

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, JULY 12, 2004**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on July 12, 2004 at 7:00 p.m. with the following members present:

Mayor Schaefer presiding, Dick Gass, Stan Barker, Beverly Martin, Ron Huff, David Edie, and Jack Purvis present.

Also present from the City were: City Administrator Terry Dody, City Attorney Dan Wichmer, City Clerk Sandra Williams, Assistant City Administrator Frank Schoneboom, Assistant City Attorney Russ Dempsey, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Director of Economic Development Mike Rankin, Director of Communications Jerry Adams, Finance Director Deanna Schlegel, Director of Planning and Zoning Don Stephens, Parks Director Cindy Shook, Police Chief Steve Mefford, and Director of Health Linn Smith.

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 Board of Aldermen meeting and public comments meeting of June 28, 2004; and the Special Meeting of June 28, 2004. Receiving none, Mayor Schaefer entertained a motion to approve the Minutes as presented. Alderman Huff moved 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**

At this time Alderman Gass moved to remove Items No. 6, 7, and 8 from the Consent Agenda and to place them on the Regular Agenda as Items No. 6, 7, and 8. Motion was seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

Alderman Huff then moved to remove Item No. 5 from the Consent Agenda and to place it on the Regular Agenda as Item No. 5, seconded by Alderman Barker. Voting aye: Barker and Huff. Nays: Gass, Martin, Edie, and Purvis. Motion failed.

CONSENT AGENDA:

Mayor Schaefer then 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:

Final reading of Bill No. 2878 annexing property owned by Timothy and Janet Swope into the City, was approved within the Consent Agenda. Voting aye: Gass, Martin, Edie, and Purvis. Nays: Barker and Huff. Motion carried. Ordinance No. 2004-092 was duly enacted.

**BILL NO. 2878
ANNEXATION
TIMOTHY AND
JANET SWOPE
ORD. NO. 2004-092**

Final Reading of Bill No. 2879, an ordinance enacting a Final Subdivision Plat of Roark Hills Subdivision, Phase I located on Summerwood Drive, Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Martin, Edie, and Purvis. Nays: Barker and Huff. Motion carried. Ordinance No. 2004-093 was duly enacted.

**BILL NO. 2879
SUBDIVISION
FINAL PLAT
ROARK HILLS
ORD. NO. 2004-093**

Final Reading of Bill No. 2880, an ordinance amending the 2003-04 Budget for the City of Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Martin, Edie, and Purvis. Nays: Barker and Huff. Motion carried. Ordinance No. 2004-094 was duly enacted.

**BILL NO. 2880
AMENDING
2003-04 BUDGET
ORD. NO. 2004-094**

Final Reading of Bill No. 2881, an ordinance accepting the proposal of bid award between Leo Journagan Construction Company, Inc. and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to the East Fall Sewer Project, was approved within the Consent Agenda. Voting aye: Gass, Martin, Edie, and Purvis. Nays: Barker and Huff. Motion carried. Ordinance No. 2004-095 was duly enacted.

**BILL NO. 2881
BID AWARD
JOURNAGAN CONST.
EAST FALL CREEK
SEWER PROJECT
ORD. NO. 2004-095**

Final Reading of Bill No. 2873, an ordinance of the Board of Aldermen of Branson, Missouri, approving the Branson Hills Tax Increment Financing Plan and authorizing the Redevelopment projects described therein; designating the area described in the Plan as a Redevelopment Area pursuant to the Real Property Tax Increment Redevelopment Act; making findings with respect thereto; authorizing the use of tax increment financing within the Redevelopment Area upon specific adoption in connection with the implementation of redevelopment projects; designating Ozark Diversified Development, LLC as the developer of the Redevelopment Area; authorizing certain actions by city officials; and containing a severability clause, was approved within the Consent Agenda. Voting aye: Gass, Martin, Edie, and Purvis. Nays: Barker and Huff. Motion carried. Ordinance No. 2004-096 was duly enacted.

**BILL NO. 2873
BRANSON HILLS
TIF PLAN
ORD. NO. 2004-096**

At this time, John Logan asked for a Point of Order determination under 'Robert's Rules of Order' which states that a Point of Order may be requested from any member of the Body of the convened meeting. Mr. Logan said he believed that the TIF issue in Branson Hills is of such magnitude to our community and as many people came here possibly to speak on this subject, that it be allowed to be placed on the regular agenda so that the people who came out tonight can

JOHN LOGAN

speaking if they so wish. Alderman Huff said he agreed there were a lot of folks here that want to speak on this matter, and he felt it would be a disservice to the citizens if they were not heard. After some discussion, Alderman Huff made a motion to reconsider allowing Item #5 to be removed from the Consent Agenda and placed on the Regular Agenda, seconded by Alderman Barker. Discussion was held and Alderman Edie explained that this was discussed for about seven hours in two different meetings and he was ready to go ahead with it and felt it should be left on the Consent Agenda. Alderman Gass then called for the question. Mayor Schaefer called for the vote on the motion to reconsider. Voting aye: Barker and Huff. Nays: Gass, Martin, Edie, and Purvis. Motion to reconsider failed.

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

REGULAR AGENDA:

Final Reading of Bill No. 2875, an ordinance of the Board of Aldermen of Branson, Missouri, approving, designating, and implementing Redevelopment Project I of the Branson Hills Tax Increment Financing Plan as a Redevelopment Project and adopting tax increment financing for the area described in the Branson Hills Tax Increment Financing Plan as Redevelopment Project Area I; authorizing certain actions by city officials; and containing a severability clause, was read by title by City Clerk Williams. Alderman Edie moved to postpone this item until July 26, 2004, seconded by Alderman Purvis. Alderman Huff asked the City Administrator to provide an explanation as to why this postponement was needed. Administrator Dody explained that on the three project ordinances there are timing issues that the developer has to take into consideration regarding the TIF as once these ordinances are finalized that begins the twenty-three year base time line on the TIF for that project. The normal process is for the developer to delay the second reading on these projects as long as they can before beginning the 23-year time-line. Voting aye on the postponement were: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. The final reading of Bill No. 2875 was postponed until July 26, 2004.

**BILL NO. 2875
BRANSON HILLS
TIF PROJECT I**

Final Reading of Bill No. 2876, an ordinance of the Board of Aldermen of Branson, Missouri, approving, designating, and implementing Redevelopment Project II of the Branson Hills Tax Increment Financing Plan as a Redevelopment Project and adopting tax increment financing for the area described in the Branson Hills Tax Increment Financing Plan as Redevelopment Project Area II; authorizing certain actions by city officials; and containing a severability clause, was read by title by City Clerk Williams. Alderman Huff moved to postpone this item until January 10, 2005, seconded by

**BILL NO. 2876
BRANSON HILLS
TIF PROJECT II**

Alderman Purvis. Voting aye on the postponement were: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. The final reading of Bill No. 2876 was postponed until January 10, 2005.

Final Reading of Bill No. 2877, an ordinance of the Board of Aldermen of Branson, Missouri, approving, designating, and implementing Redevelopment Project III of the Branson Hills Tax Increment Financing Plan as a Redevelopment Project and adopting tax increment financing for the area described in the Branson Hills Tax Increment Financing Plan as Redevelopment Project Area III; authorizing certain actions by city officials; and containing a severability clause, was read by title by City Clerk Williams. Alderman Purvis moved to postpone this item until January 10, 2005, seconded by Alderman Gass. Voting aye on the postponement were: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. The final reading of Bill No. 2877 was postponed until January 10, 2005.

**BILL NO. 2877
BRANSON HILLS
TIF PROJECT III**

Presentation of a Petition for Consent to Annex property owned by Dennis R. and Anita L. Sheaffer, located at 148 Cypria Lane, 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 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 R. AND
ANITA L. SHEAFFER
PROPERTY**

Public Hearing and first reading of Bill No. 2882 an annexing property owned by Stanley and Norma Anderson 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 some discussion, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2882. Alderman Barker made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2882
PUBLIC HEARING
ANNEXATION
STANLEY AND
NORMA ANDERSON**

At this time Alderwoman Martin left the room.

Public Hearing and first reading of Bill No. 2883 an ordinance approving a zoning change from "C" Commercial to "PD" Planned Development and approving Land Use Regulations for Planned Development PD-2004-001, for property located adjacent to Branson Hills Parkway, known as Branson Hills Plaza, 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 discussion from the Board or audience, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve

**BILL NO. 2883
PUBLIC HEARING
ZONING CHANGE
"C" COMMERCIAL
TO "PD" PLANNED
DEVELOPMENT**

the first reading of Bill No. 2883. Alderman Gass made the motion, seconded by Alderman Huff. No discussion. Voting aye: Gass, Barker, Huff, Edie, and Purvis. Nays: none. Absent: Martin. Motion carried.

Alderwoman Martin returned to the meeting.

A resolution approving a Preliminary Subdivision Plat for Branson Hills Plaza, Branson, Missouri, was read by title by City Clerk Williams and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to approve the resolution. Alderman Gass made the motion, seconded by Alderman Huff. Discussion. Alderman Edie then moved to amend the resolution to exclude the common area portion of Lot 10, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Mayor Schaefer then called for a vote on the resolution as amended. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R022 was adopted.

First reading of Bill No. 2884 a special ordinance approving the temporary use of a mobile structure to be used as a temporary classroom and to be placed at Cedar Ridge Elementary School in Branson, Missouri was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2884. Alderman Barker moved to approve the bill, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

First reading of Bill No. 2885 a special ordinance approving the temporary use of a mobile structure to be used as a temporary office and to be placed at the City of Branson's Campground #2, was read by title by City Clerk Williams, and Larry VanGilder provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2885. Alderman Gass made the motion, seconded by Alderwoman Martin. John Logan addressed the Board, indicating he objected to have both readings on the same night, just as he has been objecting in the past as it does not allow the citizens to have an opportunity to speak on the issue. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Alderman Barker moved to read Bill No. 2885 a second time by unanimous consent, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2885 by title again. Mayor Schaefer entertained a motion approving the final reading of Bill No. 2885. Alderman Gass made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-097 was duly enacted.

First reading of Bill No. 2886, an ordinance approving an

BILL NO. 2886

agreement between RichMack, LLC and the City of Branson, and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Williams, and Dan Wichmer provided the staff report. Mr. Wichmer explained that as the Recreational Center site is located within property owned by RichMack and it requires the contractor to utilize certain areas of RichMack's property, therefore RichMack has requested that the City indemnify them in the event that someone working on the City's project becomes injured while on RichMack's property. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2886. Alderwoman Martin made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**AGREEMENT
RICHMACK, LLC
INDEMNIFICATION**

First reading of Bill No. 2887, an ordinance authorizing the Mayor to execute an amendment to the Professional Engineering Services Agreement with Berger Devine Yeager, Inc. pertaining to the design and construction phase engineering services for the Business 65 traffic roundabout located on the south end of the Lake Taneycomo Bridge, 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 approving the first reading of Bill No. 2887. Alderwoman Martin made the motion, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Motion carried.

**BILL NO. 2887
AMENDING
AGREEMENT WITH
BERGER DEVINE
YEAGER, INC.**

This item was a request by Ron Herschend of the Taney County Commission to discuss the Bee Creek Sewer Agreement, as it pertains to involuntary annexation. Mr. Herschend said he made this request in an effort to keep this project moving forward.

**RON HERSCHEND
BEE CREEK SEWER
AGREEMENT**

The last major hurdle is the annexation issue which both City staff and the Sewer Board have been working on to try to resolve. The two major points the people out in the County are saying are (1) they are concerned that once they sign an agreement they will be held to City rules and regulations without a voice on the Council; (2) they are concerned that the County didn't do a good job when we sold them on the sales tax for sewer in the County as to it being tied to the City. Given these concerns we are scheduled to work together with staff tomorrow towards a positive resolution for all, but I would appreciate clarification as to the procedures we will need to follow to move forward with this agreement. Mayor Schaefer said it was his understanding these questions would be answered in the Public Meeting. Alderman Purvis stated the meeting scheduled for Tuesday, July 13, 2004 at 8:30 a.m. is to include the Council and they will be present to discuss these questions. Mr. Herschend apologized as he was not aware that the meeting was to include the Board of Aldermen and he was just trying to keep the project moving forward.

The next item was the appointment of a member to the Board of Adjustment. Mayor Schaefer recommended the appointment of Bob Keller to serve as the alternate member to the Branson Board of Adjustment for a term expiring April,

**APPOINTMENT
BOARD OF ADJUSTMENT
BOB KELLER**

2009, and entertained a motion approving this recommendation. Alderman Huff moved to approve the appointment, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

A resolution to reappoint a member to the Board of Directors of the Public Building Corporation, and the appointments of three new members to fill the vacancies, was read by City Clerk Williams

**RESOLUTION
APPOINTMENTS
PUBLIC BUILDING**

and she provided the staff report. Mrs. Williams indicated that David E. Clemenson needed to be reappoint until June, 2009; and the new appointments of Bob Warlick until June, 2005; Al Moon until June, 2007; and Jeanne Hendricks until June, 2009 were being recommended. Mayor Schaefer entertained a motion to approve the resolution appointing new members to the Public Building Corporation Board of Directors, and the reappointment of one member. Alderwoman Martin made the motion, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Resolution No. 2004-020 was adopted.

**CORPORATION
BOARD
NO. 2004-020**

A resolution acknowledging Reimbursements No. 28, 29, and 30 to HCW for expenses incurred on the Branson Landing Project pursuant to the Technical Services Contract, was read by title by Clerk Williams, and Frank Schoneboom provided the staff report. Mayor Schaefer entertained a motion to approve the resolution. Alderwoman Martin made the motion, seconded by Alderman Gass. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R021 was adopted.

**RESOLUTION
REIMBURSEMENT
TO HCW
NO. 2004-R021**

DISBURSEMENTS:

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

DISBURSEMENTS

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 Huff asked Administrator Dody to provide an update on the "Cruisin Branson" issue. Mr. Dody said that staff was able to obtain the same resources for this event as they had last year, and it was going to be his recommendation to go forward with the event this year.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderwoman Martin extended an invitation for everyone to come out to the new Club House at Pointe Royale as it has a restaurant and is open to the public. MARTIN

ADJOURN:

At this time, Mayor Schaefer entertained a motion to adjourn. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Meeting was adjourned at 8:05 p.m.