

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, OCTOBER 28, 2002**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on October 28, 2002 at 7:00 p.m. with the following members present:

Mayor Schaefer presiding, Dick Gass, Stan Barker, Larry Taylor, Ron Huff, Eric Farris, and Bob Warlick present.

Also in attendance were: City Administrator Terry Dody, Assistant City Administrator Kevin Faught, City Attorney Deborah Deuster, City Clerk Sandra Williams, Assistant Police Chief Carroll McCullough, City Engineer David Miller, Communications Director Jerry Adams, Health Director Linn Smith, Fire Chief Carl Sparks, Director of Planning Don Stephens, Director of Finance Deanna Schlegel, Director of Public Works Larry VanGilder, Director of Parks and Recreation Cindy Shook, Director of Economic Development Mike Rankin, Phil Senn, Bruce W. Bowlin of Branson Daily Independent, Cliff Sain of Branson Daily News, Chuck Pennel, Rick Graf, Ron Herschend, Steve Bradford, Harry Styron, Randy Besser, Gail Besser, Ricky Renfro, Bill Hagler, June Kuechler, John and Sherry Bedore, Gary Groman, Jonathan Derby, Kent Williams, Mark Weisz, Garrett Welshell, Sharon Eagleburger, Donna Christian, Gayla Roten, Ken Roten, and Tom Motley.

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 public informational meeting of September 26, 2002, and the regular meeting of October 14, 2002.

**APPROVAL
OF MINUTES**

Alderman Huff moved to approve the minutes of the September 26, 2002 public informational meeting, and the October 14, 2002 regular meeting, with the exception of the two typographical corrections required. Motion was seconded by Alderman Warlick. Voting Aye for the September 26, 2002 Minutes were: Gass, Barker, Taylor, Schaefer, Huff, Farris, and Warlick. Nays: None. Motion carried. Voting Aye for the October 14, 2002 Minutes were: Barker, Taylor, Schaefer, Huff, Farris, and Warlick. Nays: None. Abstained: Gass. Motion carried.

CONSENT AGENDA:

Mayor Schaefer stated the next item on the Agenda was the Consent Agenda. Alderman Taylor moved to remove Item #1 from the Consent Agenda and to place it under the Regular Agenda as Item #12 and renumbering the consecutive numbers accordingly. Motion was seconded by Alderman Huff. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried. Mayor Schaefer then asked City Clerk Williams

to read the items being considered on the Consent Agenda as presented. City Clerk Williams read the following Consent Agenda items by title:

Final reading of Bill No. 2462, an ordinance accepting the proposal of bid award to JMT, Inc. to furnish activated carbon for Cooper Creek Wastewater Treatment Facility for the City of Branson, and authorizing the Mayor to execute the agreement was approved within the Consent Agenda.

BILL NO. 2462
BID AWARD
JMT, INC.
ORD. NO. 2002-129

Voting aye were: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried. Ordinance No. 2002-129 was duly enacted.

Mayor Schaefer then entertained a motion to approve the Consent Agenda as read. Alderman Huff moved to approve the Consent Agenda as presented, seconded by Alderman Farris. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

REGULAR AGENDA:

Donna Christian of the Missouri State Auditors Office Addressed the Board regarding the upcoming audit.

PRESENTATION
MISSOURI STATE
AUDITORS OFFICE

Mrs. Christian introduced Sharon Eagleburger also with their office. Mrs. Christian stated, "We are here tonight just to inform the Board of a petition that was received by our office to perform an audit of the City of Branson. The petition contained 344 valid signatures which is required by law in order for us to come and perform the audit. So in accordance with State Law, we will begin to audit the City of Branson. On the face of the petition it indicated the City of Branson is responsible for the cost of the audit and an estimated cost is between \$16 and \$24-thousand dollars. Our audit process will basically proceed with an entrance conference tonight which is basically a courtesy that our office does to introduce ourselves and to inform the Board of the process and how the procedures of the audit will be. We will also meet with the petitioners to get together and get any of their concerns, and those meetings are considered "Confidential Meetings". They are considered as "Gathering Audit Evidence" and that is all confidential. After gathering those concerns, we look at the records that are maintained by the City, and we will follow up on those concerns. We will look at the work performed by your Financial Auditors, so that we don't duplicate any audit effort. We are planning on starting this week, assuming it is convenient for the City Administrator and the City Clerk. After our field work, we will prepare a report and will set down with the Board in a "Closed Session Meeting" and discuss the report with the Board and get the Board's response to our report. Once that report is reviewed and becomes a "Public Document" we will come back and present it to the public in a Public Meeting. The whole process takes several months. We hope to come back with a closed meeting sometime in January or February and hopefully issue the report by spring."

Director of Planning and Zoning Don Stephens presented to the Board a Petition for Consent to Annex property owned by Larry L. Duncan, Terry J. Duncan, Mark A. Pearman and Kathy L. Pearman, Branson, Missouri. Alderman Warlick made a motion to accept the petition for voluntary annexation, seconded by Alderman Gass. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**PRESENTATION
PETITION FOR CONSENT
TO ANNEX
LARRY L. DUNCAN
TERRY J. DUNCAN
MARK A. &
KATHY L. PEARMAN**

Public Hearing and First reading of Bill No. 2463, an ordinance approving zoning of “R-1” Single-Family Residential for property known as Country Bluff Estates, 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 comments or discussion from the Board or audience, closed the Public Hearing and entertained a motion to approve the first reading of Bill No. 2463. Alderman Gass moved to approve the Bill on first reading, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2463
ZONING
COUNTRY BLUFF
ESTATES**

First reading of Bill No. 2456, an ordinance vacating a portion of Judy Street and a portion of Sheryl Street, Branson, Taney County, Missouri was read by title by City Clerk Williams, and David Miller provided the staff report. At this time, Alderman Huff moved to deny the vacation, seconded by Alderman Warlick. Harry Styron, attorney for the applicant, addressed the Board stating, “The nature of the traffic study done by the City was simple to count the cars, without any attempt to figure out the origins and the destinations of traffic in the neighborhood. Because of that, we could not really describe adequately the traffic in the neighborhood. So, we hired several people to do a volume count for the same time periods, and we were quite comparable to the City’s regard the total volume of traffic. What the City’s analysis didn’t show, and we tracked by license plate, was about 30% of the traffic was traffic avoiding the Highway 76/165 intersection by entering on Judy Street and coming through the neighborhood and exiting on Cedar or Pine Streets. Because the City’s traffic counters were merely mechanical counters, they did not track license plates or anything like that. Mr. Styron indicated that the owner was in a situation where his structure has become somewhat functionally obsolete. It was build 30-years ago and because of the City’s codes that are now enforced, and the way the city calculates parking has put this building at a distinct disadvantage. It went from a busy building full of tenants to having a vacancy. It has been a good building, but the circumstances of the neighborhood has changed, and it desperately needs parking; that’s why they were willing to pay for the lot to the south to have additional parking. However, the benefit of that parking is greatly hurt by the traffic that shoots up Judy Street and across it. We believe that closing of Judy and Sheryl Street would decrease the total amount of cut-through traffic. It is purely within you discretion to

**BILL NO. 2456
VACATING
JUDY STREET**

do it or not. It is simply up to you and your capacity as legislators. We thought it was worthwhile for our client to try for this in order to get more parking space so he can upgrade his building, and it would be economical to do that. So, what we want is to ask you to use your power to vacate this street so the owners can have adequate parking. Additional discussion was held regarding the moving of the traffic over to Francis Street; whether there were any complaints from the residents; and whether traffic would use the parking lot as a cut-through. After the discussion, Alderman Warlick moved to postpone this item so it can be sent back to the Planning and Zoning Commission to be looked at with the new information provided, as well as further information such as a site plan for the property and any police accident reports. Motion was seconded by Alderman Barker. Voting aye were: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

First Reading of Bill No. 2464, an ordinance amending Sections 400.040, and 410.040 of the Branson Municipal Code by adding definitions for Off-Premise Contacts (OPCs), Accommodations, Facilities, Time-Share Periods, Plan, Unit, and Vacation Clubs, and adding OPCs as permitted uses in the “C” Commercial Zoning District was read by title by City

**BILL NO. 2464
AMENDING
BRANSON MUNICIPAL
CODE, SECT. 400.040
SECT. 410.040**

Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2464. Alderman Warlick made the motion, seconded by Alderman Barker. Alderman Warlick moved to amend Section 410.04 “B-18” removing the words “and limited to one OPC per platted lot”. Motion was seconded by Alderman Barker. Mayor Schaefer called for a vote. Voting aye: Gass, Barker, Taylor, Farris, and Warlick. Nay: Huff. Mayor Schaefer then suspended the vote to receive comments from the audience. After the discussion, Mayor Schaefer then called for a vote on the first reading of the Bill again. Voting aye: Gass, Barker, Taylor, Farris, and Warlick. Nay: Huff. Motion carried.

First Reading of Bill No. 2465, an ordinance amending Section 215.100 of the Branson Municipal Code to increase certain Park User Fees, was read by title by City Clerk Williams, and Cindy Shook provided the staff report.

**BILL NO. 2465
AMENDING
BRANSON MUNICIPAL
CODE, SECT. 215.100**

Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2465. Alderman Huff made the motion, seconded by Alderman Taylor. Discussion was held by Alderman Gass stating he just wanted to be clear, “This will not restrict anyone from using these facilities if they don’t have the money to do so?” Miss Shook replied, “For all of our youth programs we have scholarships, and we will never turn anyone away for need.” Alderman Farris asked how broad of an area was covered. Miss Shook replied, “We serve the entire Taney County and most of Stone County.” Mayor Schaefer then called for a vote on the motion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

First Reading of Bill No. 2466, an ordinance amending the Municipal Judge agreement between Thomas D. Motley and the City of Branson, and authorizing the City Administrator to execute same, was read by title by City Clerk Williams, and Deb Deuster provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2466. Alderman Farris made the motion, seconded by Alderman Barker. Discussion with Judge Motley was held. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2466
AMENDING
MUNICIPAL JUDGE
AGREEMENT**

First Reading of Bill No. 2467, an ordinance approving an agreement between the City of Branson and BMW Engineering for the design and construction phase engineering services for the Table Rock Acres Subdivision Collector sewer project, 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 to approve the first reading of Bill No. 2467. Alderman Barker moved to approve the bill on first reading, seconded by Alderman Taylor. Discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2467
AGREEMENT
BMW ENGINEERING
TABLE ROCK ACRES**

First Reading of Bill No. 2468, an ordinance accepting the proposal of bid award to Leo Journagan Construction, Inc., for the City of Branson, authorizing the preparation of contracts in accordance with the terms of the proposal, and authorizing the Mayor to execute the agreement, 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. 2468. Alderman Gass made the motion, seconded by Alderman Taylor. Discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

**BILL NO. 2468
BID AWARD
JOURNAGAN
CONSTRUCTION**

Final reading of Bill No. 2460, an ordinance approving an addendum to the Governmental Relations Attorney Agreement, and authorizing the Mayor to execute the agreement was read by title by City Clerk Williams.

**BILLNO. 2460
ADDENDUM
GOVERNMENTAL
RELATIONS ATTORNEY
AGREEMENT
ORD. NO. 2002-130**

Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2460. Alderman Huff made the motion, seconded by Alderman Taylor. Alderman Taylor indicated he had received a request that the item be removed from the Consent Agenda for further discussion as there are some concerns as to why we need a Governmental Relations Attorney to the extent of \$8,000 per month in our negotiations. After receiving no comments from the audience, Alderman Taylor said he just wanted to state, "I think all of the members of the Board have certainly looked at this issue. We do have access, but the use of this Governmental Relations Attorney is a valid expenditure at this time as we move forward in our Lakefront Development and negotiations for our TIF." After no further

discussion, voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried. Ordinance No. 2002-130 duly enacted.

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 Barker moved to move the regular meeting of November 11th to Tuesday, November 12th, as November 11th was Veterans' Day. Motion was seconded by Alderman Warlick. No discussion. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

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

ALDERMEN/ADMINISTRATOR'S REPORTS

No City Aldermen or City Administrator's Reports.

PUBLIC COMMENT:

Chuck Pennel, 353 Quincy Road, Kirbyville, Missouri addressed **PENNEL** the Board asking if there had been anything new regarding the traffic studies since the Jacobsen Group. Administrator Dody replied, "There continues to be an agreement with the original contractor on some traffic studies. There would have to be some more contracts done as the City makes a determination to go forward that will include contracts to do a further design study and a layout for the entire project. There are certain things that have to be determined before a full-blown traffic analysis can be done. The original architect is working with a firm that will be a continuation of the Larkin Study to look at the traffic issues. We have to get to a certain point before we can make a more in-depth analysis of traffic issues. Mr. Pennel indicated, his concern was the City was continuing on with the project without being sure that the traffic can be handled. Mr. Pennel stated, "My request is again to ask you to be very cautious before you sign a contract that obligates City funds so that you don't waste money. Mr. Pennell also raised a concern with parking tickets being issued downtown near the Scenic Railroad. Alderman Warlick responded by reading a letter from Illa Kamp of the Scenic Railroad thanking the City for all its efforts in improving and resolving all parking issues near the Scenic Railroad.

EXECUTIVE SESSION:

Alderman Warlick moved to go into Closed Executive Session pursuant to Section 610.021 RSMo., subsections 1, 2, and 3. Seconded by Alderman Taylor. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: none. Motion carried.

ADJOURN:

Alderman Warlick moved to adjourn. Motion was seconded by Alderman Farris. Voting aye: Gass, Barker, Taylor, Huff, Farris, and Warlick. Nays: None. Motion carried. Meeting was adjourned at 8:55 p.m.