

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, MARCH 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 March 10, 2003 at 7:00 p.m. with the following members present:

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

Also in attendance were: City Administrator Terry Dody, Assistant City Administrator Kevin Faught, Acting City Attorney Dan Wichmer, City Clerk Sandra Williams, 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 Health Linn Smith, Director of Finance Deanna Schlegel, Director of Parks and Recreation Cindy Shook, Assistant Chief of Police Carroll McCullough, Lisa Westfall, Ted Martin, Charlie Huston, Jason Gagnepain, Ben Bonner, Kelly Eidson, Josh Taylor, Dennis Brunner, Arnold Theerman, Gary Groman, Chandra Huston of Branson Daily Independent, Bill Hagler, Helen Hagler, Larry Milton, Tara McCloud, John Logan, Ricky Renfro, Cliff Sain of Branson Daily News, Dimitri, Kent Williams, Steve Bradford, Amy Bogue-Gray, Tim Haynes of Hometown Radio, Melvin Lay, Mark Still, Mark Weisz, Candace Adams of Missouri Highway Patrol Troop D, Jerry Uhlmann of Missouri State Agency, Bill Davis of National Weather Service, Clay Cantwell and Ross Summers.

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 February 10, 2003, the special meeting of February 18, 2003, and the regular meeting of February 24, 2003. Alderman Warlick moved to approve the Minutes as presented, seconded by Alderman Huff. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

**APPROVAL
OF MINUTES**

At this time, Alderman Barker presented the March Employee of the Month Award to Ted Marin, Division Chief in the Fire Department. Mr. Barker stated, “It is an honor to recognize Ted as he was the originator and the inspiration behind the new Fire Safety House that was recently delivered to the Branson Fire Department. The House is a new hands-on teaching tool for promoting fire and severe weather safety in a residential setting. Having this safety house has been a dream of Ted’s, and he followed it through from beginning to end, and did most of the legwork after hours, on weekends, and between his regular assignments. His initiative resulted in five local businesses funding the safety

**EMPLOYEE
OF THE MONTH**

house, and he worked with the Missouri Department of Corrections to have inmates build the house at no cost. Through his efforts, Ted saved the City of Branson around \$40,0000, and the Fire Department has an incredible life safety training facility. On behalf of the Board of Aldermen it is an honor to present this plaque naming Ted Martin as March Employee of the Month.” Ted Martin thanked everyone for the award but stated that openly and honestly he had 32 guys that make things like this happen: my partner the other Division Chief, my Chief and the other guys who work with me, and a community that has a vision for the future. Mayor Schaefer then recognized the firemen that were present and thanked them for the work they have done and stated, “It is a magnificent thing for our community. It is a valuable tool for safety in our community and I want to commend you for it.”

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:

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| Receipt of the minutes of the January 8, 2003 Capital Improvement Committee meeting, and the Park Board meeting of January 21, 2003. Alderman Barker moved to approve the Minutes as presented, seconded by Alderman Taylor. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried. | ACKNOWLEDGEMENT OF MINUTES |
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REGULAR AGENDA:

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| A presentation of a Storm Ready Community by the National Weather Service and State Emergency Management Agency was the next item on the Agenda. Fire Chief Carl Sparks stated, “This Council has always had an abiding commitment to life safety of our citizens and the visitors of Branson. In fact, at the City Council’s Goals Planning session in June, one of your priority goals was to prepare the city against natural and man-made disasters. One of the objectives to driving us towards that goal was to obtain from the National Weather Service the ‘Storm Ready Certification’” | PRESENTATION STORM READY COMMUNITY |
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William Davis of the National Weather Service then addressed the Board, “We are present this evening to recognize officials from Branson especially our friend and your outstanding Fire Chief Carl Sparks for their hard work, initiative and dedication in creating a community that is truly “Storm Ready”. Branson will now join many other prepared and caring counties and communities across Missouri and the United States who have received the distinction of receiving the “Storm Ready” seal of approval. Through a formalized evaluation process sponsored by the National Weather Service and the Missouri

State Emergency Management Agency we want to recognize those local communities and counties who have taken emergency management and public safety to a higher level of preparedness. The requirements for receiving the “Storm Ready” seal of approval are numerous.” Mr. Davis then turned the floor over to Jerry Uhlmann.

Jerry Uhlmann, Director of the State Emergency Management Agency addressed the Board and stated he could not think of another city in Missouri that had both the ‘Storm Ready’ and the ‘Project Impact’ designations in their community, which says a lot for the community. Mr. Davis presented a plaque to Mayor Schaefer, for excellence in preparing the community against hazardous weather. Stating, “The National Weather Service in Springfield, Missouri officially declares the City of Branson, Missouri, ‘Storm Ready’.” Mayor Schaefer thanked Mr. Davis for the award and entertained a motion to accept the presentation. Alderman Barker moved to accept the presentation, seconded by Alderman Taylor. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

Petition for Consent to Annex property known as Fall Creek Cabins, 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 Huff made the motion, seconded by Alderman Warlick. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

PETITION
CONSENT
TO ANNEX
FALL CREEK
CABINS

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 the staff report. Mayor Schaefer opened the Public Hearing and after no 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 Taylor made the motion, seconded by Alderman Barker. Discussion. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

BILL NO. 2519
PUBLIC HEARING
ANNEXATION
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 after receiving no 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 Warlick made the motion, seconded by Alderman Taylor. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

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

Public Hearing and first reading of Bill No. 2526 annexing property known as Black Oak Circle Subdivision 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 no 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. 2526. Alderman Barker made the motion, seconded by Alderman Huff. No discussion. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

**BILL NO. 2526
PUBLIC HEARING
ANNEXATION
BLACK OAK
CIRCLE SUBDIVISION**

Public Hearing and first reading of Bill No. 2527 annexing property owned by Supermart Solutions LLC 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 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. 2527. Alderman Farris made the motion, seconded by Alderman Warlick. No discussion. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

**BILL NO. 2527
PUBLIC HEARING
ANNEXATION
SUPERMART
SOLUTIONS LLC**

Public Hearing and first reading of Bill No. 2528 an ordinance approving a zoning change from “R-3” Multi-Family Residential to “PD” Planned Development for property owned by Marvin Halbert located on Tyler Street, 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 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. 2528. Alderman Huff moved to approve the bill on first reading, seconded by Alderman Warlick. No discussion. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

**BILL NO. 2528
PUBLIC HEARING
ZONING CHANGE
“R-3” to “PD”
HALBERT
TYLER STREET**

First reading of Bill No. 2529, an ordinance vacating a portion of Wright 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. 2529. Alderman Warlick moved to approve the bill on first reading. Motion was seconded by Alderman Taylor. After some discussion, Mayor Schaefer called for a vote on the motion. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. 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. Alderman Farris made the motion, seconded by Alderman Warlick. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

**BILL NO. 2529
VACATE
WRIGHT
STREET**

First reading of Bill No. 2530, an ordinance amending Title IV, Land Use, Chapter 400: General Provisions, Section 400.040: Definitions and Chapter 410: Zoning Districts, Section 410.040: "C" Commercial District Regulations, of the Branson Municipal Code by adding language pertaining to Amusement/Theme Parks, was read by title by City Clerk Williams, and Don Stephens provided the staff report.

**BILL NO. 2530
AMENDING
MUNICIPAL CODE
TITLE IV
AMUSEMENT/THEME
PARKS**

Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2530. Alderman Warlick made the motion, seconded by Alderman Farris. Alderman Farris moved to amend the bill to delete the language "primarily outdoors" and to change "including" to "which may include". Alderman Warlick seconded the motion. No discussion. Voting aye on the amendment: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried. Voting aye on the first reading of Bill No. 2530: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

First reading of Bill No. 2531, an ordinance amending Section 215.100 D of the Branson Municipal Code, Campground User Fees, to increase certain campground daily and weekly Site rentals for certain site rentals for the Branson Lakeside RV Park, was read by title by City Clerk Williams, and Cindy Shook provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2531. Alderman Huff made the motion, seconded by Alderman Taylor. Discussion. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

**BILL NO. 2531
AMENDING
MUNICIPAL CODE
SECTION 215.100D
CAMPGROUND
USER FEES**

BID AWARD:

First Reading of Bill No. 2532 an ordinance accepting the proposal of bid award to V.L. Clark Chemical Company, Inc., DPC Enterprises, L.P., Univar USA, Inc., Polydyne, Inc., G.S. Robins and Company and Brentag Mid-South, Inc. for chemicals used in the Water and Wastewater Treatment facilities for the City of Branson, authorizing the preparation contracts in accordance with the terms of the proposal, and authorizing the Mayor to execute the agreements, was read by title by City Clerk Williams, and Larry VanGilder provided the staff report. Mayor Schaefer entertained a motion to approve Bill No. 2532 on its first reading. Alderman Barker made the motion, seconded by Alderman Farris. Discussion. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

**BILL NO. 2532
BID AWARD
CHEMICALS
WATER &
WASTEWATER
TREATMENT
FACILITIES**

A presentation on Segways was given by Don Stephens. Discussion. Alderman Barker moved to accept the presentation, seconded by Alderman Farris. Voting aye: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

**PRESENTATION
SEGWAYS
COMMUNITY**

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: Barker, Taylor, Huff, and Farris. Nays: none. Alderman Warlick abstained. Gass absent. 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 Barker commented that he was pleased to see City employees getting involved in such things as the safety trailer, Fire Chief Carl Sparks on the Storm Ready presentation. **BARKER**

Alderman Taylor echoed Alderman Barker's comments and added that he appreciated the hard work of the staff on projects. **TAYLOR**

Alderman Huff commented the same regarding staff and Congratulations to individuals. **HUFF**

PUBLIC COMMENT:

Mayor Schaefer stated the next item was Public Comment and Bill Hagler and Larry Milton requested to speak.

Bill Hagler, 555 Valley View Dr., Branson, addressed the Board stating his concerns with the state's budget; with the HCW contract; with the audit; with the liberty tree and the steps. **HAGLER**

Larry Milton, 102 Vixen, Branson, next asked questions concerning the ERA study, the CS&L study and the Regional Tourism Tax. **MILTON**

Administrator Dody replied that the ERA study couldn't start until the developer was selected, which happened approximately two weeks ago. The ERA study will be available on the City's website when completed. He also stated that the City wouldn't move ahead on the ERA study until the state TIF is approved. **DODY**

Mr. Dody explained that the Regional Tourism Tax is being sponsored by a completely separate political subdivision, which has the same taxing authority as the city, county or ambulance district.

Alderman Huff responded to Mr. Hagler's question stating that there are different points of views concerning the HCW Contract. Alderman Taylor made a motion to allow Mr. Hagler an additional 5 minutes. Seconded by Alderman Farris. Voting aye: Barker, Taylor Huff and Farris. Nays: Warlick. Gass absent. Motion carried. Mr. Huff continued by stating that the Council had nothing to do with the timing of the audit, that's entirely up to the state. As for the convention center and having to buy more land, the reason it is down at the lakefront is that it must be located in a blighted area as required by the TIF. It will cost approximately the same as the other sites if you include the site preparation of those areas, even if additional land is purchased. HUFF

Mr. Hagler questioned the \$5-million dollars it cost us to get out of it with the Australians. HAGLER

Mr. Huff replied that he had a different viewpoint on that issue also. He stated, "Our goal is to make this project self-sustaining and to not use City funds to pay for it". HUFF

Administrator Dody added, "For the record, I would like to make a clarification to Mr. Hagler's comment about the \$5-million. Once again, the \$5-million didn't go to the Australians. The \$5-million was for work product that had to be spent for architecture, engineering and land acquisition. That would have to be spent for Branson Meadows, Remington, behind Wal-Mart or Branson Hills. There's a great misunderstanding out there that somehow the Australians took \$5-million back to Australia with them. That's simple not correct." DODY

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: Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Gass absent. Motion carried.

ADJOURN:

Alderman Barker moved to adjourn. Motion was seconded by Alderman Farris. Voting aye were: Barker, Taylor, Huff, Farris, and Warlick. Nays: None. Gass absent. Motion carried. Meeting was adjourned at 8:32 p.m.