

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, MAY 24, 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 24, 2004 at 7:00 p.m. with the following members present:

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

Also present from the City were City Administrator Terry Dody, City Attorney Dan Wichmer, Deputy City Clerk Lisa Westfall, Assistant City Attorney Russ Dempsey, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Assistant Fire Chief Ted Martin, Director of Communications Jerry Adams, Finance Director Deanna Schlegel, Director of Planning and Zoning Don Stephens, and Police Chief Steve Mefford.

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

Alderman Edie moved to amend the agenda to remove Item Number 15 [Bill No. 2863] from the agenda, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

Alderswoman Martin moved to remove Item Number 6 from the consent Agenda and place it as Item Number 6 on the Regular Agenda for discussion, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

Mayor Pro Tem Huff asked for any additions or corrections to the Minutes of the Work Session Meeting of May 4, 2004 and the Board of Aldermen Meeting and Public Comments Meeting of May 10, 2004. Receiving none, Mayor Pro Tem Huff entertained a motion to approve the Minutes stated. Alderman Barker moved to approve the Minutes as presented, seconded by Alderswoman Martin. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. 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:

Final 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 approved within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance No. 2004-070 was duly enacted.

**BILL NO. 2850  
TEMPORARY USE  
MOBILE STRUCTURE  
CITIZENS UNION  
STATE BANK  
ORD. NO. 2004-070**

Final 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 approved within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance No. 2004-071 was duly enacted.

**BILL NO. 2851  
ZONING CHANGE  
"R-1" & "PD"  
TO "M-H" FOR  
OAK PARK  
ORD. NO. 2004-071**

Final 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 approved within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: None. Absent: Gass. Motion carried. Ordinance No. 2004-072 was duly enacted.

**BILL NO. 2853  
LEASING  
CITY PROPERTIES  
& TIF BONDS  
ORD. NO. 2004-072**

Final reading of Bill No. 2854, an ordinance authorizing the amending of the 2003-04 Budget for the City of Branson, was approved within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: None. Absent: Gass. Motion carried. Ordinance No. 2004-073 was duly enacted.

**BILL NO. 2854  
AMENDING  
2003-04 BUDGET  
ORD. NO. 2004-073**

Final 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 approved within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: None. Absent: Gass. Motion carried. Ordinance No. 2004-074 was duly enacted.

**BILL NO. 2855  
GOVERNMENTAL  
COOPERATIVE  
CONTRACT  
BOBCAT COMPANY  
SKID-STEER LOADER  
ORD. NO. 2004-074**

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 approve the Consent Agenda as presented, seconded by Alderwoman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

#### REGULAR AGENDA:

Final 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 Clerk Westfall, and Dan Wichmer provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2852. Alderman Purvis made the motion, seconded by Alderman Barker.

BILL NO. 2852  
LEASE  
AGREEMENT  
FIDEL GOMEZ &  
CLAUDIA ALONSO  
ORD. NO. 2004-075

At this time, Mayor Pro Tem Huff made a motion to amend the bill by changing Section 2 to read as follows: "This ordinance shall be in full force and effect upon and after its passage and approval unless the tenant fails to provide a professional land survey outlining property boundaries and any improvements located thereon on or before 90 days after passage. If the tenant fails to comply with this requirement the ordinance and lease will be of no further force and effect after 90 days." Motion was seconded by Alderwoman Martin. Voting aye on the amendment were: Barker, Martin, Huff, Edie and Purvis. Nays: None. Absent: Gass. The motion to amend carried. Mayor Pro Tem Huff called for the vote on the final reading of Bill No. 2852, as amended. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: None. Absent: Gass. Motion carried. Ordinance No. 2004-075 was duly enacted.

A presentation of the Quarterly Marketing Report by the Branson/Lakes Area Chamber of Commerce was the next item on the Agenda. Ross Summers, Executive Vice President of the Chamber of Commerce gave a presentation. Dan Lennon gave an

PRESENTATION  
QUARTERLY MARKETING  
REPORT-CHAMBER  
OF COMMERCE

additional report on national trends. The report stated that the national trends have been positive and the travel industry is rebounding back to pre 9/11 statistics. The other concern is gas prices, research shows that concerns about travel will start when gas prices go over \$2.00 per gallon. Mr. Lennon reviewed the Branson Gas Buster Discount Card that the Chamber of Commerce is offering to help curve the cost of gas. Mr. Lennon said that Branson's numbers for the spring are up from last year according to Smith Travel Research. The research showed that the April 2004 performance of the Branson Travel Index was the best in Branson since 2001. Additionally the phone and website inquiries to the Chamber are up for March and April. He also reviewed a chart comparing Branson's marketing dollars to competing destinations' marketing dollars.

Ross Summers then explained a survey that the Chamber had conducted through its email bank which was the first time that an "E-survey" has been done. Mr. Summers

concluded that the overall outlook appears very good and people are optimistic about the economy. Mr. Summers also discussed the travel distant that the United States population lives from Branson. 34.5% of the population lives within a 600-mile radius of Branson. Mayor Pro Tem Huff then asked some questions concerning the gas buster card. Mr. Summers stated that the card would only be available at the main Chamber Center. There are certain rules that have been established and the promotion will run through September 28, 2004. After additional discussion, Mayor Pro Tem Huff entertained a motion accepting this report. Alderwoman Martin made the motion, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

Public Hearing and first reading of Bill No. 2856 annexing property owned by Dennis and Anita L. Sheaffer into the City, was read by title by Deputy Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem Huff opened the Public Hearing and after receiving no comments, closed the Public Hearing. Mayor Pro Tem Huff then entertained a motion to approve the first reading of Bill No. 2856. Alderwoman Martin made the motion, seconded by Alderman Edie. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

BILL NO. 2856  
PUBLIC HEARING  
ANNEXING  
DENNIS & ANITA L.  
SHEAFFER

Public Hearing and first reading of Bill No. 2857 an ordinance enacting a Final Subdivision Plat of Summerwood Estates 2<sup>nd</sup> Addition, located adjacent to Town and Country Drive in Branson Meadows, Branson, Missouri, was read by title by Deputy Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem Huff opened the Public Hearing and after receiving no comments, closed the Public Hearing. Mayor Pro Tem Huff then entertained a motion to approve the first reading of Bill No. 2857. Alderman Barker moved to approve the first reading, seconded by Alderman Purvis. Voting aye: Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

BILL NO. 2857  
PUBLIC HEARING  
FINAL SUBDIVISION  
PLAT-SUMMERWOOD  
2<sup>ND</sup> ADDITION

Alderman Edie asked to be recused on this next item because of a conflict of interest, and left the room at this time. Alderman Huff said, "that because I serve on the Board of Directors at the hospital, I am going to ask Dan Wichmer if he might give some clarification on this as I would like to participate in this if he does not feel like there is a conflict of interest." Dan Wichmer stated, "that after looking at Missouri State Law the rule would be if there were direct financial interest to you or a dependant of your family. My understanding is that is not the case, that you serve on the [Hospital] Board but you don't receive any compensation from that." Alderman Huff stated that he would participate in the discussion and vote on the subject.

Public Hearing and first reading of Bill No. 2858 an ordinance amending the Land Use Regulations for Planned Development PD-96-003, known as Streamside Crossings, Branson, Missouri, was read by title by Deputy Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem

BILL NO. 2858  
PUBLIC HEARING  
AMENDING  
LAND USE REGULATIONS  
STREAMSIDE

Huff opened the Public Hearing and after receiving no comments, closed the Public Hearing. Mayor Pro Tem Huff then entertained a motion to approve the first reading of Bill No.

**CROSSINGS  
ORD. NO. 2004-076**

2858. Alderman Purvis made the motion, seconded by Alderman Barker. Voting aye: Barker, Martin, Edie, and Purvis. Nays: none. Abstention: Edie. Absent: Gass. Motion carried. Alderman Barker moved to read the bill a second time as a zoning issue, motion was seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, and Purvis. Nays: none. Abstention: Edie. Absent: Gass. Motion carried. Deputy Clerk Westfall read Bill No. 2858 by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2858. Alderman Barker moved to approve, seconded by Alderwoman Martin. No discussion. Voting aye: Barker, Martin, Edie, and Purvis. Nays: none. Abstention: Edie. Absent: Gass. Ordinance No. 2004-076 was duly enacted.

At this time, Alderman Edie rejoined the meeting.

Public Hearing and first reading of Bill No. 2859 an ordinance approving zoning of "R-1" Single-Family Residential for property owned by Glenn and Jacqueline Pyle and located at 432 Dalton Drive, Branson, Missouri, was read by title by Deputy Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem Huff opened the Public Hearing and after receiving no comments, closed the Public Hearing.

**BILL NO. 2859  
PUBLIC HEARING  
ZONING-"R-1"  
SINGLE-FAMILY  
RESIDENTIAL  
GLENN &  
JACQUELINE PYLE**

Mayor Pro Tem Huff then entertained a motion to approve the first reading of Bill No. 2859. Alderwoman Martin made the motion, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

Public Hearing and first reading of Bill No. 2860 an ordinance approving zoning of "R-1" Single-Family Residential for property owned by Robert and Sharon Lepper and located at 430 Caudill Way, Branson, Missouri, was read by title by Deputy Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem Huff opened the Public Hearing and after receiving no comments, closed the Public Hearing.

**BILL NO. 2860  
PUBLIC HEARING  
ZONING-"R-1"  
SINGLE-FAMILY  
RESIDENTIAL  
ROBERT &  
SHARON LEPPER**

Mayor Pro Tem Huff then entertained a motion to approve the first reading of Bill No. 2860. Alderman Purvis made the motion, seconded by Alderman Edie. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

Public Hearing and first reading of Bill No. 2861 an ordinance approving zoning of "R-1" Single-Family Residential for property owned by Linda White and located at 227 Hunter Avenue, Branson, Missouri, was read by title by Deputy Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem Huff opened the Public Hearing and after receiving no comments, closed the Public Hearing.

**BILL NO. 2861  
PUBLIC HEARING  
ZONING-"R-1"  
SINGLE-FAMILY  
RESIDENTIAL  
LINDA WHITE**

Mayor Pro Tem Huff then entertained a motion to approve the first reading of Bill No. 2861. Alderman Barker moved to approve, seconded by Alderwoman Martin. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

Public Hearing and first reading of Bill No. 2862 an ordinance approving zoning of "C" Commercial for property owned by Cooper Creek Resort and Campground, Inc. and Robert H. and Fritz B. Fletcher and located at 252 Cooper Creek Road and 417 Cooper Creek Road, Branson, Missouri, was read by title by Deputy Clerk Westfall, and Don Stephens provided the staff report. Mayor Pro Tem Huff opened the Public Hearing and after receiving no comments, closed the Public Hearing. Mayor Pro Tem Huff then entertained a motion to approve the first reading of Bill No. 2862. Alderman Barker moved to approve the motion, seconded by Alderman Purvis. Voting aye: Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

BILL NO. 2862  
PUBLIC HEARING  
ZONING-"C"  
COMMERCIAL  
COOPER CREEK  
RESORT & CAMPGROUND  
ROBERT H. &  
FRITZ B. FLETCHER

First Reading of Bill No. 2864 an ordinance authorizing the Mayor to execute an airspace agreement with the Missouri Highways and Transportation Commission, was read by title by Deputy Clerk Westfall, and David Miller provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2864. Alderman Purvis made the motion, seconded by Alderman Barker. Discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

BILL NO. 2864  
AIRSPACE  
AGREEMENT  
MO HIGHWAYS &  
TRANSPORTATION

First Reading of Bill No. 2865 an ordinance approving an amendment to the Professional Engineering Services Agreement with E.T. Archer Corporation for the design of water line improvements and a water tower for the downtown area, and authorizing the Mayor to enter into the agreement, was read by title by Deputy Clerk Westfall, and David Miller provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2865. Alderwoman Martin made the motion, seconded by Alderman Purvis. Discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

BILL NO. 2865  
AMENDMENT  
PROFESSIONAL  
ENGINEERING  
SERVICES  
AGREEMENT  
E.T. ARCHER

First Reading of Bill No. 2866 an ordinance authorizing the mortgaging of certain real property in connection with the financing of a Convention Center and related infrastructure improvements by the City, and authorizing and approving certain documents and actions in connection therewith, was read by title by Deputy Clerk Westfall, and David Queen with Gilmore and Bell provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the

BILL NO. 2866  
MORTGAGING  
REAL PROPERTY  
CONVENTION  
CENTER

first reading of Bill No. 2865. Alderwoman Martin made the motion, seconded by Alderman Barker. No discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

First Reading of Bill No. 2867 an ordinance accepting the proposal from Shaver, Kline & Warren, Inc. pertaining to improving the Branson 911 Emergency Address System and the development of the Site Address Data Management System Project, and authorizing the Mayor to enter into the contract, was read by title by Deputy Clerk Westfall, and David Miller provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2867. Alderman Barker moved to approve, seconded by Alderman Purvis. Discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

BILL NO. 2867  
SHAFER,  
KLINE & WARREN  
911 SITE ADDRESS  
DATA MANAGEMENT  
SYSTEM PROJECT

First Reading of Bill No. 2868 an ordinance accepting the proposal of bid award to Palmerton & Parrish, Inc. pertaining to the material testing in conjunction with the Recreation Center Project, and authorizing the Mayor to enter into the contract, was read by title by Deputy Clerk Westfall, and David Miller provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2868. Alderman Purvis made the motion, seconded by Alderwoman Martin. Discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried. Alderman Barker moved to read the bill a second time by emergency to provide quality assurance on the Recreation Center Project, seconded by Alderwoman Martin. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried. Deputy Clerk Westfall read Bill No. 2868 by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2868. Alderwoman Martin made the motion, seconded by Alderman Barker. No discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance number 2004-077 was duly enacted.

BILL NO. 2868  
BID AWARD  
PALMERTON &  
PARRISH  
RECREATION CENTER  
ORD. NO. 2004-077

First Reading of Bill No. 2869 an ordinance accepting the the proposal of bid award between Phoenix Fabricators and Erectors, Inc., and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to the Recreation Center Water Tower Project, was read by Deputy Clerk Westfall, and David Miller provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2869. Alderman Barker moved to approve, seconded by Alderman Purvis. Discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried. Alderwoman Martin moved to read the bill a second time by emergency to provide water to the completed Recreation Center, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried.

BILL NO. 2869  
BID AWARD  
PHOENIX  
FABRICATORS &  
ERECTORS, INC.  
RECREATION CENTER  
ORD. NO. 2004-078

Deputy Clerk Westfall read Bill No. 2869 by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2869. Alderman Purvis made the motion, seconded by Alderman Barker. No discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance number 2004-078 was duly enacted.

A resolution declaring the absorption of Table Rock Village into the City of Branson, Missouri, was read by title by Deputy Clerk Westfall, and Dan Wichmer provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderman Purvis made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried. Resolution No. 2004-017 was adopted.

**RESOLUTION  
ABSORPTION OF  
TABLE ROCK  
VILLAGE  
NO. 2004-R017**

A resolution 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, was read by title by Deputy Clerk Westfall, and Alderman Purvis provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderman Purvis made the motion to move the resolution forward, no second. Motion died for lack of a second.

**RESOLUTION  
ALCOHOL IN  
THEATERS**

A resolution acknowledging Reimbursement No. 22, 23, 24 to HCW for expenses incurred on the Branson Landing Project pursuant to the Technical Services Contract, was read by title by Deputy Clerk Westfall, and Dan Wichmer provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderman Barker moved to approve the resolution, seconded by Alderman Purvis. No discussion. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: None. Absent: Gass. Motion carried. Resolution No. 2004-R018 was adopted.

**RESOLUTION  
REIMBURSEMENT  
TO HCW  
NO. 2004-R018**

Appointment of Board of Adjustment members was the next item. Mayor Pro Tem Huff made the following appointments to the Board of Adjustments: Eric Farris to fill the term of Foster Plummer until April 2008; and Jeanne Hendricks to fill the term of Ray Gerard until April 2009. Alderman Barker moved to approve the appointments, seconded by Alderman Purvis. No discussion. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: None. Absent: Gass. Motion carried.

**APPOINTMENTS  
BOARD OF  
ADJUSTMENTS**

**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 Barker moved to approve, seconded by Alderman Purvis.

**DISBURSEMENTS**

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

**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. Hearing none, Mayor Pro Tem Huff opened the floor for Aldermen and Administrator's Reports.

**ALDERMEN/ADMINISTRATOR'S REPORTS**

Alderman Barker acknowledged Public Works Week last week. **BARKER**

Alderman Martin congratulated HCW and partners on their groundbreaking ceremonies and wished everyone a safe Memorial Day Weekend. **MARTIN**

Alderman Huff stated the Mayor was recuperating nicely. **HUFF**

**ADJOURN:**

At this time, Mayor Pro Tem Huff entertained a motion to adjourn. Alderman Purvis made the motion, seconded by Alderman Martin. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: None. Absent: Gass. Motion carried. Meeting was adjourned at 8:35 p.m.

**PUBLIC COMMENTS MEETING  
OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, MAY 24, 2004**

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 May 24, 2004 at 8:45 p.m. with the following members present:

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

Also in attendance were: Administrator Terry Dody, City Attorney Dan Wichmer, Assistant City Attorney Russ Dempsey and Deputy City Clerk Lisa Westfall.

Mayor Pro-Tem Huff 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 there were eight people signed up to address the Board.

Dick Bofferding, 238 Peach Lane, Ridgedale, Missouri was the first speaker. He spoke of how people in Branson were cordial, concerned, courteous, and he would like to see the Board of Aldermen keep what this city represents. This City is wholesome, you can bring your kids, your grandkids here, everything is great here, and the theaters have been great. Mr. Bofferding stated that he felt the trend that the city is moving in is one he doesn't like. The city honors this country and veterans in a great way. We should be honoring God too and there are sins that we need to look at. All sins are classified under three classifications; lust, greed or pride and he feels that the city could have the sin of greed take over. He would like to see the Council not take that step toward greed in this town and keep it a wholesome community for our children and our grandchildren to come to.

Charlie Engram, 258 Pathway, Branson, Missouri spoke of the decorum of the meeting that had taken place over the last year. He would like to simply talk like we use to and say what the citizens think and feel and not get so rigid and uptight. Mr. Engram stated that he was disappointed that Alderman Purvis couldn't get a second to discuss his resolution. He remarked that the city needs to stop and relax for a moment and look at what brought us to where we are. He asked the Board to do a gut check about our community, listen to the people, and see what we stand for and make a difference in the community.

John Logan, 2277 Lakeshore Drive, Branson, Missouri saluted Alderman Purvis for his resolution. He stated that Branson has homogenized itself, where we want to be like everybody else. Our Chamber of Commerce is spending right at \$3-million dollars and what they say in their advertising is that we are a family vacation area. There are ample places in this community to buy beer, to consume beer and it's not in our theaters, and it's not in a new motion picture complex on Branson Landing. The Board was asked simply for a statement of your position for this community. You weren't asked for a law. You weren't asked for anything binding, just your position. Mr. Purvis, couldn't get a second for discussion. Mr. Logan continued by stating, second readings are poor prior planning, which creates the necessity to have emergency and second readings all of the time on ordinances. This community has ample staff, ample money to

get the proposals and resolutions on the table without having to have second readings almost 25% to 40% of the time.

Ron Herschend, 1211 Hwy F, Branson, Missouri, wanted to make the Council aware that two of the County Commissioners met with the Chamber of Commerce, and it was decided that they will not be participating in the Branding funding. Mr. Herschend then stated that Mr. VanGilder and himself met early this last week on Fall Creek Road regarding a concern on the southwest end, which is the Highway 165 end. There have been several accidents and after reviewing that with the engineer, the county is currently working on a major redesign of the southwest end to improve the slope width in the intersection with 165. Mr. Herschend also reported that Burns & MacDonnell was not getting the documents needed for the County to secure easements. Last meeting it was reported as of that date, 75% of the easements would be completed by May 15, with the balance done on May 23. As of May 23rd, 240 easements have been turned in to the City of Branson. There are 160 yet to do. The deadline has been missed twice, and he asked for support on determining what needs to happen so the subcontractor can get the documents needed. He made the Council aware of the counties funding deadline, which is September 15. Next, he discussed the issue of a meeting that was held with several Branson officials and other members of the community in which a particular point was made that the county was sitting on millions of dollars in the bank and that the City should tap those funds for projects. I am here to report that is true – the county does have money in the bank and tends to be very conservative. There is 12 million dollars in our general county revenue fund and the county is building a 15 to 16 million dollar court house. There is 15 million dollars in the road and bridge fund, 2004 thru 2008 we have 11 million dollars in our road and bridge improvements planned in excess of our regular scheduled maintenance. Lastly, the county has 8 million dollars in their Sewer Fund. Of that 16 million dollars is being spent on Bee Creek and an additional 1.2 million dollars is being spent on Table Rock acres. The county does not sit around with money that is not allocated.

Chuck Pennel, 353 Quincy Road, Kirbyville, thanked Jack Purvis for taking a stand and bringing the resolution forward and asked the rest of Board to give it some more thought. He stated that he appreciated the Council opening with the Pledge of Allegiance and prayer acknowledging God. He also stated that he believed there were two groups that come to Branson. There are those that purchase and consume alcoholic beverages when they are here and there are those that don't. For those that do, there are ample places, but there is a danger of losing the group that does not consume alcoholic beverages if we continue to expand it into our theaters. Branson is a family destination, and alcohol just doesn't fit here.

Aaron Viveiros, 139 Edwards, Branson, Missouri appeared in support of the resolution that was talked about. The resolution does not limit the sale of alcohol but rather puts the decision making process in the hands of those who actually live in this community. People of this community should have a greater voice in things that pertain to it. Mr. Viverios stated that he didn't envy any one up there on the Board of Aldermen and that it is a heavy responsibility.

Randy Barr, 18 Bradford Place, #514, Branson, Missouri stated he was the co-founder and producer of a nationwide television show called "The Spirit of America Hour". He commented that he would like to see the Chamber of Commerce use some of their seasonal statistics. Branson is special, it is a family place, it is different. It is just about fun, a clean place to come to, they can still go out and have cocktails, but let's leave the theaters for the kids that are going to come to the shows and for the families.

Chris Jordan, 203 Cliff Drive, Branson, Missouri was the last speaker to speak. Mr. Jordan said it was important for us to realize what the Board's job is. There is a separation of different entities and is your job legislating morality? You should allow the licensing of liquor to be controlled by the state because the supply and the demand will finally level itself out. That is what will happen with the theaters and right now, it stands that if they qualify for the restaurant/resort license, no City can regulate whether or not they get that license. If people choose not to take their kids there and if everyone is right and the majority of the people coming here believe that, then those theaters will sit empty and they will get rid of their liquor licenses so that those people will come back. That is how supply and demand works. I really get upset when people stand up here and say that the family values and alcohol consumption are mutually exclusive and for someone to say if you drink alcohol then you don't have family values, that's insulting. You can control alcohol in the theaters, your ushers can remove somebody if they are getting out of control. It is against the law in the State of Missouri to serve someone beyond the point of intoxication and Liquor Control can be notified. Mr. Jordan continued by saying that it is a testament to the system, that if a motion is presented and you don't agree with a motion; it doesn't get seconded, this is our vote.

Mayor Pro Tem Huff responded to the statement that we seem to be rigid in our decorum and rules. "We used to talk back then; I was back then – I've been around here for a long time and I can remember hours of hours and hours of just talking, without alcohol, among other times but we put these rules in over the last year and they seem to work pretty well."

Mayor Pro Tem Huff also responded to the statement of "none of us had the moxy to second this or to take a position on this", "goodness gracious anybody that has attended these meetings that we have taken position after position, after position on this issue. All of us have sitting up here, including Alderman Purvis. I didn't second this resolution because I didn't feel that it was a good one. I'm not sure that we've got a problem in this town. Where is the problem with alcohol in theaters? We've been serving alcohol in theaters since '1982 here. There hasn't been any surge in people getting licenses to serve alcohol in their theaters. This is something that is heavily regulated by State Law. I don't know if we've got that big of a problem here in Branson. I am just worried about if we make a statement such as we don't think that liquor should be served here or served there or over there, I just think that kind of a message can have an adverse affect on Branson. I believe that it could be misinterpreted that if you drink or if you enjoy a glass of wine, you enjoy a beer, that you are not welcome in Branson. And that folks is not the kind of message we want to put out there. I am not speaking on behalf of anyone but myself. This is regulated by State Law and those that are legally permitted to do so have the right to serve it. That is my position on it."

Mayor Pro-Tem Huff stated that concluded the Public Comments section and entertained a motion to adjourn to Executive Session.

#### **EXECUTIVE SESSION:**

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

**ADJOURN:**

Mayor Pro-Tem Huff entertained a motion to adjourn. Alderman Barker moved to adjourn, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Gass. Motion carried. Meeting was adjourned at 9:30 p.m.