

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, MAY 10, 2004**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on May 10, 2004 at 7:00 p.m. with the following members present:

Mayor Pro Tem Huff presiding, with Dick Gass, Stan Barker, Beverly Martin, David Edie, Jack Purvis present, and Mayor Lou Schaefer absent.

Also present from the City were City Administrator Terry Dody, City Attorney Dan Wichmer, Assistant City Attorney Russ Dempsey, City Clerk Sandra Williams, Deputy City Clerk Lisa Westfall, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Director of Communications Jerry Adams, Finance Director Deanna Schlegel, Director of Planning and Zoning Don Stephens, Assistant Police Chief Caroll McCullough, and Director of Health Linn Smith.

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

Mayor Pro Tem Huff asked for any additions or corrections to the Minutes of the Board of Aldermen meeting and public comments meeting of April 12, 2004, April 26, 2004 and of the Special Meeting of April 28, 2004. Receiving none, Mayor Pro Tem Huff entertained a motion to approve the Minutes stated. Alderman Gass made the motion to approve the Minutes as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**APPROVAL  
OF MINUTES**

**CONSENT AGENDA:**

Mayor Pro Tem Huff asked the Clerk to read the items being considered on the Consent Agenda. Deputy City Clerk Westfall read the following Consent Agenda items by title:

Receipt of the Planning and Zoning Commission meeting of March 2, 2004, the Planning and Zoning Commission meeting of April 6, 2004, the TIF meeting of May 3, 2004, and the Public Meeting with the Branson Business Community of April 29, 2004 were acknowledged within the Consent Agenda. Voting Aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**ACKNOWLEDGEMENT  
OF MINUTES**

Final reading of Bill No. 2832 annexing property

**BILL NO. 2832**

owned by Stanley Earl Tiffany, Trustee into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-063 was duly enacted.

ANNEXATION  
STANLEY EARL  
TIFFANY, TRUSTEE  
ORD. NO. 2004-063

Final Reading of Bill No. 2834 an ordinance calling an election in the City of Branson, Missouri, on the question of authorizing the City of Branson, Missouri, to extend for an additional twenty years the Transportation Sales Tax authorized by Ordinance No. 91-023 that established a Transportation Sales Tax on retail sales within the City of one-half of one percent (1/2 of 1%); designating the time of holding said election; and authorizing and directing the City Clerk to give notice of said election, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-064 was duly enacted.

BILL NO. 2834  
CALLING AN  
ELECTION  
TRANSPORTATION  
SALES TAX  
ORD. NO. 2004-064

Final reading of Bill No. 2837, an ordinance approving a contract with the Missouri Department of Health and Senior Services for Summer Food Program inspections at locations within Taney County, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-065 was duly enacted.

BILL NO. 2837  
CONTRACT  
MO. DEPT. HEALTH  
SUMMER FOOD  
PROGRAM  
ORD. NO. 2004-065

Final reading of Bill No. 2838, an ordinance amending Title V, Building and Construction, of the Branson Municipal Code, by adding a new Section 500.025: *Footing and Foundation Permit*, allowing footing and foundation permits, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-066 was duly enacted.

BILL NO. 2838  
AMENDING  
MUNICIPAL CODE  
FOOTING AND  
FOUNDATION  
PERMIT  
ORD. NO. 2004-066

Final reading of Bill No. 2840, an ordinance appointing Thomas Motley as Municipal Court Judge for a two-year term, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-067 was duly enacted.

BILL NO. 2840  
APPOINTMENT  
MUNICIPAL  
JUDGE  
THOMAS MOTLEY  
ORD. NO. 2004-067

Final reading of Bill No. 2843, an ordinance accepting the proposal of bid award for appraisal services between Roberts & Associates, Inc., and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to the James F. Epps Road Extension Project, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Ordinance No. 2004-068 was duly enacted.

BILL NO. 2843  
BID AWARD  
APPRAISAL  
SERVICES  
EPPS RD EXTENSION  
ORD. NO. 2004-068

**Final Reading of Bill No. 2845 an ordinance accepting the proposal of bid award to Pippin Wholesale Company, Hillyard Floor Care, The Middleton Group/MEMCO, Central Poly Corp., and Springfield Janitor Supply for janitorial supplies used at City Facilities for the City of Branson, authorizing the preparation of contracts in accordance with the terms of the proposals and authorizing the Mayor to execute the agreements, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Ordinance No. 2004-069 was duly enacted.**

**BILL NO. 2845  
BID AWARD  
JANITORIAL  
SUPPLIES  
ORD. NO. 2004-069**

Mayor Pro Tem Huff asked for any corrections on the Consent Agenda as read. Receiving none, Mayor Pro Tem Huff entertained a motion to approve the Consent Agenda as read. Alderman Barker moved to approved the Consent Agenda as presented, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**REGULAR AGENDA:**

**Presentation of Petition for Consent to Annex property owned by Dennis and Anita Sheaffer located at 148 Cypria Lane, Branson, Missouri, was read by title by Deputy City Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem Huff entertained a motion to accept the petition for voluntary annexation. Alderman Gass made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.**

**PETITION  
CONSENT TO ANNEX  
DENNIS & ANITA  
SHEAFFER**

**First Reading of Bill No. 2850, a special ordinance approving the temporary use of a mobile structure to be used as a temporary bank for Citizens Union State Bank to be placed at Lot 44 Branson Meadows Subdivision Phase II at Gretna Road and Motley Drive in Branson, Missouri, was read by title by Deputy City Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2850. Alderman Barker moved to approve the first reading, seconded by Alderman Purvis. No discussion. Voting aye: Gass Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.**

**BILL NO. 2850  
TEMPORARY USE  
MOBILE STRUCTURE  
CITIZENS UNION  
STATE BANK**

**Public Hearing and first reading of Bill No. 2851, an ordinance approving a change in zoning from “R-1” Multi-Family Residential and “PD” Planned Development to “M-H” Mobile Home Community District for Oak Park and Oak Park-First Addition, located between Highway 76, Green Mountain Drive, and Highway 165, Branson, Taney County, Missouri, was read by title by Deputy City Clerk Westfall and Don Stephens provided the staff report. Mayor**

**BILL NO. 2851  
PUBLIC HEARING  
ZONING CHANGE  
“R-1” & “PD”  
TO “M-H” FOR  
OAK PARK**

Pro Tem Huff opened the Public Hearing and discussion was held by the Board and Dana Crowell from the audience. Mayor Pro Tem Huff then closed the Public Hearing and entertained a motion approving the first reading of Bill No. 2851. Alderman Barker moved to approve this bill on first reading, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

First Reading of Bill No. 2852, an ordinance approving a lease agreement between Fidel Gomez and Claudia Alonso and the City of Branson, and authorizing the Mayor to enter into the agreement, was read by title by Deputy City Clerk Westfall, and Dan Wichmer provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2852. Alderman Gass made the motion, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried.

**BILL NO. 2852**  
**LEASE**  
**AGREEMENT**  
**FIDEL GOMEZ &**  
**CLAUDIA ALONSO**

First reading of Bill No. 2853, an ordinance authorizing the Leasing of certain property and improvements of the City; authorizing the borrowing of funds in the amount of \$40,000,000 from the Missouri Development Finance Board in connection with the payment of certain redevelopment costs described in a Tax Increment Financing Plan previously approved by the City; approving the form of and authorizing the execution of a financing agreement with the Missouri Development Finance Board; providing for the Administration of a Special Allocation Fund and other funds and accounts; amending the City Budget; prescribing other matters relating thereto, was read by title by Deputy City Clerk Westfall, and Deanna Schlegel provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2853. Alderman Barker moved to approve the bill on first reading, seconded by Alderwoman Martin. David Queen of Gilmore and Bell, Kansas City, Missouri, then gave his report, stating that this ordinance authorized documents in connection with Phase II of implementing the Branson Landing financing. Phase I occurred in January 2003. Phase II will take us into late 2004, early 2005 with the financing, and will use the Missouri Development Finance Board, an agency of the State of Missouri, to finance the project with bonds. Payment of these bonds will be through various revenues that are being created through the TIF District that is associated with the Branson Landing Project. Then the last phase which is Phase III will be implemented later and there will be a better view of the project as progress is made.

**BILL NO. 2853**  
**LEASING**  
**CITY PROPERTIES**  
**& TIF BONDS**

After the additional discussion, Mayor Pro Tem Huff then called for the vote on the first reading of the bill. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried.

First reading of Bill No. 2854, an ordinance authorizing the amending of the 2003-04 Budget for the City of Branson, was read by title by Deputy City Clerk Westfall, and Terry Dody provided the staff report. Mayor Pro Tem Huff entertained a motion approving the

**BILL NO. 2854**  
**AMENDING**  
**2003-04 BUDGET**

first reading of Bill No. 2854. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried.

First reading of Bill No. 2855, an ordinance authorizing the purchase of a skid-steer loader from the Bobcat Company for the City of Branson in accordance with the governmental cooperative contract, was read by title by Deputy City Clerk Westfall, and Larry VanGilder provided the staff report. Mayor Pro Tem Huff entertained a motion approving the first reading of Bill No. 2855. Alderwoman Martin made the motion, seconded by Alderman Gass. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried.

**BILL NO. 2855  
GOVERNMENTAL  
COOPERATIVE  
CONTRACT  
BOBCAT COMPANY  
SKID-STEER LOADER**

A resolution authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund for a special project to create a brand for Branson's promotional and marketing purposes, was read by title by Deputy City Clerk Westfall, and Terry Dody provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderman Gass made the motion, seconded by Alderman Barker. The meeting was turned over to Ross Summers, Vice-President of the Chamber of Commerce for a presentation on the "branding" of Branson.

**RESOLUTION  
TOURISM TAX  
CONTINGENCY  
FUND FOR  
BRANDING OF  
BRANSON  
NO. 2004-R015**

Mr. Summers indicated a special meeting was held earlier to introduce the Sterling Group out of San Francisco who has been hired to go through the branding process of Branson, and Linda Antus of Silver Dollar City properties spoke concerning the branding process, which will help the marketers of Branson to connect emotionally and tangibly to the customers. The Sterling Group described the branding process at the meeting as "Branson on its Best Day". This is a way to look at the positive things about Branson and encourage the "fence sitters", those who haven't made up their minds about Branson, to come and visit Branson. Dan Lennon then spoke and explained the process of choosing the company for this branding project from the 19 RFP's that the Chamber of Commerce had received. A committee of twelve marketing professions from a cross-section of Branson's businesses was selected to evaluate the RFP's by using specific criteria. Through this process, the Sterling Group was selected as the branding agency. Mr. Lennon read several letters in support of the City spending tourism tax dollars to pay for this branding project. Others who spoke in favor of the City paying for the project were: Steve Critchfield, 78 Cozy Cove Drive; Raeanne Presley, 404 Judy Street; Chris Jordan, 203 Cliff Dr.; Ron Herschend, 1211 Hwy F; Cindy Kendall, 714 Neihardt Dr.; Gary Groman, 230 River Point Rd. Hollister; and Mike Combs, 860 Reinhart Road. John Logan, 2277 Lakeshore Dr. spoke against the project. Alderman Barker commented that he felt branding was good for

the community and that everyone needs to get behind it and put their energies in one direction. Alderman Edie discussed branding and the timing of marketing needed for the Convention Center. Discussion was held to clarify that the requested funds for the branding project would be taken from the City's tourism tax contingency fund. Additionally Alderman Purvis clarified that since the branding is being underwritten by City funds it will belong to the people of the City of Branson. Alderman Gass stated that he was on the Branding Task Force, and at the beginning he was one of the doubters, now he would like to urge everyone to support this project. Mayor Pro Tem Huff discussed with Ross Summers what would happen if the outcome wasn't what was wanted. Mr. Summers stated that if the project didn't go through we would be in much deeper trouble. Alderwoman Martin commented that this was a positive venture and that we have to have faith in the Sterling Group. After discussion, Alderman Gass made a motion amending the resolution to include the spending of \$135,000. Alderman Purvis made the second. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays None. Motion carried. Mayor Pro Tem Huff called for a vote on the motion as amended. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Resolution No. 2004-R015 was adopted.

A resolution acknowledging Reimbursement No. 21 to HCW for expenses incurred on the Branson Landing Project pursuant to the Technical Services Contract, was read by title by Deputy City Clerk Westfall, and Dan Wichmer provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderwoman Martin made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Resolution No. 2004-R016 was adopted.

**RESOLUTION  
REIMBURSEMENT  
TO HCW  
NO. 2004-R016**

#### **DISBURSEMENTS:**

Mayor Pro Tem Huff stated the next item was review of the disbursements, and asked if there were any questions regarding the disbursements. Hearing none, Mayor Pro Tem Huff entertained a motion to approve the disbursements. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**DISBURSEMENTS**

#### **OTHER BUSINESS:**

Mayor Pro Tem Huff 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. Alderwoman Martin spoke about an area on Fall Creek Road near Hwy 165 that was dangerous and had had several accidents. Larry VanGilder responded to Alderman Martin's questions and stated that the area she was speaking of was in the county, but he would look into the situation with the county and the state to see what could be done.

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

**Alderman Gass thanked the community for speaking on the branding project and commented that the presentation was well done.** **GASS**

**Alderman Barker concurred with Alderman Gass and hoped the community would get behind the branding process and pool their resources all in one direction.** **BARKER**

**Alderwoman Martin concurred with Alderman Gass and Barker.** **MARTIN**

**Alderman Purvis read a proposed resolution (attached) requesting Senator Childers and Representative Wood to draft and introduce legislation allowing counties and cities the right to regulate the sale of alcoholic beverages in theaters. No action was taken on this resolution due to it being presented under Aldermen's Reports. It will be presented at the next meeting.** **PURVIS**

**Alderman Huff asked everyone to keep the Mayor in their thoughts and thanked Mr. Herschend for offering the help of the county in sharing in the funding of the branding project.** **HUFF**

**Alderman Edie also thanked Mr. Herschend for his offer of support.** **EDIE**

**Administrator Dody reminded everyone of the groundbreaking ceremony for Branson Landing was this Saturday.** **DODY**

### **ADJOURN:**

**At this time, Mayor Pro Tem Huff entertained a motion to adjourn. Alderman Purvis made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Meeting was adjourned at 9:05 p.m.**

**A resolution requesting Sen. Childers and Rep. Wood draft and introduce legislation allowing Counties and Cities the right to regulate the sale of alcoholic beverages in theaters.**

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**Whereas**, the State of Missouri sees the need to control where alcoholic beverages are sold, consumed, and at what age a citizen must be to do so, and issues licenses to achieve that purpose, and

**Whereas**, the sale of alcoholic beverages in movie and music theaters is not ordinary in the State of Missouri, and

**Whereas**, counties and cities would be well served if they believe it is in their best interest, to deny alcoholic beverage licenses to theaters, and

**Whereas**, the State of Missouri sees the need to deny our men and women in the military under the age of 21 the right to consume or purchase alcoholic beverages, and

**Whereas**, it has been suggested that a multi-screen theater that would serve alcoholic beverages in Branson has shown interest in the Branson Landing.

**Now therefore, Be it resolved that the request for legislation, be drafted giving Counties and Cities the right to regulate the sale of alcoholic beverages in theaters.**