NO. 2002-086**

Bill No. 2416. Alderman Barker moved to approve the bill on first reading, seconded by Alderman Huff. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried. Alderman Warlick moved to read the bill a second time by unanimous consent. Motion was seconded by Alderman Barker. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried by unanimous consent. City Clerk Williams read Bill No. 2416 by title again. Mayor Schaefer entertained a motion approving the final reading of Bill No. 2416. Alderman Gass made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Ordinance No. 2002-086 was duly enacted.

First reading of Bill No. 2417, an ordinance approving a contract between Gerken Environmental Enterprises, Inc., and the City of Branson, and authorizing the Mayor to enter into the contract, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2417. Alderman Farris made the motion, seconded by Alderman Barker.

**BILL NO. 2417
CONTRACT
GERKEN
ENVIRONMENTAL
ENTERPRISES, INC.
ORD. NO. 2002-087**

Discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Motion carried. Alderman Gass moved to read the bill a second time by emergency consent due to the urgency of removing the asbestos from our buildings and beginning demolition. Motion was seconded by Alderman Huff. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Motion carried. City Clerk Williams read Bill No. 2417 by title again. Mayor

Schaefer entertained a motion to approve the final reading of Bill No. 2417. Alderman Farris made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-087 was duly enacted.

First reading of Bill No. 2418, an ordinance approving a contract between Devin Deflon Yaeger, Inc. (DdY), and the City of Branson, and authorizing the Mayor to enter into the contract, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2418. Alderman Gass made the motion, seconded by Alderman Warlick. Discussion. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried. Alderman Huff moved to read the bill a second time by emergency consent due to the need for the blighted buildings to be removed as quickly as possible. Motion was seconded by Alderman Warlick. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried. City Clerk Williams read the bill by title again. Mayor Schaefer entertained a motion approving the final reading of Bill No. 2418. Alderman Farris made the motion, seconded by Alderman Warlick. No discussion. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Ordinance No. 2002-088 was duly enacted.

First reading of Bill No. 2419, an ordinance approving Change Orders to a contract between Terracon and the City of Branson, approved May 14, 2002, and authorizing the Mayor to enter into the contract changes, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2419. Alderman Barker moved to approve the bill on first reading, seconded by Alderman Farris. Discussion. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried. Alderman Farris moved to read the bill a second time by emergency consent due to the urgency of removing the asbestos from our buildings and beginning demolition. Motion was seconded by Alderman Huff. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried. City Clerk Williams read Bill No. 2419 by title again. Mayor Schaefer entertained a motion approving the final reading of Bill No. 2419. Alderman Gass made the motion, seconded by Alderman Barker. Discussion was held by the Board, and Jim Thomas addressed the Board regarding this item. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Ordinance No. 2002-089 was duly enacted.

A resolution approving the request of TCA Cable TV of Missouri, LLC, to increase the rate for basic cable television service to \$32.95 per month, was read by title by City Clerk Williams, and Deborah Deuster provided the staff report. Mayor Schaefer entertained a motion approving the resolution to increase the Cable TV rates. Motion was made by Alderman Huff, seconded by Alderman Barker. Terrill Bradley addressed the Board representing TCA Cable TV of Missouri. After considerable discussion, Alderman Warlick moved to postpone this item until a public work session was set and for further study. Motion was

seconded by Alderman Farris. Alderman Warlick then withdrew his motion, and Alderman Farris withdrew his second in order for those in the audience wishing to address the Board regarding this matter could have the opportunity to do so. Addressing the Board from the audience were Caroline Wilson, Tim Finestead, and Bruce Bowlin. Alderman Warlick then moved to postpone this item until a public work session could be held and to allow both the cable company and staff to look into possible solutions. Motion was seconded by Alderman Farris. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

OTHER BUSINESS:

Mayor Schaefer asked if there was any other business that a member of the Board of Aldermen would like to introduce as an official agenda item for discussion and action by the Board.

Alderman Warlick stated the City has received one formal request RESOLUTION and two verbal requests from developers for an extension of the time set RFP'S for the RFP's from July 15. Mr. Warlick indicated a resolution has been DEADLINE drafted and asked that it be read by the City Clerk and considered by EXTENDED the Board. City Clerk Williams read the resolution in its entirety, RES. NO. 2002-R22 amending the Request for Proposals for the Master Development of the Branson Landing Project extending the deadline date for the RFP's from July 15, 2002 to July 26, 2002 at 4:30 p.m. central daylight savings time. Mayor Schaefer entertained a motion approving the resolution. Alderman Warlick moved to approve the resolution, seconded by Alderman Huff. Chuck Pennel addressed the Board regarding this item, and additional discussion was held by the Board. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried.

Alderman Taylor spoke concerning the notes that we have, asking TAYLOR for clarity on the interest rate which was referred to as 2.9%. Administrator Dody indicated the true interest rate is lower than that but when you factor in the charges for renewing the note it goes up to about 2.9%, so the actual interest rate on each one of them, one is at about 2% and one at about 2.5% and then the charges are put in and it takes it to 2.9% total cost. Finance Director Schlegel stated the bonds were sold at a discount and the effective interest rate was approximately 2.95% including cost of issuance. Alderman Taylor moved to request staff to provide the Board with figures on paper, concerning the effective rate of interest on the anticipation notes, and also copies of the Certificates of Deposit and the interest being earned. After receiving no second on the motion, Mayor Schaefer indicated the motion died for lack of a second. Finance Director Schlegel stated the City was in compliance. Administrator Dody stated that for clarification he believed that Standard and Poor's allowed some of the restricted dollars to be used. Alderman Taylor stated he just needed some clarification as to where the City is at on this financing. Administrator Dody stated that the issuances have been thoroughly reviewed by bond counsel that is totally independent of the City, have been reviewed by our auditors, everything is in total compliance with every aspect of the issuances.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Farris stated that as the Board has had such serious discussions tonight he would like to add a little levity and would like to proudly announced that his wife and him were expecting their third baby in March. He was on the Board when he announced they were expecting their first child and now he was proud to announce their third child, indicated Mr. Farris.

FARRIS

PUBLIC COMMENT:

Chuck Pennel, 353 Quincy Road, Kirbyville, Missouri addressed the Board stating he was still concerned what the plan is for the traffic on the redevelopment project. Mr. Pennel asked if the City has a plan in force that the public could see for the redevelopment project. Administrator Dody stated they were waiting to see what comes back on the RFP's. There are some preliminary plans which were presented at some of the meetings, and there has also been some work done since then. However, it is contingent upon what the developers bring back to us as to how the transportation system might lay out for that area. Alderman Taylor moved to allow Mr. Pennel an additional five minutes of time. Motion died for lack of a second.

PENNEL

At this time Alderman Huff he would like to clear up something said by Mr. Pennel. Mr. Pennel stated that some planning was made when Branson Meadows was built to have four-lanes on Gretna Road in anticipation of a convention center being there. Alderman Huff indicated that at the time the infra-structure was put in place at Branson Meadows there was no speculation about a convention center being put in that area. The infra-structure was put in to handle the anticipated growth of that project. Alderman Huff also indicated that Mr. Pennel had also asked a similar question about the traffic and how it was going to be handled, as he did tonight, at the March 25th Board of Aldermen meeting, and the City's response was "In the 17 public hearings traffic issues were discussed frequently and one meeting was dedicated entirely to traffic issues. The City is currently negotiating with an engineering firm to continue the Traffic Study in the downtown area and a public hearing will be called to discuss those recommendations."

HUFF

Jim Thomas, 3431 West Hwy. 76, addressed the Board to discuss an article that appeared in the Springfield newspaper of June 27, 2002, and some of the fees paid pertaining to the Branson Landing.

THOMAS

Ray Wilson, 176 Eagle Point Drive, addressed the Board to discuss what he believed the public perception was of the Board.

WILSON

Peter Rea did not appear.

Rick Renfro, 108 Vern Street, Branson, Missouri, addressed the Board regarding the two places that are on the list of the National Register of Historic Places stating he was against them being destroyed. Mr. Renfro asked the Board if it was feasible to relocate them, if possible. **RENFRO**

EXECUTIVE SESSION:

Alderman Warlick moved to go into Closed Executive Session pursuant to Section 610.021 RSMo., subsections 1, 2, and 3. Seconded by Alderman Farris. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

ADJOURN:

Alderman Barker moved to adjourn. Motion was seconded by Alderman Farris. Voting aye were: Gass, Barker, Taylor, Huff, Farris and Warlick. Nays: None. Motion carried. Meeting was adjourned at 9:38 p.m.