

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, NOVEMBER 8, 2004**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on November 8, 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, Assistant City Administrator Frank Schoneboom, City Attorney Dan Wichmer, City Clerk Sandra Williams, 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 Work Session Meeting of September 24, 2004, the Special Meeting of October 21, 2004, the Board of Aldermen meeting and Public Comments meeting of October 25, 2004, and the Special Meeting of October 26, 2004. Receiving none, Mayor Schaefer entertained a motion to approve the Minutes as presented. Alderman Huff moved to approve the Minutes as submitted, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**APPROVAL
MINUTES**

Alderman Edie made a motion to remove Item No. 3 from the Consent Agenda and place it as Item No. 11a on the Regular Agenda for discussion and to remove Item No. 11 from the Consent Agenda and place it as Item No. 11b on the Regular Agenda for discussion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

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:

Receipt of the Capital Improvements Committee meeting of September 27, 2004 and the Park Board meeting of August 17, 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. 2934, an ordinance approving "PD" Planned Development zoning and approving Land Use Regulations for Planned Development PD-2004-002 for property owned by Dr. Gerald Blue known as Blue Mountain Estates, Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-150 was duly enacted.

**BILL NO. 2934
"PD" ZONING & LAND
USE REGULATIONS
BLUE MOUNTAIN
ORD. NO. 2004-150**

Final reading of Bill No. 2937, an ordinance repealing Chapter 235 of the Branson Municipal Code, Fire Prevention Code and enacting a new Chapter 235 adopting the International Fire Code, 2003, with amendments, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-152 was duly enacted.

**BILL NO. 2937
REPEALING
CHAPTER 235
BRANSON MUNICIPAL
CODE & ENACTING
NEW CHAPTER 235
ORD. NO. 2004-152**

Final reading of Bill No. 2938, an ordinance vacating a sewer easement to the Lezah Stenger Foundation in the southeast corner of the southwest quarter of Section 3, Township 22 North, Range 22 West, Taney County, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-153 was duly enacted.

**BILL NO. 2938
VACATING SEWER
EASEMENT-LEZAH
STENGER FOUNDATION
ORD. NO. 2004-153**

Final reading of Bill No. 2939, an ordinance vacating a sewer easement to Myron J. & Lorita A. Curtis in the southeast corner of Lot 1 the northwest quarter of Section 2, Township 22 North, Range 22 West, Taney County, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-154 was duly enacted.

**BILL NO. 2939
VACATING SEWER
MYRON J. & LORITA A.
CURTIS
ORD. NO. 2004-154**

Final reading of Bill No. 2940, an ordinance accepting the proposal of bid award between Freesen, Inc. and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to the Phase I Fall Creek Road Extension Project, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-155 was duly enacted.

**BILL NO. 2940
BID AWARD
FREESSEN, INC.-PHASE I
FALL CREEK ROAD
EXTENSION PROJECT
ORD. NO. 2004-155**

Final reading of Bill No. 2941, an ordinance authorizing the purchase of a street sweeper from Key Equipment & Supply Company and the City of Branson in accordance with the State of Missouri Cooperative Procurement Program, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-156 was duly enacted.

**BILL NO. 2941
BID AWARD
KEY EQUIPMENT
& SUPPLY CO.
STREET SWEEPER
ORD. NO. 2004-156**

Final reading of Bill No. 2942, an ordinance accepting the proposal of bid award to CenturyTel for a telephone system for the City of Branson's new Recreation Center Complex, and authorizing the Mayor to execute the agreement, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-157 was duly enacted.

**BILL NO. 2942
BID AWARD
CENTURYTEL
TELEPHONE SYSTEM
RECREATION CENTER
ORD. NO. 2004-157**

Final reading of Bill No. 2943, an ordinance accepting the proposal of bid award to Ozarks Coca-Cola / Dr. Pepper Bottling Company for vending for the new Recreation Center Complex of the City of Branson, and authorizing the Mayor to execute the agreement, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-158 was duly enacted.

**BILL NO. 2943
BID AWARD
OZARKS COCA-COLA/
DR. PEPPER BOTTLING CO.
RECREATION CENTER
ORD. NO. 2004-158**

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 amended. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

REGULAR AGENDA:

Final Reading of Bill No. 2936, an ordinance repealing previous adopted Building Codes and adopting the International Building Code 2003, the International Residential Code 2003, the National Electrical Code 2002, the International Electrical Code Administrative Provisions 2003, the International Maintenance Code 2003, the International Mechanical Code 2003, the International Plumbing Code 2003, the International Existing Building Code 2003, and the International Fuel Gas Code 2003, with certain additions, insertions and changes, was read by title by City Clerk Williams. Don Stephens provided the staff report stating that after some research, in 1990 Section 910.2.6 was added by the Fire Department to "windowless stories or basements" not covered in the Building Code at that time. However, the 2003 International Building Code does address those issues and

**BILL NO. 2936
REPEALING
PREVIOUS ADOPTED
BUILDING CODES &
ADOPTING NEW
ORD. NO. 2004-151**

therefore this amendment is unnecessary and repetitive. Mr. Stephens then recommended deleting the amendment to Section 910.2.6, related to smoke control-venting requirements for windowless stories. Mayor Schaefer then entertained a motion to approve the final reading of Bill No. 2936. Alderman Gass made the motion, seconded by Alderman Purvis. Alderman Edie made the motion to amend the bill by deleting “*Section 910.2.6 Smoke Control/Venting. Any area that is classified as a “windowless story” shall be equipped with an approved mechanical smoke control system, designed to remove smoke at the rate of forty thousand (40,000) cubic feet per minute.*”. Motion was seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Mayor Schaefer then called for a vote on the final reading of Bill No. 2936 as amended. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-151 was duly enacted.

Final reading of Bill No. 2935, an ordinance amending the Land Use Regulations for Planned Development PD-2001-01, known as The Woods, Branson, Missouri was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion approving the final reading of Bill No. 2935. Motion was made by Alderman Barker, seconded by Alderman Purvis. At this time, Alderman Edie made a motion to amend Bill No. 2935, Section 1, by changing the last sentence to read “*That height restriction shall be limited to one hundred feet (100’) for parcel thirteen, eighty-three feet (83’) for parcel nine, and fifty-five feet (55’) for all remaining parcels.*”, motion seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Mayor Schaefer then called for a vote on the final reading of Bill No. 2935 as amended. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2004-159 was duly enacted.

**BILL NO. 2935
AMENDING LAND
USE REGULATIONS
THE WOODS
ORD. NO. 2004-159**

The next item on the regular agenda was a status report on Branson Landing and Convention Center Projects. Harold Allen of Benham Company provided an update on the reimbursements to HCW for various site expenses. Mr. Allen provided a brief report regarding the financial

**STATUS REPORT
BRANSON LANDING &
CONVENTION CENTER
PROJECTS**

reimbursements made to HCW. Mr. Allen indicated the 41C reimbursement request was in the amount of \$98,034.44 which covers various design fees for the design consultants such as Walter P. Moore, Palmerton and Parris, Black & Beach, BD&Y, Inc., and Wet Design. 42C reimbursement was in the amount of \$922,750 which is an advance payment for the start of the manufacturing of the components for the major fountains on the site. 43C reimbursement in the amount of \$144,030.17 is costs to Palmerton & Parrish for geotechnical work, and for another sub-consultant, McBride who is working on the themeing concepts for the Town Square and Boardwalk areas. 44C reimbursement in the amount of \$1,310,738.73 to Turner Construction covers work being done by Boyce Excavating for the on-going fill work and the retaining wall. Last is 41R reimbursement in the amount of \$24,886.62 to HCW for their work in managing some of the sub-contractors. He then reviewed the on-going construction work indicating they were now constructing the North Loop, which is a major utility trench around the north side of the project that

will have 30 to 36 major varied conduits in it along with the phone date and mainly electrical around the north end of the site. The Lake Queen will be relocated to a new docking structure off the north end of the project so that the old existing dock can be removed. New 72" storm sewers are being installed at three points across the site to drain both the water that comes down the hill to the railroad tracks from the existing City, and will drain some of the new storm water being generated by the Branson Landing Project. The convention Center design is proceeding, and there is a Plan Review being done on the Schematic Design to have another set of eyes look at it. After addressing questions from the Board, Mr. Allen closed his report by introducing employee Jim Martin to the Board, who is going to be Benham's on-site construction consultant person as the project evolves. Mayor Schaefer thanked Mr. Allen for his report and entertained a motion to accept the report. Alderman Baker moved to accept the report, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

Presentation of Petition for Consent to Annex property owned by Scott D. and Susan K. Brown into the City, 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. Alderwoman Martin made the motion, seconded by Alderman Gass. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

First reading of Bill No. 2944, an ordinance accepting the proposal of bid award between Landmark Structures I, L.P., and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to the Pacific Street Water Tower Project, was read by title by City Clerk Williams, and Larry VanGilder provided the staff report stating that that a 1 million gallon water tower is necessary to meet the critical needs of increasing water pressure and water use in the downtown area along with fire protection, and a backup water supply for Skaggs Hospital. The bid prices for the water tower which includes the installation of elevators and floors to create office space within the support column is \$2,545,000. The two alternates obtained for the future installation of decorative lighting displays on the side of the tower is \$10,000, and another \$10,000 on the pedestal. With the two alternates, the contract price would be \$2,565,000, which is the recommendation made by staff. After some discussion by the Board, Mayor Schaefer entertained a motion approving the first reading of Bill No. 2944 in the amount of \$2,565,000. Alderman Purvis made the motion, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

A resolution approving a Landlord's Estoppel Certificate for assignment of a lease interest from Hughes Entertainment, Inc. to First Community Bank of Taney County, and Authorizing the Mayor to execute same, was read by title by Clerk Williams, and Dan Wichmer provided

the staff report. Mayor Schaefer entertained a motion to approve the resolution. Alderman Gass moved to adopt the resolution, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R029 was adopted.

RESOL. NO. 2004-R029

A resolution authorizing the execution of Acknowledgement and Consent to transfer of membership interests pursuant to the First Amended and Restated Redevelopment Contract and the Master Lease for the Branson Landing Tax Increment Financing Plan and Redevelopment area, was read by title by Clerk Williams, and Terry Dody provided the staff report. Mayor Schaefer entertained a motion to approve the resolution. Alderman Gass moved to adopt the resolution, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R030 was adopted.

**RESOLUTION
TRANSFER OF
MEMBERSHIP INTEREST
BRANSON LANDING
TIF PLAN
RESOL. NO. 2004-R030**

The next item on the agenda was the Re-appointment of members to the Building Code Board of Appeals. City Clerk Sandra Williams provided the introduction of the re-appointments of Walker Sumner, Ed Leach, Mark Welytok, and Gerald Oney to serve new five-year terms as Building Code Board of Appeals members. Their re-appointed terms would run as follows: Walker Sumner-April 2006, Ed Leach-April 2007, Mark Welytok-April 2008, and Gerald Oney-April 2009. Mayor Schaefer entertained a motion approving these re-appointments. Alderman Gass made the motion approving the Mayor's re-appointments to the Building Code Board of Appeals, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**RE-APPOINTMENT
BUILDING CODE
BOARD OF APPEALS**

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. Hearing none, Mayor Schaefer opened the floor for Aldermen and Administrator's Reports.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Gass reminded the Board that it was “Bell Ringing” time again, and he was looking to all of the aldermen to challenge a number of service organizations as they had done the past year. Last year this raised \$4,000 for the Salvation Army and hoped to increase that amount this year. **GASS**

Alderman Barker said he would like to take this opportunity to acknowledge our Veterans as this is Veterans Week for Branson and Veterans Day is the 11th. He indicated he hoped everyone takes an opportunity to greet the veterans while they are visiting our community, to acknowledge the sacrifice they have made for us. **BARKER**

Alderwoman Martin said that along that line, she felt everyone should be very proud of Mayor Schaefer for all of the involvement he does during this Veterans Week, and thanked him for always being out there as a spokesperson for the City. **MARTIN**

Alderman Huff said he also wanted to say that he appreciates everything Mayor Schaefer does on behalf of the City all year long, and especially during Veterans Week. **HUFF**

Alderman Purvis said he agreed with everything that was said about the Mayor, and would like to challenge the County Commissioners and the Hollister Council to get out and ring the bells and see how much they can raise as the Salvation Army does a great deal of work in our area. **PURVIS**

Alderman Purvis also inquired about what was happening to the wood from the trees that are being cut down, and wondered if some of the local people could use it for heating. Administrator Dody explained that the majority was sold as part of the demolition process, and what is left is scrub limbs after everything was sold. **PURVIS**

ADJOURN:

At this time, Mayor Schaefer entertained a motion to adjourn. Alderman Purvis made the motion to adjourn, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Meeting was adjourned at 7:53 p.m.