

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, FEBRUARY 10, 2003**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on February 10, 2003 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, Acting City Attorney Dan Wichmer, City Clerk Sandra Williams, Police Chief Steve Mefford, Captain Kevin Powell, City Engineer David Miller, Communications Director Jerry Adams, Director of Planning Don Stephens, Director of Finance Deanna Schlegel, Director of Public Works Larry VanGilder, Director of Economic Development Mike Rankin, Health Director Linn Smith, Parks Director Cindy Shook, Bruce W. Bowlin of the Branson Daily Independent, Ray and Gloria Roderick, Tara McCloud, Helen Hagler, Bill Hagler, Trent Bowers, Bill Yung, Rick Ziegenfuss, Dave Tate, Cliff Sain, of the Branson Daily News, Amy Bogue-Gray, Kathryn Buckstaff of Springfield NewsLeader, Ray Wilson, Larry Milton, Rick Graf, C. B. Konkowski, Rick Huffman, James Barker, Keith O'Neil, Beverly O'Neil, Bob Glenn, Ron and Char Sol, Glenn Myers, Mel and Harriot Lay, Ron Herschend, Bob Klein, Sharon Klein, Ken McCue, June Kuechler, Laurie Rodney, Paul Lentz, Susan Perkin, Jim Perkin, Rich and Joni Milstead, Al and Donna Moon, Bob Huels, Steve and Raeanne Presley, Jim Thompson, Michelle and Chris Jordan, Kent Williams, Jim Brimes, Gary Fultz, Mark Weisz, Karen Hall, Gayla Roten, and Chuck Pennel.

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

Mayor Schaefer asked for any additions or corrections to the minutes of the regular meeting of January 27, 2003.

**APPROVAL  
OF MINUTES**

Alderman Huff moved to approve the Minutes as presented, seconded by Alderman Barker. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**CONSENT AGENDA:**

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

Receipt of the minutes of the November 19, 2002 Branson Advisory Council on Disabilities meeting were acknowledged within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**ACKNOWLEDGE  
RECEIPT OF MINUTES**

Final Reading of Bill No. 2510 annexing property owned by Dawn M. Taghon and Randy E. Gideon into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2003-018 was duly enacted.

**BILL NO. 2510  
ANNEXATION  
DAWN M. TAGHON  
& RANDY GIDEON  
ORD. NO. 2003-018**

Final Reading of Bill No. 2511 annexing property owned by Mary A. Hart into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2003-019 was duly enacted.

**BILL NO. 2511  
ANNEXATION  
MARY A. HART  
ORD. NO. 2003-019**

Final Reading of Bill No. 2512 an ordinance amending Title V of the Branson Municipal Code, Title V of Chapter 500, Article II to amend the International Residential Code 2000 as to Minimum Building Sewer Pipe Size Permitted from Residential Uses, was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2003-020 was duly enacted.

**BILL NO. 2512  
AMENDING TITLE V  
MUNICIPAL CODE  
RESIDENTIAL CODE  
SEWER PIPE SIZE  
ORD. NO. 2003-020**

Final Reading of Bill No. 2513 an ordinance amending Title VII, Utilities, Chapter 700, Waterworks and Sewerage System, by amending Section 700.070 and adding a new Section 700.075 to the Branson Municipal Code relating to Irrigation and Fire System Water Meters, and Water and Sewer Account Adjustments, was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2003-021 was duly enacted.

**BILL NO. 2513  
AMENDING  
MUNICIPAL CODE  
CHAPTER 700  
WATER/SEWER  
ADJUSTMENTS  
ORD. NO. 2003-021**

Final Reading of Bill No. 2514 an ordinance approving an agreement for the Discharging of the Real Estate, Sewer Services and Facilities Agreement affecting the Fall Creek Resort properties by and between the Fall Creek properties and the City of Branson, and an agreement by and between Fairfield Resorts and the City of Branson, and authorizing the Mayor to enter into the agreements, was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2003-022 was duly enacted.

**BILL NO. 2514  
APPROVING  
AGREEMENT  
SEWER SERVICES  
FALL CREEK  
& FAIRFIELD  
PROPERTIES  
ORD. NO. 2003-022**

**Final Reading of Bill No. 2515 an ordinance accepting the proposal of bid award from Engineers Reprographics for a scanner/ printer, authorizing the preparation of a contract 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. 2003-023 was duly enacted.**

**BILL NO. 2515  
BID AWARD  
ENGINEERS  
REPROGRAPHICS  
SCANNER/PRINTER  
ORD. NO. 2003-023**

**REGULAR AGENDA:**

**Public Hearing and first reading of Bill No. 2516 annexing property owned by White River Investments into the City, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer opened the Public Hearing and after receiving no comments or discussion from the audience or the Board, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2516. Alderman Warlick made the motion, seconded by Alderman. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.**

**BILL NO. 2516  
PUBLIC HEARING  
ANNEXATION**

**Public Hearing and first reading of Bill No. 2517 annexing property owned by Sunterra Corporation into the City, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer opened the Public Hearing and after receiving no comments or discussion from the audience or the Board, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2517. Alderman Barker moved to approve the bill on first reading, seconded by Alderman Taylor. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.**

**BILL NO. 2517  
PUBLIC HEARING  
ANNEXATION  
SUNTERRA**

**Public Hearing and first reading of Bill No. 2518 annexing property owned by D. R. Rosenbalm into the City, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer opened the Public Hearing and after receiving no comments or discussion from the audience or the Board, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2518. Alderman Gass made the motion, seconded by Alderman Farris. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.**

**BILL NO. 2518  
PUBLIC HEARING  
ANNEXATION  
D. R. ROSENBALM**

**Public Hearing and first reading of Bill No. 2519 annexing property known as Fall Creek Condominiums into the City, was read by title by City Clerk Williams, and Don Stephens provided**

**BILL NO. 2519  
PUBLIC HEARING  
ANNEXATION**

the staff report. Mayor Schaefer opened the Public Hearing and after discussion from the audience and the Board, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2519. Alderman Warlick made the motion, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**FALL CREEK  
CONDOMINIUMS**

Public Hearing and first reading of Bill No. 2520 annexing property known as Fall Creek RV Estates into the City, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer opened the Public Hearing and Melvin Lay, President of Fall Creek R.V. Estates addressed the Board regarding what the normal municipal services are. Don Stephens, Director of Planning explained that on a voluntary annexation there is no requirement by state statute that the city provide those services and indicated he would be glad to set up an appointment to discuss this. After receiving no further comments or discussion from the audience or the Board, Mayor Schaefer closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2516. Alderman Farris made the motion, seconded by Alderman Huff. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2520  
PUBLIC HEARING  
ANNEXATION  
FALL CREEK  
R. V. ESTATES**

Public Hearing and first reading of Bill No. 2521 an ordinance approving zoning of "C" Commercial for property owned by Larry L. and Terry J. Duncan & Mark A. and Kathy L. Pearman located at 594 S. Highway 165, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer opened the Public Hearing and after receiving no comments or discussion from the audience or the Board, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2521. Alderman Barker moved to approve the bill on first reading, seconded by Alderman Warlick. Discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2521  
PUBLIC HEARING  
ZONING OF "C"  
COMMERCIAL  
DUNCAN AND  
PEARMAN**

Public Hearing and first reading of Bill No. 2522 an ordinance approving zoning of "R-1" Single-Family Residential and "C" Commercial for property known as Lake Taneycomo Acres and White Oak Estates, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer opened the Public Hearing after receiving no comments or discussion from the audience or the Board, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2516. Alderman Farris made the motion, seconded by Alderman Taylor. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2522  
PUBLIC HEARING  
ZONING OF "R-1"  
SINGLE-FAMILY &  
"C" COMMERCIAL  
LAKE TANEYCOMO  
ACRES & WHITE OAK  
ESTATES**

First reading of Bill No. 2456, an ordinance vacating a portion of Judy Street and a portion of Sheryl Street, Branson, Taney County, Missouri, was read by title by City Clerk Williams and David Miller provided the staff report. Mayor entertained a motion to approve the first reading of Bill No. 2456. Alderman Warlick moved to deny the request. Motion was seconded by Alderman Farris. Bill Yung of Yung Design addressed the Board regarding this vacation request along with Laurie Rodney, and C. B. Konkowski. After additional discussion, Mayor Schaefer called for a vote on the motion to deny. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. The motion to deny the street vacation carried. At this time, Findings of Facts and Conclusions of Law were submitted to the City Clerk by each Board member and the Mayor for the file.

**BILL NO. 2456  
VACATE  
JUDY STREET  
SHERYL STREET  
DENIED**

First reading of Bill No. 2523, an ordinance amending Title IV of the Branson Municipal Code, Chapter 415 Off-Street Parking, Section 415.010: Parking Spaces, increasing the number of parking spaces allowed for bus credit, 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. 2523. Alderman Gass made the motion, seconded by Alderman Farris. Discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2523  
AMENDING  
MUNICIPAL CODE  
BUS PARKING  
CREDIT INCREASED**

First reading of Bill No. 2524, an ordinance approving an agreement between the City of Branson and Thompson, Ventulett, Stainback & Associates, Inc., Architects (TVS) and Crawford Architects LLC (CA) for phase one of the programming and master planning for the Branson Landing Convention Center and Hotel, Boardwalk and Town Square, 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. 2524. Alderman Huff made the motion, seconded by Alderman Barker. Addressing the Board regarding this item were Larry Milton and Ray Wilson. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried. Alderman Warlick moved to read the bill a second time by emergency because of the financial impact to the City, and the need for the City to move this process forward, seconded by Alderman Huff. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried. City Clerk Williams read Bill No. 2524 by title again. Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2524. Alderman Warlick made the motion, seconded by Alderman Farris. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried. Ordinance No. 2003-024 was duly enacted.

**BILL NO. 2524  
AGREEMENT  
TVS AND  
CRAWFORD ARCH.  
CONVENTION CENTER  
BOARDWALK  
ARCHITECTS  
ORD. NO. 2003-024**

**BID AWARD:**

**First Reading of Bill No. 2525 an ordinance accepting the proposal of bid award to Pepsi Americas and Chrisman Vending for vending for 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 to approve Bill No. 2525 on its first reading. Alderman Gass made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.**

**BILL NO. 2525  
BID AWARD  
PEPSI AMERICAS  
CHRISMAN VENDING  
CITY VENDING**

**At this time, Alderman Warlick moved to suspend the rules concerning the time limit on this item, and to allow people to speak five (5) minutes per person. Motion was seconded by Alderman Gass. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.**

**First Reading of Bill No. 2526, an ordinance of the City of Branson, Missouri, authorizing the execution of a Redevelopment Contract and a First Amended and Restated Technical Services Contract in connection with the Branson Landing Tax Increment Financing Plan, was read by title by City Clerk Williams, and David Queen of Gilmore and Bell gave a report. Mr. Queen stated the ordinance authorizes the**

**BILL NO. 2526  
REDEVELOPMENT  
CONTRACT AND  
TECHNICAL  
SERVICES  
CONTRACT**

**execution of two documents. The redevelopment contract and the first amended technical services contract. The technical services contract performs certain services in connection with the proposed Branson Landing project. They include land assistance with looking at the feasibility of the site, working with the City's feasibility consultant, and looking at the current steps necessary to obtain the Army Corp of Engineers approval. The overall goal of the agreement is to give the City the ability to terminate its relationship with the developer at its choosing and to at least make the developer somewhat whole since the developer was at the City performing for the City in response to a request for proposals that the City has submitted to the private sector. The first amended restated version of this essentially extends some of the dates that were in the original agreement. This extension is necessary simply because of the difficulties and timing of development of the lakefront. It does not increase the amounts payable under the agreement. Essentially we will have the same maximum exposure as under the technical services contract of \$250,000 and \$500,000. This agreement extends the March 1<sup>st</sup> date to July 1<sup>st</sup> and extends the contract to January 1, 2004. It says to the developer that you have the first half of the year to produce the anchor retail binding commitments. Those anchor retail-marketing commitments are the foundation on which the Tax Increment Financing would work. Tax Increment Financing is creating a new source of tax revenue that the City does not currently have and utilizing those revenues to pay for certain selected projects. We are looking at using those new revenues for public infrastructure, streets, roads, boardwalk, public square, and possibly to pay for a portion of the cost of the convention center.**

The redevelopment contract formalizes the relationship with HCW and provides them with a year to put this deal together and is built around the technical services contract. If the City decides to abandon this project any time during the life of the technical services contract, it causes an immediate termination of the redevelopment contract. If the City does that they will pay the amounts of \$250,000 or \$500,000 depending upon when they do it. The City will also have to pay any cost that have been incurred by the city on public improvements, any design costs associated with the convention center, and the design of those public improvements. Also any environmental remediation costs related to the ground itself. The redevelopment contract expressly provides for the convention center, and the decision to build the convention center is a decision that is dependent upon a number of factors, which include approval of the state TIF, the feasibility studies of CS&L and the ultimate reports that will be prepared regarding the generation of the sales tax revenues. The obligations of the City under the redevelopment contract will essentially be conditioned upon the developer's performance. The developer has to perform in three different stages. The first is to produce the anchor retail binding commitments. The second is to produce what is called the boutique hotel with 80 to 120 rooms with a minimum of 150,000 square feet of retail space. The last is an acceptable commitment to build a convention center hotel, which is a four star quality with what is being advertised to the City. Until all of those things occur, the City has absolutely no obligation to incur any additional debt, to issue any City TIF bonds or to further commit itself to this project, stated Mr. Queen. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2526. Alderman Warlick made the motion, seconded by Alderman Huff. Mayor Schaefer then opened the floor for anyone in the audience wishing to speak. Those addressing the Board with comments and questions were: Keith O'Neal, manager of the Fall Creek Condominium Owners Association; Chuck Pennel, 353 Quincy Road, Kirbyville; Ray Wilson, 176 Eagle Point Drive; Ron Herschend, 1211 Highway "F"; Larry Milton, 102 Vixen; and Rick Huffman of HCW. After no further discussion, Mayor Schaefer called for a vote on Bill No. 2526. Voting aye: Gass, Barker, Huff, Farris, and Warlick. Nay: Taylor. Motion carried. Alderman Huff announced the City would take public input regarding this Bill on February 18, 2003 at 7:00 p.m.. Chris Myer and Chuck Pennel addressed the Board requesting for additional time before the February 18<sup>th</sup> meeting in order to review the contracts.

The next item was a presentation by Police Chief Steve Mefford and Captain Kevin Powell pertaining to the Taney County Website Sex Offenders Llist. Chief Mefford stated that some meetings ago Alderman Farris asked staff to look into the possibility of determining a way that the Sex Offenders List could be made available for citizens to access on a regular basis and Captain Powell has worked on this project. He now has a short presentation for you. Captain Powell indicated he had been in contact with Sheriff Russell and although Sheriff Russell could not provide a time as to when this project would be finished, he stated he still supports the project and is working on having it available on their website for us to link up with. Captain Powell then displayed for the Board the way everyone would be able to access this list by using the City of Branson's website. He stated people would be able to go to the

City's website and go to the Police Department section, and then go to the Sex Offenders List. It would then link to the Sheriff's list. Chief Mefford added that the list has to be updated everyday which the Sheriff's office had agreed to do daily. After some discussion, Alderman Farris moved to accept the report, seconded by Alderman Warlick. 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. Hearing none. Mayor Schaefer opened the floor for Aldermen and Administrator's Reports.

#### **ALDERMEN/ADMINISTRATOR'S REPORTS**

Alderman Gass commented that he thought it would be very nice for the residents to know that when they had a problem they could call the Hot-Line number and within five days would have a response by City personnel. When you have something that needs corrected or something to report just call the Hot-Line number; leave the request and your name and phone number, and you will receive a response. **GASS**

Alderman Barker stated he though the Hot-Line works very well. If you have needs or concerns staff responds to them. They may not be able to take care of every problem, but they will look into it and respond back to you. **BARKER**

Alderman Barker said he would like to Thank the City crews for their response during the snows. Again, an excellent job of clearing the streets. I also appreciate all the work the City staff puts in on a daily basis. **BARKER**

Alderman Barker stated he felt David Queen did an excellent job tonight answering many of the questions asked tonight. **BARKER**

Alderman Farris said he echoed Alderman Barker's comments and complimented the City employees for their hard work during the snow, and stated "You are doing a great job". **FARRIS**

Alderman Farris said he wanted to say a “Special Thank You” for the members of the Board that served on the negotiating team for the development contract. all members of this Board have spent a lot of time working on behalf of the citizens. But particularly over the last couple of months, the members that served on the negotiating team have gone above and beyond. As I was one that did not have to spend those hours, I greatly appreciate the great work they have done, indicated Mr. Farris.

FARRIS

Alderman Warlick stated he would like to recognize the passing of Ray Garcia, a long-time resident of Branson, and a very involved citizen and a very colorful character who will be missed.

WARLICK

Administrator Dody informed the Board that Fire Chief Carl Sparks was going to Jefferson City, and he would like for the Chief to explain what his trip was about for the Board. Chief Sparks stated the Fire Safety House was now completed by the Missouri State Correctional Facility who donated the labor. Mr. Sparks indicated that Ozark Mountain Bank, Country Mart, Loyd’s Electric, Edie Mechanical and Lowe’s Home Improvement Center had donated money or material. Chief Sparks stated that Assistant Administrator Kevin Faught and Ted Martin were going with him to Jefferson City for the ceremony and to get the trailer.

DODY

#### **PUBLIC COMMENT:**

Chuck Pennel addressed the Board stating he appreciated what the Board does although he didn’t agree with most of them. Mr. Pennel said he was sorry the Board didn’t grant their request for more time on the agreement and wanted to applaud Alderman Taylor’s comments. He was still concerned about the amount of money being spent and the direction of the project. Mr. Pennel also indicated he had been contacted by two different realtors each representing the City, about buying his property, and that he didn’t like being told that he was going to be condemned and that some judge would be setting the price for his property. You bought the Travelers Motel for \$1,050,000 which was appraised at \$1.8 million dollars; it is a pretty good percentage higher than what you are offering us property owners now. The bottom line is, I wish you would look somewhere else, and I ask you one more time, please consider going somewhere else with the convention center, stated Mr. Pennel.

CHUCK PENNEL

#### **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 Huff moved to adjourn. Motion was seconded by Alderman Barker. Voting aye were: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: None. Motion carried. Meeting was adjourned at 10:32 p.m.**