

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, NOVEMBER 12, 2002**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on November 12, 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, Fire Chief Carl Sparks, Director of Planning Don Stephens, Director of Finance Deanna Schlegel, Director of Public Works Larry VanGilder, Director of Economic Development Mike Rankin, Ricky Renfro, Bruce W. Bowlin of Branson Daily Independent, Kathryn Buckstaff of the Springfield NewsLeader, Cliff Sain of the Branson Daily News, Bill Hagler, Susan Perkin, Jim Perkin, Mark Weisz, Kent Williams, Rich Milstead, Joni Milstead, and Chris Myer.

Mayor Schaefer called the meeting to order with the “Pledge of Allegiance,” and Larry VanGilder gave the invocation.

Alderman Farris moved to postpone the approval of the minutes of the October 11, 2002 Public Informational Meeting, and the October 28, 2002 Regular Meeting, until the next regular Council meeting. Motion was seconded by Alderman Warlick. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**APPROVAL
OF MINUTES**

Alderman Huff moved to remove Item #21 from the Regular Agenda, because there is no need for an Executive Session. Motion was seconded by Alderman Barker. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

Alderman Taylor moved that Item #3 from the Consent Agenda be moved to Item #8a under the Regular Agenda for further discussion. Motion was seconded by Alderman Huff. Voting aye: Gass, Barker, Taylor, Huff, and Farris. Nay: Warlick. Motion carried.

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:

Receipt of the Minutes of the Park Board Meeting of August 21, 2002 was acknowledged within the Consent Agenda. Voting aye were: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**ACKNOWLEDGE
RECEIPT OF
MINUTES**

Final reading of Bill No. 2463, an ordinance approving zoning of "R-1" Single-Family Residential for property known as Country Bluff Estates, Branson, Missouri was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-132 was duly enacted.

**BILL NO. 2463
ZONING
COUNTRY BLUFF
ORD. NO. 2002-132**

Final reading of Bill No. 2465, an ordinance amending Section 215.100 of the Branson Municipal Code to increase certain Park User Fees was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-134 was duly enacted.

**BILL NO. 2465
AMENDING
MUNICIPAL CODE
PARK USER FEES
ORD. NO. 2002-134**

Final reading of Bill No. 2466, an ordinance amending the Municipal Judge agreement between Thomas D. Motley and the City of Branson, and authorizing the City Administrator to execute same was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-135 was duly enacted.

**BILL NO. 2466
AMENDING
MUNICIPAL JUDGE
AGREEMENT
ORD. NO. 2002-135**

Final reading of Bill No. 2467, an ordinance approving an agreement between the City of Branson and BMW Engineering for the design and construction phase engineering services for the Table Rock Acres Subdivision Collector Sewer project, and authorizing the Mayor to enter into the agreement was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-136 was duly enacted.

**BILL NO. 2467
AGREEMENT
TABLE ROCK ACRES
SEWER PROJECT
BMW ENGINEERING
ORD. NO. 2002-136**

Final reading of Bill No. 2468, an ordinance accepting the proposal of bid award to Leo Journagan Construction, Inc., for the City of Branson, authorizing the preparation of contracts in accordance with the terms of the proposal, and authorizing the Mayor to execute the agreement was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-137 was duly enacted.

**BILL NO. 2468
BID AWARD
JOURNAGAN CONST.
RAINBOW SHOALS
SEWER PROJECT
ORD. NO. 2002-137**

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

REGULAR AGENDA:

Final reading of Bill No. 2464, an ordinance amending Sections 400.040, and 410.040 of the Branson Municipal Code by adding definitions for Off-Premise Contacts (OPC's), Accommodations, Facilities, Time-Share Periods, Plan, Unit, and Vacation Clubs, and adding OPC's as permitted uses in the "C" Commercial Zoning District was read by title by City Clerk Williams, and Don Stephens

**BILL NO. 2464
AMENDING
MUNICIPAL CODE
SECTIONS 400.040
AND 410.040
OPC's
ORD. NO. 2002-133**

provided the staff report. Mayor Schaefer entertained a motion approving Bill No. 2464 on its final reading. Alderman Barker moved to approve the second and final reading of the Bill, seconded by Alderman Warlick. Mayor Schaefer then opened the floor for discussion from the audience.

Chris Myer, 3601 Shepherd of the Hills Expressway addressed the Board stating, "Last year the Branson Planning and Zoning Department proposed an ordinance for the regulating of the OPC's. OPC's are often used to solicit tourists for time-shares, vacation clubs and travel clubs. The premise behind the ordinance was to further regulate OPC's. I attended the Public Hearing and suggested a sub-committee look into the ordinance. After one year and two sub-committee meetings, Branson's Planning and Zoning Board was presented with an ordinance that would make it easier to have OPC's in our communities and most of the original proposed restrictions were eliminated, and that original proposal is in there under the ordinance. It appears that the ordinance was totally changed. Our community should be greatly concerned. What started out as an ordinance to enhance our community has become an ordinance that does nothing to solve any of the problems, and it makes it easier for more OPC's, which ultimately distracts from the tourism experience. Research was done regarding OPC's, and my interpretation of the research causes me great concern as it relates to the experience of our visitor. A few of the highlights that I think are important are that 27.2% of the respondents didn't realize what was the primary business of the booth. OPC's have a problem when over 27% didn't know the primary business. This comes back to the deception of creating something that looks like a visitors center or even locating in another business could cause confusion. Why do they locate in another business? They are feeding off Wal-Mart, IMAX, Golden Corral for example. People aren't going into Golden Corral so they can sign up for a tour. I would say 99% of the businesses do not operate in this manner. Most businesses have their own storefront. Another aspect of the research rated the quality of the OPC experience; the rating of the

quality of the OPC was 2.31 based on a 5. This is very low. The overall satisfaction rating is about 4.6 to 4.7 so the satisfaction of Branson compared to the OPC experience is vastly different. This information is further supported when only 8.3% of the people in the survey felt that it enhanced their visit. That meant that 91.7% felt it detracted from the visit or they were neutral on it. We should be very concerned as to what our customers think about, and what their experience should be. Over 40% said it detracted from their visit. This is a very big number, and this translated into hundreds of thousands of visitors a year. If you had a business and 40% of the people were detracted by something, you would probably do something about it. As a community we spend over \$40-million dollars to better improve the customer's experience. What makes this any different? Where image is everything – what is the image that we are portraying to our visitor? I've read the arguments that it should be up to the free-market system that says 'supply and demand' will regulate it. Based on past history, we know that the OPC industry can't regulate themselves. Why is this different than alcohol stores? Why is this different than pornography shops? They are regulated. The City of Branson regulates billboards – that's a business for somebody. By passing this proposed ordinance, we are saying, 'Let's not place any regulations on OPC's. Why should the values be lower for OPC's, especially in light of it being a major detractor to our guests. My challenge to the Branson governmental officials is to provide the leadership that our community needs on this issue. Let's improve the visitor's experience to our area and the local quality of life. If you vote yes tonight, it's not a vote for customer protection, and it is not a vote for customer satisfaction. You can reverse your actions of the last meeting by sending a message tonight that says, 'How we treat customers is important'. I think there is much compelling evidence to not pass this ordinance. We would be better off with our existing ordinance than this one. I personally believe there is something out there that can further protect the customer's experience and also protect existing OPC's."

Mark Weisz, 386 Dalton Drive addressed the Board stating, "It is a matter of telling the truth and living by the laws that we have as far as advertising what you are offering. There are certain rules on the books that we need to enforce against this industry. Putting the burden on the landowner or the business owner that has the right to lease his business or to sub-lease a space in his business to an OPC is not the way to go. The free-market place can regulate this and should regulate this and has regulated this. I support the ordinance with the amendment that was made two-weeks ago. That took out one part of it that really wasn't fair. I am going to ask you to do all you can to enforce those ordinances on false advertising, telling the truth, and I think those ordinances will go a long way towards increasing the customer's satisfaction, which is important to all of us. I support the idea that they are inside; they shouldn't be outside on our streets. I also support the idea that we should not waste Planning and Zoning's time any more."

Alderman Taylor stated, "Certainly, when people go into any establishment, the OPC is there under a lease agreement with the owners. There is a business relationship that has been established, and my understanding is that there are terms concerning their operation, and guidelines they have to abide by and work under. With our ordinance we

have now, how do you see those being handled? Would they be grand fathered in or how would you address that?"

Mr. Myer replied, "The way your current ordinance is proposed there would be no affect on them. You would say that existing OPC's that are out there, would be grand fathered."

Alderman Gass asked staff to comment on the existing OPC's as to the City's experience in handling problems with them.

Don Stephens replied, "Under the current ordinance an OPC has to come in for a 'Special Use Permit'. There is a truth in advertising ordinance that basically covers false advertising. There are some specific regulations related to basically not just time-shares but all businesses. So, yes, there are some laws in the books related to that."

Alderman Farris asked, "Since those laws are on the books have we been pretty fervent in enforcement of them? Is there anything the City could do to step up some enforcement?"

Administrator Dody replied, "We did have an extensive program for two summers that involved basically bringing some of our police department in plain clothes to check just exactly what they were selling and also checking their signage to make sure it complied with the 'Truth in Advertising'. It was very successful the first summer; the second summer it was successful in the fact that we weren't getting nearly as many violations. Now we basically do a spot-check on various occasions to determine if there is compliance."

Alderman Farris stated, "I think that is encouraging. I think we need to check all of the City to make sure that we have 'Truth in Advertising'. I've received calls sometimes from people who have had unfortunate experiences, and I refer them to the Consumer Fraud Division of the Attorney General's office. I can compliment that office for doing a very good job in resolving many of those complaints and bringing criminal if not civil contempt type actions and cease and desist orders. Hopefully we are going to limit a lot of that."

Rick Huffman, 3027 W. Hwy. 76 addressed the Board stating, "I might offer a suggestion. Where I see some of the problems that Chris is talking about is that it seems to me that it is coming from companies that are just vendors. They don't own a time-share resort in Branson or any type of asset real estate. They don't have a vested interest in Branson. Those are the ones we actually get complaints about. I might suggest that we make them post a bond for an OPC location."

Alderman Huff stated, "I appreciate Mr. Myers sharing the information about the survey results on OPC's. It doesn't surprise me at all as a lodging operation that visitors feel the OPC experience detracts from their visit. I've listened to some of their complaints and concerns, and I understand that those that had good experiences aren't going to bother

coming to talk with me. I'm just hearing the bad comments. I'm opposed to removing the limit of the number of the OPC's per building. I agree with Mr. Myers; I don't think the industry will regulate itself. They haven't in the past, and that is the reason we have spent 18 months trying to develop some kind of ordinance to have better controls out there. I think to allow there to be no limit on the OPC's per building is just going to compound our problems. I will continue to be opposed to this and would be willing to agree to sending this back for further correction, because I just don't think we are on the right track."

Alderman Warlick inquired, "What language Alderman Huff would you like to see? I think you are probably right that at some point down the road we may have to take a look if it becomes a problem. However at this time, it's not been a problem. The survey presented to us was a sample size of 495 people and was done by telephone through Silver Dollar City. I do think they will regulate themselves. The difference between them and alcohol or pornography, which they've been compared too is that those are state regulated items. OPC's are not. They are a legal business just like a grocery store or a lawyer's office. So, while this is not a perfect ordinance, I think it is a long needed improvement over what we have currently."

Alderman Taylor stated, "I think a lot of good comments have been made, and I am concerned of passage of this tonight. I think we do need to look further at this on how to best regulate this as a City. These establishments that are here, and our storefront equity positions in the community, they are a great deal different than the short-term OPC's. That is what I am concerned with. How do we best serve our community in regulating these? I am concerned, and I would be opposed to this tonight."

Alderman Barker asked the City Attorney if the bonding issue was viable? Is that something we could do at a later time to help make these OPC's more responsible for their actions?

City Attorney Deuster replied, "That could be a provision that could be brought back with a change in the licensing ordinance after staff could review and provide a report back to the Aldermen. The City is allowed to require bonds with regard to licensing businesses, certain occupations or businesses within the City limits."

Alderman Barker stated, "This is a zoning issue at this particular juncture. This puts OPC's in line with any other business that is inside a pre-existing business. We are getting them on a fair and even level as far as being dealt with as a business. Therefore, I am in agreement with this. I think we need to do something to make OPC's more responsible such as the bonding, and have them police themselves more. I think I have seen a small difference; they are operating at a little better level than they used to. I agree wholeheartedly that we don't want people leaving here with bad tastes in their mouth. We want people to enjoy their visit here. We don't want them harassed. I don't believe we should hinder those that try to run their business properly. I am in favor of this ordinance because it deals with Zoning. However I would be in favor of pursuing additional language that would help us to regulate the conduct of our OPC's."

Alderman Farris stated, "I will offer a motion during 'Other Business' to request City staff to research and come back with a potential bonding type of requirement. I think that is what we need to do. We need to regulate the conduct of these companies. There are some fine companies that do things aboveboard, and there are others that don't have any risk in looking bad, so they proceed to do that all the time. I think what is important is the conduct not the location. I don't think that the City's role is to step in and regulate leases. I do think we have a responsibility to our community to regulate irresponsible and wrongful conduct."

Alderman Huff stated, "I would rather that we not pass this in its current wording. I would make a motion that we refer this back to staff for further review and pick it up from there." Alderman Taylor seconded the motion. Mayor Schaefer called for a vote on the motion. Voting aye: Taylor, and Huff. Nays: Gass, Barker, Farris, and Warlick. Motion failed. Mayor Schaefer then called for a motion on the final reading of Bill No. 2464. Voting aye: Gass, Barker, Farris, and Warlick. Nays: Taylor and Huff. Motion carried. Ordinance No. 2002-133 was duly enacted.

Public Hearing and first reading of Bill No. 2470, an ordinance annexing property owned by Larry L. and Terry J. Duncan and Mark A. and Kathy L. Pearman into the City was read by title by City Clerk Williams. Don Stephens provided the staff report. Mayor Schaefer opened the Public Hearing and after receiving no comments or discussion from the Board or audience, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2470. Alderman Huff made the motion, seconded by Alderman Warlick. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2470
PUBLIC HEARING
ANNEXATION
LARRY DUNCAN
& MARK PEARMAN**

First reading of Bill No. 2471, an ordinance approving an agreement between the City of Branson and Sapp Design Associates Architects, P.C. for the design and construction phase services for the Recreational Complex including swimming pool and sports fields, and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Williams, and David Miller provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2471. Alderman Farris made the motion, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2471
AGREEMENT
SAPP DESIGN ASSOC.
RECREATIONAL
COMPLEX**

First reading of Bill No. 2472, an ordinance amending Title I, Government Code, Chapter 140, Tax Increment Financing Commission of the Branson Municipal Code relating to the number of members to serve on the Tax Increment Financing Commission of the City of Branson,

**BILL NO. 2472
TIF COMMISSION
NUMBER OF
MEMBERS SERVING**

Missouri and deleting references to economic development areas was read by title by City Clerk Williams, and Deborah Deuster provided the staff report. Mrs. Deuster stated this Bill brings Chapter 140 into compliance with the changes of state law. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2472. Alderman Barker moved to approve the Bill on first reading, seconded by Alderman Gass. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Motion carried.

First reading of Bill No. 2473, an ordinance approving a license to enter upon city property between Morris Oil Company and the City of Branson, and authorizing the Mayor to execute the agreement, was read

**BILL NO. 2473
AGREEMENT
MORRIS OIL CO.
ORD. NO. 2002-138**

by title by City Clerk Williams, and Deborah Deuster provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2473. Alderman Gass made the motion, seconded by Alderman Farris. Ricky Renfro asked if what Morris Oil was going to be doing would interrupt any of the archeology studies? Mrs. Deuster replied, "Morris Oil would just be drilling to touch ground water. They wouldn't be going any deeper than that. However, we are still under the obligation that any activity that goes on should yield anything then the archeologist must be contacted at that point." Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Motion carried. Alderman Huff moved to read the Bill a second time due to the time constraints. Motion was seconded by Alderman Barker. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Motion carried. City Clerk Williams read Bill No. 2473 by title again. Mayor Schaefer entertained a motion approving the second and final reading of Bill No. 2473. Alderman Warlick made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-138 was duly enacted.

First reading of Bill No. 2474, an ordinance amending Section 335.040 of the Branson Municipal Code: Schedule I-Stop Signs was read by title by City Clerk Williams, and David Miller provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2474. Alderman Farris made the motion, seconded by Alderman Huff. Discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Motion carried.

**BILL NO. 2474
AMENDING
MUNICIPAL CODE
STOP SIGNS**

First reading of Bill No. 2475, an ordinance approving a professional services agreement between Yung Design Architectural Firm and the City of Branson, Missouri, for the development of a blight study for the Branson Landing Convention Center project was read by title by City Clerk Williams, and Terry Dody provided

**BILL NO. 2475
AGREEMENT
YUNG DESIGN
BLIGHT STUDY
ORD. NO. 2002-139**

the staff report. Mr. Dody explained that a re-evaluation update of the Branson Landing Blight Study is required for the development of the TIF Financing Plan. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2475. Alderman Gass made the motion, seconded by Alderman Warlick. 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 emergency due to the time on the study needed by November 25. Motion was seconded by Alderman Huff. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried. City Clerk Williams read Bill No. 2475 by title again. Mayor Schaefer entertained a motion to approve Bill No. 2475 for its final reading. Alderman Gass made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2002-139 was duly enacted.

First reading of Bill No. 2476, an ordinance approving a memorandum of agreement between the U.S. Army Corps of Engineers, the Missouri State Historic Preservation Officer, and the City of Branson regarding the proposed Branson Landing Development, and authorizing

BILL NO. 2476
AGREEMENT
U.S. ARMY CORPS
M. O. A.

the Mayor to enter into the agreement, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mr. Stephens stated, this approves the final Memorandum Agreement (MOA) between the City, the Corps of Engineers and the Missouri State Historical Preservation Officer. The MOA has been verbally approved by all parties, and this authorizes the Mayor sign the MOA and begin the final closeout process. Mayor Schaefer entertained a motion to approve Bill No. 2476 on its first reading. Alderman Warlick made the motion, seconded by Alderman Barker. Discussion. Ricky Renfro addressed the Board regarding the Indian tribes located here. Don Stephens responded stating this process was put together through the Missouri State Historic Preservation Office, the Memorandum Agreement was agreed to by the Department of Natural Resources, and the U.S. Corps of Engineers. They are the ones that added the Osage Nation as a signatory on the agreement. The archeologist has been doing some site work down on the ball field, and his comment to me this afternoon was that they are basically complete and will be writing a final report. A couple of items they found will be marked and taken out. The final item will be to continue any kind of development with the requirement that the archeologist be allowed to be down there, mitigate or take a look and observe any dig. If anything was found, the requirement would be to stop long enough to get it dusted off, cleaned off, pictured, and removed. He indicated to me that there is nothing down there that they have found at this point or they expect in the future that would cause any delay in the project. Mayor Schaefer then call for a vote on the motion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

First reading of Bill No. 2477, an ordinance approving an addendum to the boat dock leases authorized by Ordinance No. 689, and authorizing the Mayor to execute the addendum, was read by title by City Clerk Williams, and Deborah Deuster provided

BILL NO. 2477
ADDENDUM TO
DOCK LEASES
ORD. NO. 2002-140

the staff report. Mayor Schaefer entertained a motion to approve the first reading. Alderman Warlick made the motion, seconded by Alderman Barker. Discussion. Pam Cantrell, 1010 Shawnee addressed the Board, indicating she had a client who was

interested in purchasing one of the pieces of property and was wanting to know if the lease was transferable, what the terms would be and the yearly lease amount? Mrs. Deuster indicated that because of such things as location, allocation of the lake frontage per foot and the rental amount not being determined at this time it would be continued under the original lease for now. Rick Huffman addressed the Board requesting staff provide them with copies of any documents going before the Board which would effect his redevelopment agreement so they could have a chance to review and give comments. Mr. Dody replied that would not be a problem at all. Alderman Farris announced that he was going to reclude and abstain from discussion or vote on this Bill due to his disqualification arising from prior legal representation of one or more of the lessees in this issue. Mayor Schaefer called for a vote approving the first reading of Bill No. 2477. Gass, Barker, Taylor, Huff, and Warlick. Nays: none. Farris abstained. Motion carried. Alderman Huff moved to have this Bill read a second time due to the emergency of the current dock leases expiring beginning November 14. Motion was seconded by Alderman Warlick. Voting aye: Gass, Barker, Taylor, Huff, and Warlick. Nays: none. Farris abstained. Motion carried. City Clerk Williams read Bill No. 2477 by title again. Mayor Schaefer entertained a motion approving the second and final reading of Bill No. 2477. Alderman Huff made the motion, seconded by Alderman Warlick. No discussion. Voting aye: Gass, Barker, Taylor, Huff, and Warlick. Nays: none. Farris abstained. Ordinance No. 2002-140 was duly enacted.

First reading of Bill No. 2478, an ordinance accepting the proposal of bid award to James Drew Corporation for lighting project for Stockstill soccer field of the City of Branson, authorizing the preparation of a contract in accordance with the terms of the proposal, and authorizing the Mayor to execute the agreement was read by title by City Clerk and Cindy Shook provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2478. Alderman Huff made the motion, seconded by Alderman Farris. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2478
BID AWARD
JAMES DREW CORP.
SOCCER LIGHTS**

First reading of Bill No. 2479, an ordinance accepting the proposal of bid award to Rampage, L.L.C. for skate park equipment for Stockstill park of the City of Branson, authorizing the preparation of a contract in accordance with the terms of the proposal, and authorizing the Mayor to execute the agreement, was read by title by City Clerk Williams, and Cindy Shook provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2479. Alderman Gass made the motion, seconded by Alderman Taylor. After some discussion, Mayor Schaefer called for a vote on the first reading of the Bill. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried

**BILL NO. 2479
BID AWARD
SKATE PARK
EQUIPMENT
STOCKSTILL PARK**

DISBURSEMENTS:

Mayor Schaefer entertained a motion to approve the disbursement statement as presented. Alderman Huff moved to approve the disbursements, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Taylor, Huff, and Farris. Nays: none. Alderman Warlick abstained. 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 Farris stated, "As a follow up to our Board discussion on Item #8a, concerning how the City can look to better police and conduct, irresponsible activity by Off-Premise Contacts (OPC's). I would move to authorize our City staff to explore how we might both enhance enforcement of our current ordinances, and also what potential new laws or ordinances we might be able to create including but not limited to an ordinance that would require an OPC to have a bond in place to protect potential customers of that OPC location and to authorize City staff to bring back recommendations to this Board." Alderman Huff seconded the motion. After receiving no comments or discussion, Mayor Schaefer called for a vote on the motion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

Mayor Schaefer then opened the floor for Aldermen and Administrator's Reports.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Huff asked for an update as to how the demolition of the lakefront was doing. David Miller, City Engineer informed the Board that the contract has a 90-day time limit which expires either January 24th or 27th. The first step is to remove non-friable asbestos, the linoleum flooring, shingles, and the valance that is hiding those kinds of things. They were scheduled to bring in their heavier equipment last week but had some weather problems. It should be here today or tomorrow. Then they will start knocking buildings down. They worked with Public Works and the utility companies and had the power cut off. So, it will start going really quick here soon, and we should have no problem meeting the January deadline. **HUFF**

Alderman Farris stated, "It was a privilege of mine to attend Saturday night the Missourian Award Dinner and to see Ben Parnell, **FARRIS**

who I've heard termed as 'Mr. Branson' receive the very prestigious Missourian Award. If there is anything that the City can do to further honor Mr. Parnell and the contributions that he has made in our community and thank him, his wife Jean, and his children, I think that would be in order. I just wanted to mention it was a very fine ceremony and a tribute for a real fine gentleman."

Alderman Warlick stated, "We just recently completed another Veterans Week. It was once again, very successful. A lot of people in town. It is something we are becoming more and more known for. One event that happened inside another event was Friday night at the Chateau, the 40th and the 8th Division of the American Legion bestowed upon Branson their Honor of the 'City of the Year', and were presented a plaque. It not only recognized Branson, but it also noted Branson is the smallest city to ever be recognized as 'City of the Year'. It is a great Honor that I share with my fellow Board members as well as yourselves in taking very seriously with great appreciation to the American Legion. Thank you."

WARLICK

PUBLIC COMMENT:

Ricky Renfro, 108 Fern Street, appeared before the Board stating, "I am backed by the Native Americans. These are the facts down on the Branson Landing, and these have all been documented and notarized. I documented everything that was going on. On Tuesday, November 15th, 2002, around 10:00 they found the first Indian artifacts; they found the Delaware Indians about 3-feet down in the ground level. It was some type of tool. John Carroll took several pictures. We continued digging and found other artifacts that range all the way back to 1000 BC. He covered that up. Mr. Carroll then moved to the north side and found a pig bone or deer bone but they wouldn't know for sure until they took it back to the lab. We then moved to the south side and found Indian beads and some Indian pottery. The ground was hard so we put water on it and flagged it. The next day we went back, and the pottery was missing. I just wanted everybody to be aware of the digging going on, and the several Indian artifacts found."

ADJOURN:

Alderman Huff 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 8:45 p.m.