

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, NOVEMBER 22, 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 22, 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 November 8, 2004, and the Board of Aldermen meeting and Public Comments meeting of November 22, 2004. Receiving none, Mayor Schaefer entertained a motion to approve the Minutes as presented. Alderman Huff 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 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 Planning and Zoning Commission meeting of October 5, 2004 was 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. 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-160 was duly enacted.

**BILL NO. 2944  
BID AWARD  
LANDMARK  
STRUCTURES I, L.P.  
PACIFIC ST. WATER  
TOWER PROJECT  
ORD. NO. 2004-160**

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 Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

#### **REGULAR AGENDA:**

The first 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 project indicating that the retaining wall was coming along well, and explained that the scope of the wall is over 2000 feet in length, which is a massive undertaking. The stabilized rock trench underneath is about 70% complete, the footings that sits on top of the rock stabilization is over 50% complete, and the wall itself is about 45% complete. Mr. Allen stated the wall will have nearly 3,000 cubic yards of concrete, and about half of that has been put in place. He also indicated that by the first or second week in December the wall would be completed. The next noticeable construction would be the pier drilling on the site sand because about a half a dozen drill rigs that are 80 to 85 feet tall will be doing the drilling of the piers that will sit underneath the taller buildings on the site. The latest report on the 404 permit is that the City should receive the draft approval by the end of the month, which will have the Colonel's signature on it. It will just be the draft permit because it will contain some provisions that Killian/Turner and the developer will have to respond to, but it does allow the work in the floodway to begin. Construction has begun on the major storm lines up close to Main Street that will run through the site and terminate in large underground sediment settling structures by the edge of the lake where they will discharge. Work is continuing on the north end of the loop routing electrical lines through a trench around the north side of the site, underground to get them below ground. Mr. Allen ended his report by saying he was working closely with the City on the design of the Roark Creek Bridge regarding the details of the railing and the lighting so it will coordinate with the Branson Landing and the Convention Center.

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

Rick Huffman, of HCW Development Company informed the Board that Tom Porter from TVS, the lead architectural firm for the project, and Pat McBride from McBride Company were present with updates. Mr. Huffman indicated the project was 100% through of the design development (ED) phase, and is now 20% into the construction documents (CD) phase, and the designs being presented were the final designs. He said the

leasing was doing fantastic, and reminded everyone that it is about 450-thousand square feet of space for retail, and about 300-thousand square feet of hotel, with condominiums, and shop space on the upper levels. It was the desire to create enough sales tax revenue out of the project along with pilots and tourism tax to pay for the bonds so there would be no ongoing obligation to the City. It takes about that much space to produce the necessary debt coverage ratio for these bonds on the project, and the project was designed from its inception to fit the financing mechanism, more than it was for the land.

Pat McBride from McBride Company addressed the Board regarding the themeing, saying it was meant to be a total destination that provides the visitor with a fascinating and unique environment. To have dynamic events, performances, great shopping, food and beverage and lodging, a great experience, to love being in Branson Landing and wondering along the boardwalk and through its streets and byways. In order to accomplish this he indicated they were developing a variety of special features and very unique experiences and these features vary from themeing of buildings to creating compelling environments to landscaping, music, street performances, spectacular events such as the water front fountains. This concept of a great American Waterfront Community is being created by individual town districts located throughout the Landing that are so compatible that the visitor is compelled to wonder from district to district. Each of the six districts are selected so the architecture, signage, props, sight dressing, landscaping, original music, are all things you would find in a district like this. Mr. McBride then provided an overhead of the six districts. (1) the "Country" or "Central Park"; (2) the "Neighborhood"; (3) "Uptown"; (4) "Downtown"; (5) the "Wharf"; and (6) the "Station". Mr. McBride ended by saying that the Branson Landing is much more than shops, residences, and hotels. From its spectacular waterfront to its charming streets, it will become a destination for the visitors and for the local residents.

Tom Porter from TVS the lead architectural firm spoke saying they were not the sole architects on this project, and gave credit to Crawford Architects of Kansas City; Yung Design, Landscape Design Architects of Branson; and Eliminating Concepts which is handling the lighting and the infrastructure that goes with the lighting. Mr. Porter then provided a summary for the audience and the Board of the project by providing overhead images of what the project will look like including the new roundabout, the new bridge, the Convention Center, and the Convention Center Hotel. He said the project mainly consists of retail with the Belk department store and Bass Pro on the end, with the boutique hotel, the condominiums and residential units making up the rest of the project. Mr. Porter stated the site has something that he did not think any other retail site has that he has been involved with and that is the tremendous waterfront opportunity. They have turned all of the restaurants facing the waterfront so they will have the activity factor with tables and chairs with umbrellas, so that the visitors can experience the water all of the time, but the public can still get to those water venues. The taller units which represent the residential and retail units will be seen at the end of east Main when driving down to the Landing. Mr. Porter then provided slides showing drawings of the new bridge, details of the different retails in each of the six different districts, the parking deck and the north and south parking, the boardwalk and the promenade, the dock programs, the trolley system and station, the Town Square, the boutique hotel, and the fountains.

Mayor Schaefer then opened the floor for questions, comments and discussion. Discussion was held regarding access to docks to launch boats; the design of the boardwalk; the nine different restaurant locations; the fountain show; the hours of operation of the trolley, street people, and entertainment. The list provided by ERA in their Phase II Study of what they thought was necessary for the project to be successful was reviewed, and discussion was held on whether the project is on target with that list; along with the marketing program.

At the completion of the presentation, Mayor Schaefer called for a ten-minute break.

Mayor Schaefer then reconvened the meeting at 8:30 p.m., and entertained a motion accepting this status report. Alderman Purvis made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

A resolution directing the City Administrator to negotiate with Hilton Hotels, Incorporated for the purpose of presenting to the Board of Aldermen for consideration one or more contracts between the City and Hilton Hotels, Incorporated, providing for the management of the City's new Convention Center, was read by title by City Clerk Williams and Terry Dody provided the staff report. Larry Welch with Senate Hospitality provided a brief update regarding the RFP process and what was presented in the previous meetings, and summarized the pros and cons of a single management for the Hotel and the Convention Center and why they recommended a single management system. Ron Kim, Vice-President of Management and Development for the South Central Region of the United States., and Tim Benolken, Area Vice-President of Operations of the Hilton Corporation addressed the Board regarding why the Hilton Corporation is interested in Branson and what their experience has been in the management of Hotels and Convention Centers. Tammy Johnson, 120 S. Wildwood Drive, addressed the Board representing the Lodging Association, reading a statement that was prepared by the Lodging Board. Ms. Johnson then shared some of the concerns the Lodging Association had regarding the relationship that the Convention Center is going to have with the rest of the community. Discussion was then held on these questions and concerns provided by Ms. Johnson. Mayor Schaefer then entertained a motion adopting the resolution. Alderman Barker moved to adopt the resolution, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Resolution No. 2004-R031 was adopted.

**RESOLUTION  
NEGOTIATION  
HILTON HOTELS  
CONTRACTS  
RESOL. NO. 2004-R031**

First reading of Bill No. 2945, an ordinance approving a change in the City of Branson's Missouri Local Government Employees Retirement System Benefit Program to L-6, was read by title only by City Clerk Williams, and Debbie Durler provided the staff report.

**BILL NO. 2945  
LAGERS  
EMPLOYEES  
RETIREMENT L-6**

At this time, Mayor Schaefer called for a 10-minute break until 10:00 p.m.

Mayor Schaefer reconvened the meeting back into regular session, and entertained a motion approving the first reading of Bill No. 2945. Alderman Purvis made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

First reading of Bill No. 2946 amending Special Ordinance No. 2003-262 by extending the removal date of the temporary, portable structures until July 1, 2005 of a caboose and a passenger car on track sections on property located at 206 E. Main Street, 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. 2946.

**BILL NO. 2946  
EXTENDING  
REMOVAL DATE  
TEMPORARY  
STRUCTURES  
SCENIC RAILWAY**

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

Public Hearing and first reading of Bill No. 2947 an ordinance annexing property owned by Scott D. Brown and Susan K. Brown, identified as Taney County ID #17-3.0-07-000-000-025.002, into the City of Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report.

**BILL NO. 2947  
ANNEXING  
SCOTT D. AND  
SUSAN K. BROWN  
PROPERTY**

Mayor Schaefer opened the Public Hearing and with no discussion, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2947. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

Public Hearing and first reading of Bill No. 2948 an Ordinance approving zoning of "R-1" Single-Family Residential For property owned by Copelco, L.L.C. and located on Lone Pine Road, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer opened the Public Hearing and some discussion by

**BILL NO. 2948  
ZONING R-1  
COPELCO, LLC  
PROPERTY ON  
LONE PINE ROAD**

Hank Griffin the Attorney representing the property owners, closed the Public Hearing. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2948. Alderman Gass made the motion, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

Public Hearing and first reading of Bill No. 2949 an ordinance approving zoning of "R-1" Single-Family Residential for property owned by Jerry D. and Carolyn P. Lilley and located at 1325 River Lane, 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 no discussion, closed the Public Hearing. Mayor Schaefer entertained a motion approving the first reading of

**BILL NO. 2949  
ZONING R-1  
JERRY D. AND  
CAROLYN P. LILLEY  
PROPERTY**

**Bill No. 2949. Alderman Barker made the motion, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.**

**Public Hearing and first reading of Bill No. 2950 an ordinance approving zoning of “R-1” Single-Family Residential for property owned by David R. and Doris J. Woolery and located at 101 River Lane, 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 some discussion, closed the Public Hearing. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2950. Alderman Barker made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.**

**BILL NO. 2950  
ZONING R-1  
DAVID R. AND  
DORIS J. WOOLERY  
PROPERTY**

**Public Hearing and first reading of Bill No. 2951 an ordinance approving zoning of “R-1” Single-Family Residential for property owned by LMN Corporation and located southwest of Spring creek Road off of Fall Creek Road along the east side of Rainbow Shoals Subdivision, 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 hearing no discussion, closed the Public Hearing. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2951. Alderwoman Martin made the motion, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.**

**BILL NO. 2951  
ZONING R-1  
LMN CORPORATION  
PROPERTY**

**Public Hearing and first reading of Bill No 2952 an ordinance approving zoning of “C” Commercial, “R-1” Single-Family Residential, and “M-H” Manufactured Housing for property known as Table Rock Village, 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 some discussion by Joan Davis, closed the public hearing. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2952. Alderman Huff made the motion, seconded by Alderman Purvis. After additional discussion was held, Alderwoman Martin moved to postpone the first reading of Bill No. 2952 until the December 13, 2004 meeting. Motion was seconded by Alderman Barker. Voting aye: Gass, Martin, and Barker. Nays: Huff, Edie, and Purvis. Mayor Schaefer voted aye to break the tie vote. Motion to postpone this item until December 13, 2004 carried.**

**BILL NO. 2952  
ZONING “C”  
“R-1”; “M-H” FOR  
TABLE ROCK  
VILLAGE  
PROPERTY**

**Public Hearing and first reading of Bill No. 2953 an ordinance approving a zoning change from “PD” Planned Development to “C” Commercial for a parcel of land known as Branson Professional Park, located in PD-97-001, a part of Cabins at Maple Creek, 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 no discussion, closed the Public**

**BILL NO. 2953  
ZONING “C”  
BRANSON  
PROFESSIONAL  
PARK IN CABINS  
AT MAPLE CREEK**

Hearing. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2953. Alderman Barker moved to approve the first reading, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

Public Hearing and first reading of Bill No. 2954 an ordinance  
Amending the Land Use Regulations for Planned Development  
PD-97-001, known as The Cabins at Maple Creek, located at  
3464 Green Mountain Drive, 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 some discussion, closed the Public Hearing. Mayor  
Schaefer entertained a motion approving the first reading of Bill No. 2954. Alderman Gass  
made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff,  
Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2954  
AMENDING LAND  
USE REGULATIONS  
CABINS AT  
MAPLE CREEK  
PD-97-001**

First reading of Bill No. 2955, an ordinance approving an  
Electric Power Easement to the Empire District Electric Company,  
and authorizing the Mayor to execute the easement pertaining to  
the Recreation Center property, 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. 2955. Alderman Barker moved to approve the first reading,  
seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff,  
Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2955  
EASEMENT  
EMPIRE DISTRICT  
ELECTRIC CO.  
RECREATION  
CENTER**

First reading of Bill No. 2956, an ordinance approving an  
Intergovernmental Data Sharing Agreement with Taney County  
For digital geographic data sets for the Geographic Information  
Systems Program, 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. 2956. 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. 2956  
DATA SHARING  
AGREEMENT WITH  
TANEY COUNTY**

First reading of Bill No. 2957, an ordinance authorizing  
the Mayor to execute an amendment to the Professional Services  
Agreement with Rozell Engineering Company pertaining to the  
Traffic Impact Study for Branson Hills Parkway and Missouri  
Highway 248, was read by title by City Clerk Williams, and  
David Miller provided the staff report. Mayor Schaefer  
entertained a motion to approve the first reading of Bill No.  
2957. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion.  
Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2957  
AMENDMENT  
AGREEMENT  
ROZELL ENGINEERING  
TRAFFIC IMPACT  
STUDY**

First reading of Bill No. 2958, an ordinance approving the Comprehensive On-Site Public Infrastructure Development Agreement pursuant to the First Amended and Restated Redevelopment Contract for the Branson Landing Tax Increment Financing Plan and Redevelopment Area, was read by title by City Clerk Williams, and Dan Wichmer provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2958. Alderman Gass made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2958  
COMPREHENSIVE  
ON-SITE PUBLIC  
INFRASTRUCTURE  
AGREEMENT**

First reading of Bill No. 2959, an ordinance accepting the proposal of bid award between SMI-CO Construction, Inc. and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to the Recreation Center Water Supply Well Project, was read by title by City Clerk Williams, and David Miller provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2959. Alderwoman Martin made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2959  
BID AWARD  
SMI-CO CONSTRUCTION  
RECREATION CTR.  
WATER SUPPLY  
WELL PROJECT**

First reading of Bill No. 2960, an ordinance approving an agreement for microfilming services between Casey Associates, Inc. and the City of Branson, Missouri, and authorizing the Mayor to execute the agreement, was read by title by City Clerk Williams, and City Clerk Williams also provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2960. Alderman Purvis made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2960  
AGREEMENT  
CASEY ASSOC., INC.  
MICROFILMING SERVICES**

A resolution adopting an Open Meetings and Records Policy for the City of Branson, Missouri, was read by title by City Clerk Williams, and Dan Wichmer provided the staff report. Mayor Schaefer entertained a motion to approve the resolution. Alderwoman Martin moved to adopt the resolution, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Resolution No. 2004-R032 was adopted.

**RESOLUTION  
ADOPTING OPEN  
MEETINGS & RECORDS  
POLICY  
RESOL. NO. 2004-R032**

**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 Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. 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.

Alderwoman Martin asked why the lights on the water tower were not lit. Administrator Dody explained that the light cannons has a failure in them and the parts had to be ordered from Italy, and it would be two weeks before the parts will be here. He added staff hoped to have them working by December 8<sup>th</sup>.

Mayor Schaefer opened the floor for Aldermen and Administrator's Reports.

**ALDERMEN/ADMINISTRATOR'S REPORTS**

Alderman Barker reminded everyone that Thanksgiving is this week, and thanked the City employees and the aldermen he works with as he feels the City has had a very good year and is thankful for that. **BARKER**

Alderwoman Martin thanked the diehards for staying through the long meeting, and wished everyone a Happy Thanksgiving. **MARTIN**

Alderman Huff congratulated Linn Smith and her staff for being recognized by the Center for Disease Control and Prevention for their work done in the norovirus prevention and control A job well done. **HUFF**

Alderman Huff recognized Jack and Pete Herschend for their induction into the "Theme Park Operators Hall of Fame". This is the same category that Walt Disney is in and is quite an achievement for them. **HUFF**

Alderman Purvis said he believed there was a safety issue with the tour bus parking on Atlantic as the visitors are crossing the street just randomly, and suggested putting in a temporary crosswalk there to control the traffic. **PURVIS**

**ADJOURN:**

**At this time, Mayor Schaefer entertained a motion to adjourn. Alderman Huff made the motion to adjourn, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Meeting was adjourned at 11:25 p.m.**