

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, JULY 14, 2003**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on July 14, 2003 at 7:00 p.m. with the following members present:

Mayor Schaefer presiding, Dick Gass, Stan Barker, Ron Huff, and Jack Purvis present. Absent were Beverly Martin and David Edie.

Also in attendance were: City Administrator Terry Dody, Assistant City Administrator Kevin Faught, City Attorney Dan Wichmer, City Clerk Sandra Williams, Communications Director Jerry Adams, Director of Planning Don Stephens, Director of Finance Deanna Schlegel, Assistant Police Chief McCullough, Director of Economic Development Mike Rankin, Fire Chief Carl Sparks, Director of Public Works Larry VanGilder, Cliff Sain of the Branson Daily News, Chandra Huston of Branson Independent, John Logan, Larry Milton, Bob Shanz, Mary Lou Shepherd, M. D. Maxwell, Helen Maxwell, Dewey Atchison, Ricky Renfro, Helen Hagler, Bill Hagler, Wayne Lindsay, June Kuecher, Vonda Olson, Greg Pyron, Lynn and Bill Groninger, Kathryn Buckstaff of the NewsLeader, Sandy Steward, John McCarthy, Amy L. Bogue-Gray, Ross Summers of the Chamber of commerce, Chuck Pennel, Al Moon, Donna Moon, Ray and Gloria Roderick, James Roder, Diana Acton, Lucy Combs, Benny Compton, Kent Edwards, David Murphy, Stacy Jones, Danruda, Linda Purvis, James Barker, Kent Williams, Bob Warlick, David Cushman, Rick Graff, and Mark Weisz.

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 special meeting of June 23, 2003, and the regular meeting of June 23, 2003, Hearing none, Alderman

**APPROVAL
OF MINUTES**

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

EMPLOYEE OF THE MONTH:

At this time, Alderman Huff presented the July Employee of the Month Award to Benny Compton and Kent Edwards, Public Works employees. Alderman Huff stated, “Benny and Kent

**EMPLOYEE OF
THE MONTH**

are being recognized for taking the initiative to volunteer tackle the downtown sidewalks problem due to bricks coming loose. They successfully repaired the sidewalks, even in the aftermath of a snowstorm and cold weather, outside of their normal job duties. On behalf of the Mayor and Board of Aldermen

CONSENT AGENDA:

Mayor Schaefer 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:

Receipt of the minutes of the April 15, 2003
Advisory Council on Disabilities meeting and the
May 20, 2003 Park Board meeting. Acknowledgement
of the April 15, 2003 Advisory Council on Disabilities meeting
and the May 20, 2003 Park Board meeting was done within the Consent Agenda. Voting aye:
Gass, Barker, Martin, Huff, and Edie. Nay: Purvis. Motion carried.

**ACKNOWLEDGEMENT
OF
MINUTES**

Final reading of Bill No. 2612, an ordinance
enacting a Final Subdivision Plat of Branson
Landing was approved within the Consent Agenda.
Voting aye: Gass, Barker, Martin, Huff, and Edie.
Nay: Purvis. Motion carried. Ordinance No.
2003-121 was duly enacted.

**BILL NO. 2612
FINAL SUBDIVISION PLAT
BRANSON LANDING
ORD. NO. 2003-121**

Final reading of Bill No. 2613, an ordinance
enacting a Final Subdivision Plat of Branson Landing
North was approved within the Consent Agenda.
Voting aye: Gass, Barker, Martin, Huff, and Edie.
Nay: Purvis. Motion carried. Ordinance No.
2003-122 was duly enacted.

**BILL NO. 2613
FINAL SUBDIVISION PLAT
BRANSON LANDING NORTH
ORD. NO. 2003-122**

Final reading of Bill No. 2614, an ordinance
enacting a Final Subdivision Plat of Branson Landing
South was approved within the Consent Agenda.
Voting aye: Gass, Barker, Martin, Huff, and Edie.
Nay: Purvis. Motion carried. Ordinance No.
2003-123 was duly enacted.

**BILL NO. 2614
FINAL SUBDIVISION PLAT
BRANSON LANDING SOUTH
ORD. NO. 2003-123**

Final reading of Bill No. 2615, an ordinance enacting a Final Subdivision Plat of White River Investments Subdivision was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, and Edie. Nays: Purvis. Motion carried. Ordinance No. 2003-124 was duly enacted.

**BILL NO. 2615
FINAL SUBDIVISION PLAT
WHITE RIVER INVESTMENTS
SUBDIVISION
ORD. NO. 2003-124**

Final reading of Bill No. 2616 annexing property owned by M and J Holding Company into the City was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, and Edie. Nay: Purvis. Motion carried. Ordinance No. 2003-125 was duly enacted.

**BILL NO. 2616
ANNEXATION
M & J HOLDING
COMPANY
ORD. NO. 2003-125**

Final reading of Bill No. 2617, an ordinance amending the Land Use Regulations for Planned Development PD-97-001, owned by TRI-L, LLC (Maple Creek Cabins), and located at 3864 Green Mountain Drive, Branson, Missouri was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, and Edie. Nay: Purvis. Motion carried. Ordinance No. 2003-126 was duly enacted.

**BILL NO. 2617
LAND USE REGULATIONS
MAPLE CREEK CABINS
3864 GREEN MTN. DR.
ORD. NO. 2003-126**

Final reading of Bill No. 2619, an ordinance amending Title IV, Land Use, Chapter 400: General Provisions, Section 400.040: Definitions and Chapter 410: Zoning Districts, Section 410.040: "C" Commercial District Regulations, of the Branson Municipal Code, by amending language pertaining to Theme Parks and adding definitions for Amusement Parks and Amusement Parlors was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, and Edie. Nay: Purvis. Motion carried. Ordinance No. 2003-127 was duly enacted.

**BILL NO. 2619
AMENDING
BRANSON MUNICIPAL
CODE – CHAPTER IV
LAND USE
ORD. NO. 2003-127**

Final reading of Bill No. 2620, an ordinance amending Chapter 235 of the Branson Municipal Code regarding explosives and fireworks by amending Section 105.6.15 Explosives Permit Fees, and adding Section 3308.2.3 Fixed Site Displays to the International Fire Prevention Code was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, and Edie. Nay: Purvis. Motion carried. Ordinance No. 2003-128 was duly enacted.

**BILL NO. 2620
AMENDING
BRANSON MUNICIPAL
CODE – CHAPTER 235
EXPLOSIVES
PERMIT FEES
ORD. NO. 2003-128**

Mayor Schaefer asked for any corrections on the amended Consent Agenda as read. Receiving none, Mayor Schaefer entertained a motion to approve the Consent Agenda as

amended. Alderman Huff moved to approve the amended Consent Agenda, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, and Edie. Nay: Purvis. Motion carried.

REGULAR AGENDA:

Petition for Consent to Annex property owned by Fall Creek Realty, LLC, Branson, Missouri, was read by title by City Clerk Williams, and David Miller provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Alderman Gass made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PETITION
CONSENT
TO ANNEX
FALL CREEK
REALTY, LLC**

First reading of Bill No. 2621, an ordinance amending the Branson Municipal Code, Chapter 255: Title II Public Health Safety and Welfare, Food Code Section by adding a new Section 255.040: *Penalty*, was read by title by City Clerk Williams, and Dan Wichmer provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2621. Alderman Barker moved to approve on first reading, seconded by Alderman Edie. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2621
AMENDING
BRANSON MUNICIPAL
CODE – CHAPTER 255
FOOD CODE: PENALTY**

First reading of Bill No. 2622, an ordinance amending Section 250.130 of the Branson Municipal Code for Health Permit Fees, establishing Food Permit Fees for Theme Parks and Laboratory Fees for Federal Bathing Beach Samples was read by title by City Clerk Williams, and Kevin Faught provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2622. Alderman Gass made the motion, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2622
AMENDING
BRANSON MUNICIPAL
CODE – SECTION 250.130
PERMIT FEES**

First reading of Bill No. 2623, an ordinance approving an agreement between the City of Branson and Burns and McDonnell Engineering Company, Inc. for design phase engineering of the Bee Creek 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 approving the first reading of Bill No. 2623. Alderman Purvis made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and

**BILL NO. 2623
AGREEMENT
BURNS & McDONNELL
BEE CREEK
SEWER PROJECT**

Purvis. Nays: none. Motion carried.

First Reading of Bill No. 2624, an ordinance accepting the proposal of bid award to Key Equipment and Supply Co. for a self contained vacuum trailer used in the Sewer Collection Division of the City of Branson, authorizing the preparation of a contract 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 Larry VanGilder provided the staff report. Mayor Schaefer entertained a motion to approve Bill No. 2624 on its first reading. Alderman Purvis made the motion, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2624
BID AWARD
KEY EQUIPMENT
SELF CONTAINED
VACUUM TRAILER**

A resolution evidencing the intent of the City of Branson, Missouri to proceed with the development and construction of the Convention Center in connection with the Branson Landing Project, was read by title by City Clerk Williams, and Terry Dody provided the staff report. Mayor Schaefer entertained a motion to approve the resolution. Alderman Huff made the motion, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2003-R009 was approved. Alderman Huff stated, "This decision we made this evening, to declare our intent to move the Convention Center forward is a major decision. It is going to be very important for our developer, HCW as he works to secure tenants. Once they commit to a project they expect to be opened for business in approximately 18-months. You can see we have a lot of work ahead of us. We need to keep the momentum going. The Council is going to be reviewing some final concepts for the footprint of the project downtown including the Convention Center, and the waterfront Redevelopment. As a Council, we need to reach a consensus of that foot print so that we can move forward into some detailed design work. I am very pleased that the Council unanimously approved this Resolution as it is a step in the right direction".

**RESOLUTION
INTENT TO PROCEED
CONVENTION CENTER
BRANSON LANDING
PROJECT
RESOL. NO. 2003-R009**

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 indicated he wanted to talk about the hole that is in the road that runs beside McDonalds out on Hwy. 76. It has been brought up before, and I would like to have someone comment on it. When it was brought

GASS

up before it was said it is not a City street. If that is true, how do we get it repaired, asked Alderman Gass. Public Works Director Larry VanGilder addressed the Board indicating it is not a City street. Where Frank Rea ties into Green Mountain Drive behind Wal-Mart, from there up to Hwy. 76 is private property not a street. The particular section you are talking about is where water comes from McDonalds and builds up in that low area causing the hole in the asphalt. Staff has been in contact with the owners of the property to get it turned over to the City with no results as it needs improvements to meet the City's specifications. In the future there are preliminary improvement plans to connect it with Forsythe Road and make it a 4-way intersection and a public street. But that will take the City acquiring right-of-way if it is completed, indicated City Engineer David Miller. Alderman Gass indicated his concern was a lot of tourists use that as a road and somebody is going to have an accident there because the hole is getting deeper, and he wanted to know how the City can get someone to fix the problem. Administrator Dody addressed the Board stating, "unfortunately there is absolutely nothing the City can do, other than what we have already done, which is to try to work with the private owners of the property to get them to take care of it. If they refuse to do so, it is just a hole developing in a parking lot or other property that we simply can't do anything about. This is an issue that has been a problem for about 6-years. We have researched it legally and there is nothing the City can do except what we have already tried. Beyond that there is simply nothing that the City can legally do as it is a private piece of property. We have exhausted all of the measures we can take. We can again talk to the owners but that is as far as we can take it." Alderman Huff said it appeared to him that if the City wrote a letter explaining the liability for the owner, and that the City has received complaints, and concerns from Aldermen if that did not stir them to fix it, the City would have a document if need if legal action is ever taken against them.

Alderwoman Martin indicated she wanted to discuss the Summerfest MARTIN that was held this past Thursday, Friday, and Saturday. Mrs. Martin stated, "She had been to a couple of meetings and had the opportunity to visit with several people over the weekend, and it is the overall consensus that it was a success and everyone enjoyed it. There were a few complaints about some noise but overall it was a great success, and I congratulate those partners that were involved in presenting it."

Alderman Huff also commented on the Summerfest. Alderman HUFF Huff said he attended Friday and Saturday and was pleased with what he saw and heard. It seemed to go off without any incidents. A great deal of thanks has to go to our Public Works, Health, Planning and Zoning, Fire and Police Departments which were very involved along with DBBA, the Veterans Task Force and of course Joe Sullivan who put together the entertainment package. Alderman Huff indicated he was very pleased with comments that he heard from people, and it looked like everyone was having a good time. "It was good exposure for our lakefront, good exposure to people that we haven't been able to attract to our City, so I agree it was very much a success, stated Alderman Huff."

Alderman Edie said he just had a comment regarding the Convention EDIE

Center. “The location that it is going to be built at is not my choice, if I had a choice. I felt like it should have been further out toward the center of the Entertainment District, but the fact is the TIF was approved for the area where it is at, and I think I should support it along with the rest of the Aldermen, and the rest of the people here. We want to make it the very best that we can,” stated Alderman Edie.

Alderman Purvis indicated that the bird situation seems to be a reoccurring problem downtown. He had been asked by a couple of the merchants as to when the sidewalks would be cleaned again. It seems we are going to have to deal with that soon, because I don’t see how we can continue to send City staff down there every week to clean the sidewalks. Public Works Director Larry VanGilder addressed the Board indicating the sidewalks would be cleaned on a routine basis. They are also researching methods to try to alleviate the situation or at least mitigate the situation, to see if there is some way to keep them out of certain areas. In the meantime we are monitoring the situation and are developing a schedule as to how often it needs cleaned. Administrator Dody added that this was not an unusual problem for city’s to go through when birds decide to roost in trees and on buildings. There are some mechanisms that city’s try but the bottom line is that none of them are very successful. But again, sometimes you get lucky when you try these techniques, and we will certainly take a look and see if there is anything we can do that might help abate the problem. But chances are those birds will stay until they are ready to find another place to roost.

PUBLIC COMMENT:

Mayor Schaefer stated the only person requesting to make public comments was James Thornton who was not able to attend.

EXECUTIVE SESSION:

Mayor Schaefer entertained a motion to go into Closed Executive Session. Alderman Huff moved to go into Closed Executive Session pursuant to Section 610.021 RSMo., Subsections 1, 2, and 3. Seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

ADJOURN:

Alderman Barker moved to adjourn. Motion was seconded by Alderman Huff. Voting aye were: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Meeting was adjourned at 7:35 p.m.