

**MINUTES OF THE PUBLIC COMMENT MEETING  
OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, FEBRUARY 14, 2005**

The Board of Aldermen of the City of Branson, Missouri, met in the Public Comments session in the Council Chambers of the City Hall on February 14, 2005 at 8:43 p.m. with the following members present:

Mayor Schaefer presiding, with Dick Gass, Stan Barker, Beverly Martin, Ron Huff, and Jack Purvis. Dave Edie absent.

Also in attendance from the City were: Administrator Terry Dody, Assistant Administrator Frank Schoneboom, City Attorney Dan Wichmer, City Clerk Sandra Williams, and Deputy City Clerk Lisa Westfall.

Mayor Schaefer called the Public Comments meeting to order and stated the Board would hear citizens that signed up to speak in the order of the first person signing the sheet and asked the Clerk to read the names of persons who had signed up to speak.

Mona Miller, 220 W. Main, spoke asking the Council to make her the goodwill ambassador for Branson. She would volunteer for this position for the year 2005.

Ron Herschend, 1211 Hwy F, appeared representing the Taney County Commission. He read into the record attachment "A".

Danny Strahan, was the third person who signed up and was not present when his name was called to speak.

John Logan, 2277 Lakeshore Drive, was the last speaker and wished everyone a Happy Valentine's Day.

Mayor Schaefer then stated, that concluded the Public Comments section and entertained a motion to adjourn to Executive Session.

**EXECUTIVE SESSION:**

Alderman Huff moved to go into closed Executive Session pursuant to 610.021.1 RSMo for litigation, 610.021.2 for real estate, and 610.021.3 for personnel. The motion was seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Nays: none. Absent: Edie. Motion carried.

**ADJOURN:**

**Mayor Schaefer entertained a motion to adjourn. Alderman Barker moved to adjourn, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Edie. Motion carried. Meeting was adjourned at 9:00 p.m.**

**ATTACHMENT "A"**

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**Ron Herschend - 1211 Highway F, Branson, Missouri.**

**"We, the Taney County Commission believe the remaining clause in the Territorial Agreement of 2000, can and does create undue hardship on the development in the County. And as such, respectfully request the Council rescind this portion of the 2000 contract.**

**Brief history. The 2000 Agreement, and let me say before I get started here, I don't want to argue these facts with anyone, I will just share that these are the facts, as they have been told to me or that I have experienced, so I don't want to get into a debate with whether this fact or that fact is real, I believe them to be true, but wouldn't argue either way with anyone.**

**The 2000 Agreement was a rush document. Although the 2000 Agreement could only be entered into by the Regional Sewer Board, by State Statute and the City, the Sewer Board was told by the then seated Commission, that if they didn't sign the agreement, the Commission would bypass the Sewer Board. As the ongoing Poverty Point Project was of critical concern of the Sewer Board, they didn't put up a fight. The Agreement preceded the Sewer Tax Extension, voted on in April of 2000 by only two months, in fact I believe it was seven weeks. The 2000 Agreement was held out as an exchange for an agreement by the City, not to oppose the sewer sales tax extension. The 2000 Agreement had no real consideration for the County of the County's donation of what is now to be approximately \$16-million dollars for the sewer lines. The 2000 Agreement has been changed, time and time again, Bee Creek was to be the Number 1 entity of Sewer – we've allowed Table Rock Acres to be sewerred first, Branson was to own the system, we've found out that this is not allowed by the lenders; the State Revolving Fund – that action has been dropped. Branson wanted annexation language before hook-up. We dropped that in response to the public comment. 2000 Agreement required the County to performed in ways that are not enforceable, yet Branson pushed the County to do so anyway. Giving the City enforcement power of County regulations of which there are none. Remitting full funds, we were to, by this contract, pay you the \$16-million dollars up-front, so you would be sitting on it. It is not allowed by the Finance Group. That also has been changed.**

**Subsequent to the signing, the following events have taken place:**

- The district and the City entered into a new agreement due to lending requirements.
- The Lease Purchase Agreement is inconsistent between the 2000 document and State Funding requirements.
- The Lease Purchase has agreed to provide an amended earlier agreement pertaining to ownership and construction management, being shifted to the County from the City – which was required in the 2000 document. That change has already been made.
- The City agreed to drop the requirement that forced annexation. It was recognized that annexation was not a requirement of the construction or the operation of a successful waste/water project and thus not necessary in the Agreement.
- The Commission recognized the remaining portion of the 2000 document, can be detrimental to the growth in the County by opposing a higher cost to the citizens to connect to the Branson system, as opposed to a DNR approved plant or another municipality.
- The County and Sewer Board having realized this question moved in their meeting to meet with the City Council in closed session to discuss this request. It was in fact a meeting held February 10th, but for some reason no City Council members were in attendance for whatever reason. At that meeting the staff said that they would not change this agreement. For whatever reason, City Council was not at that meeting; the County feels that this decision is contract entered into with the City is a decision to be made by the City Council, and not by your administration. That's why we asked to meet with you all.
- County has continued in good faith to secure easements with the much-appreciated help of the Branson staff and are prepared to begin when this document is corrected.”

In closing, the Taney County Commission respectfully that the City council rescind the portion of the 2000 Agreement pertaining to the exclusive territory and take said action at your first available opportunity, so that we can continue this important project.

The Commission cannot continue if its future development and citizens are at risk. Thank you very much.”