

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, FEBRUARY 24, 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 24, 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, City Engineer David Miller, Communications Director Jerry Adams, Director of Planning Don Stephens, Fire Chief Carl Sparks, Director of Public Works Larry VanGilder, Director of Economic Development Mike Rankin, Bruce W. Bowlin of Branson Daily Independent, Bill Hagler, Helen Hagler, Larry Milton, Donna Kennedy, John Logan, Jonathan Derby, Ricky Renfro, Chris Wulff of Branson Daily News, Chuck Pennel, Tim Haynes of Hometown Radio, Susan Perkin, Jim Perkin, Mark Weisz, and Al Moon.

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

**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 January 7, 2003  
Planning and Zoning Commission meeting, and the Branson  
Advisory Council on Disabilities meeting of January 21, 2003.

**ACKNOWLEDGEMENT  
OF  
MINUTES**

Final reading of Bill No. 2516, annexing  
property owned by White River Investments into  
the City, was approved within the Consent Agenda.  
Voting aye: Gass, Barker, Taylor, Huff, Farris, and  
Warlick. Nays: none. Ordinance No. 2003-026 was  
duly enacted.

**BILL NO. 2516  
ANNEXATION  
WHITE RIVER  
INVESTMENTS  
ORD. NO. 2003-026**

Final reading of Bill No. 2517, annexing  
property owned by Sunterra Corporation into  
the City, was approved within the Consent Agenda.

**BILL NO. 2517  
ANNEXATION  
SUNTERRA**

**Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2003-027 was duly enacted.**

**CORPORATION  
ORD. NO. 2003-027**

**Final reading of Bill No. 2518, annexing property owned by D.R. Rosenbalm into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2003-028 was duly enacted.**

**BILL NO. 2518  
ANNEXATION  
D.R. ROSENBALM  
ORD. NO. 2003-028**

**Final 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 694 S. Highway 165, Branson, Missouri was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: None. Ordinance No. 2003-029 was enacted.**

**BILL NO. 2521  
ZONING  
LARRY L. & TERRY J.  
DUNCAN  
MARK A. & KATHY L.  
PEARMAN  
ORD. NO. 2003-029**

**Final 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: None. Ordinance No. 2003-030 was enacted.**

**BILL NO. 2522  
ZONING  
LAKE TANEYCOMO ACRES  
& WHITE OAK ESTATES  
ORD. NO. 2003-030**

**Final 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Ordinance No. 2003-031 was duly enacted.**

**BILL NO. 2523  
AMENDING TITLE IV  
BRANSON MUNICIPAL  
CODE – OFF-STREET  
PARKING &  
PARKING SPACES  
ORD. NO. 2003-031**

**Final 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 contracts in accordance with the terms of the proposal, and authorizing the Mayor to execute the agreements was approved within the Consent Agenda. Voting aye: Gass, Barker, Taylor, Huff, Farris and Warlick. Nays: none. Ordinance No. 2003-032 was duly enacted.**

**BILL NO. 2525  
BID AWARD  
VENDING  
PEPSI AMERICAS &  
CHRISMAN VENDING  
ORD. NO. 2003-032**

**REGULAR AGENDA:**

**A presentation of a Storm Ready Community by the National Weather Service and State Emergency Management Agency was postponed due to weather.**

**PRESENTATION  
STORM READY  
COMMUNITY**

**Petition for Consent to Annex property known as Black Oak Circle, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Alderman Warlick made the motion, seconded by Alderman Huff. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.**

**PETITION  
CONSENT  
TO ANNEX  
BLACK OAK  
CIRCLE**

**Petition for Consent to Annex property owned by Supermart Solutions LLC, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Discussion. Alderman Gass made the motion, seconded by Alderman Taylor. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.**

**PETITION  
CONSENT  
TO ANNEX  
SUPERMART  
SOLUTIONS LLC**

**DISBURSEMENTS:**

**Mayor Schaefer entertained a motion to approve the disbursement statement as presented. Alderman Barker moved to approve the disbursements, seconded by Alderman Huff. 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. Hearing none. Mayor Schaefer opened the floor for Aldermen and Administrator's Reports.**

**ALDERMEN/ADMINISTRATOR'S REPORTS**

**Alderman Gass thanked the crews for cleaning up the streets after the snow. GASS**

**Alderman Barker commented that the City crews did a far better job than the much bigger city north of us. BARKER**

Alderman Huff echoed the comments made by Aldermen Gass and Barker.

HUFF

**PUBLIC COMMENT:**

Mayor Schaefer stated the next item was Public Comment and Chuck Pennel is the only one requesting to speak.

Mr. Pennel said he had met with Terry Dody, and he had answered Mr. Pennel's questions he had previously brought up about the appraisal of the property that the City is trying to purchase very well, and asked if Mr. Dody could run through that briefly as he felt it was important for the public to know the process. Administrator Dody said the question asked by Mr. Pennel was two-fold. One was what happened in the original property purchase, and what is happening now with the anticipated ten or ten and one-half acres that may be needed if the convention center goes forward. Mr. Dody stated that in the last go round the City had nothing to do with the assemblage of the waterfront property that was eventually purchased. The City did not engage anyone to do that for us. That came to us already in an assembled state before the public process and public hearings began. When the City entered into the redevelopment agreement, the City placed language into the redevelopment agreement that if there was an inability by Branson Landing LLC to perform by November 30, 2001, the City would have an option to acquire the assembled options of the 33 different pieces of property. As that unfolded because of the events of 9-11 primarily, the LLC was unable to bring a convention center quality hotel to the project, and that was the issue that stopped us from being able to complete an agreement with them. However, that did put the Council into the position of having to make a decision on whether or not they were going to purchase the property for the City regardless of whether there was going to be a Convention Center down there or a redevelopment of some sort or just simply a park. The Council deliberated for some length of time to make a determination on whether to purchase that property, but one of the parts of their deliberation was consideration of the appraisal that had to be done. The appraisal for the assembled property in the redevelopment area came back to be about five million-dollars higher than what the options were that were locked in by Branson Landing LLC. The City couldn't change those options as there were already contracts that had been entered into privately between the LLC and the property owners. The only thing the City could do was to make a decision whether to go ahead and purchase those options as they were entered into. The difference is in this case, the City has in the Technical Services Contract, given the developer the authority to approach property owners through his agents to see whether or not terms can be reached to sign option agreements. The City at this point in time have not received anything back from the developer regarding any of the options. So we are still waiting to see what is going to come back if anything. Again, before the City would purchase those options, if it came to that point, and a decision was made to go ahead and go forward with a Convention Center, before the City would purchase those options there would have to be an appraisal done, and the appraisal would have to show the assembled value of the property was fair according to the appraisal. Not the individual pieces but again the assembled value of the property. Going

back to the original purchase of the waterfront property, that was the assembled value of the property the City looked at, not individual prices that had been entered into on the individual options. We would approach it the same way this time. Some properties might have been locked in above their value and some below their value as it turns out in the assembled appraisal. But, we would only look at the assembled value of the property to make that decision.

Mr. Pennel said that if he could speak once more as a concerned property owner and for the other property owners, it doesn't seem fair to me that the appraisal is done after you have the contracts from the property owners. After getting those contracts and it turns out the appraisal value is higher than what was paid, then the City has no obligation period. Granted the property owners have an opportunity to go out and get an appraisal to see what their property is worth so they will know if they are getting a fair price. I feel that we are being pressured by Eminent Domain to sell. City Clerk Williams informed Mr. Pennel his time was up. Mr. Pennel requested additional time. Alderman Warlick moved to grant an additional five minutes, seconded by Alderman Farris. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

Mr. Pennel stated he had spoken to the assessor and obtained the appraised value of all of the commercial property in Taney County and that figure is \$914,000,000. To give it a fair shake, most commercial property is probably appraised less than its actual appraised value and are probably appraised 20% less than they should be. If you add the 20% to the \$914 million-dollars we have almost 1.1 billion-dollars. The project that you are considering is one-fourth of the entire commercial property in Taney County. Again, it seems that the project is too enormous to work.

#### **ADJOURN:**

Alderman Warlick moved to adjourn. Motion was seconded by Alderman Huff. Voting aye were: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: None. Motion carried. Meeting was adjourned at 7:25 p.m.