

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, OCTOBER 13, 2003**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on October 13, 2003 at 7:00 p.m. with the following members present:

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

Also present were City Administrator Terry Dody, Assistant City Administrator Kevin Faught, City Attorney Dan Wichmer, City Clerk Sandra Williams, Director of Engineering David Miller, Director of Communications Jerry Adams, Finance Director Deanna Schlegel, Police Chief Steve Mefford, Director of Planning and Zoning Don Stephens, Director of Human Resources Deb Durler, and Director of Health Linn Smith.

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

Mayor Pro Tem Huff asked for any additions or corrections to the Minutes of the regular meeting of September 22, 2003, the public comments meeting of September 22, 2003, and the special meeting of September 30, 2003, receiving none, Alderman Barker then moved to approve the Minutes as presented of the regular meeting of September 22, 2003, the public comments meeting of September 22, 2003, and the special meeting of September 30, 2003, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**APPROVAL  
OF MINUTES**

**CONSENT AGENDA:**

At this time Alderman Gass moved to amend the Agenda by removing Item No. 8 from the Consent Agenda and placing it under the Regular Agenda. Motion was seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

Mayor Pro Tem Huff 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:

Final reading of Bill No. 2729 an ordinance vacating a portion of Vanzandt Street, Branson, Taney County, Missouri was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none.

**BILL NO. 2729  
VACATING  
VANZANDT ST.  
ORD. NO. 2003-239**

**Ordinance No. 2003-239 was duly enacted.**

**Final reading of Bill No. 2730 an ordinance vacating all streets located east of the Missouri Pacific Railroad and west of Lake Taneycomo, in the Branson Landing area of Downtown Branson, Branson, Taney County, Missouri was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-240 was duly enacted.**

**BILL NO. 2730  
VACATING  
STREETS  
DOWNTOWN  
BRANSON  
ORD. NO. 2003-240**

**Final reading of Bill No. 2731 an ordinance approving “PD” Planned Development zoning and approving Land Use Regulations for Planned Development PD-2003-002 for property known as Fall Creek Resort, Branson, Missouri was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-241 was duly enacted.**

**BILL NO. 2731  
ZONING & LAND USE  
REGULATIONS  
FALL CREEK RESORT  
ORD. NO. 2003-241**

**Final reading of Bill No. 2732 an ordinance amending Title IV of the Branson Municipal Code, Chapter 445: Sign Regulations, Section 445.020: Exemptions, excepting moving billboards from Sign Code Exemptions was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-242 was duly enacted.**

**BILL NO. 2732  
AMENDING  
BRANSON MUNICIPAL  
CODE-CHAPTER 445  
SIGN CODE  
ORD. NO. 2003-242**

**Final reading of Bill No. 2734 an ordinance authorizing the Mayor to execute amendments to the engineering services agreement with Transystems Corporation pertaining to the James F. Epps Road extension project was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-243 was duly enacted.**

**BILL NO. 2734  
AMENDMENT  
TRANSYSTEMS CORP.  
JAMES F. EPPS  
EXTENSION  
ORD. NO. 2003-243**

**Final reading of Bill No. 2735 an ordinance approving an agreement between the City of Branson and M.J. Harden Associates, Inc. for planimetric and contour data development, and authorizing the Mayor to enter into the agreement was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-244 was duly enacted.**

**BILL NO. 2735  
AGREEMENT  
M.J. HARDEN  
PLANIMETRIC &  
CONTOUR DATA  
DEVELOPMENT  
ORD. NO. 2003-244**

**Final reading of Bill No. 2736 an ordinance approving an agreement between the City of Branson and Dinan Real Estate Advisors, Inc. for appraisal of the proposed Convention Center site, and authorizing the Mayor to enter into the agreement was**

**BILL NO. 2736  
AGREEMENT-DINAN  
REAL ESTATE, INC.  
APPRAISAL**

approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-245 was duly enacted.

**PROPOSED SITE  
CONVENTION CTR.  
ORD. NO. 2003-245**

Mayor Pro Tem Huff asked for any corrections on the Consent Agenda as read. After receiving none, Mayor Pro Tem Huff entertained a motion to approve the Consent Agenda as presented. Alderman Gass made the motion, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**REGULAR AGENDA:**

Final reading of Bill No. 2733 an ordinance amending Section 405.020 of the Branson Municipal Code by adding language limiting the use of required front yard for commercial purposes was read by title by City Clerk Williams. Mayor Pro Tem Huff entertained a motion approving the final reading of Bill No. 2733. Alderman Barker made the motion, seconded by Alderman Gass. After discussion from members of the audience and the Board, Mayor Pro Tem Huff called for the vote on the final reading of Bill No. 2733. Voting aye: none. Nays: Gass, Barker, Martin, Huff, Edie, and Purvis. Motion failed.

**BILL NO. 2733  
AMENDING  
BRANSON MUNICIPAL  
CODE – SECTION 405.020  
ADDING LANGUAGE  
LIMITING USE  
REQUIRED FRONT  
YARD - COMMERCIAL  
MOTION FAILED**

Certification of Missouri Local Government Employees Retirement System (LAGERS) Delegates was introduced by City Clerk Williams, and Deb Durler provided the staff report  
**DELEGATES**

**CERTIFICATION  
OF LAGERS**

stating an “Employer Delegate” and a “Member Delegate” needed to be designated by the Board to attend the Annual LAGERS meeting, to be held in Springfield on October 30-31, 2003. Mayor Pro Tem Huff entertained a motion. Alderman Purvis moved to certify Linn Smith and Denton Middleton as delegates to the 2003 Annual LAGERS Meeting. Motion was seconded by Alderman Edie. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

First reading of Bill No. 2739 an ordinance approving an agreement between the City of Branson and EFK Moen for design and construction phase engineering services for the business 65 widening, 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 Pro Tem Huff entertained a motion to accept the first reading of Bill No. 2739. Alderman Barker moved to approve the first reading, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Alderman Barker moved to read the bill a second time by unanimous consent, seconded by Alderman Gass. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion

**BILL NO 2739  
AGREEMENT  
EFK MOEN  
BUS. 65 WIDENING  
ORD. NO. 2003-246**

carried. City Clerk Williams read Bill No. 2739 by title again. Mayor Pro Tem Huff entertained a motion approving the final reading of Bill No. 2739. Alderman Gass made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-246 was duly enacted.

First reading of Bill No. 2740 an ordinance approving an agreement between the City of Branson and Delich, Roth, & Goodwillie for design and construction phase engineering services for the MO 248 & US 65 Interchange Improvements, 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 Pro Tem Huff entertained a motion approving the first reading of Bill No. 2740. Alderman Gass moved to approve the bill on first reading, seconded by Alderman Purvis. Discussion was held by members of the audience. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Alderman Gass moved to read the bill a second time by unanimous consent, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2740 by title again. Mayor Pro Tem Huff entertained a motion approving the final reading of Bill No. 2740. Alderman Barker moved to approve, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-247 was duly enacted.

**BILL NO. 2740  
AGREEMENT  
DELICH, ROTH, &  
GOODWILLIE  
MO 248 & US 65  
INTERCHANGE  
ORD. NO. 2003-247**

First reading of Bill No. 2741 a special ordinance approving the temporary use of a mobile structure to be placed at Skaggs Community Health Center located at Business 65 and Skaggs Road, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Pro Tem Huff entertained a motion approving the first reading of Bill No. 2741. Alderman Purvis made the motion, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**BILL NO 2741  
TEMPORARY USE  
MOBILE STRUCTURE  
SKAGGS**

First reading of Bill No. 2742 an ordinance approving a Declaration of Restrictive Covenant and Grant of Access and a Voluntary Cleanup Program Institutional Control Contract between the Missouri Department of Natural Resources and the City of Branson, and authorizing the Mayor to enter into the declaration and the contract was read by title by City Clerk Williams. Don Stephens provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2742. Alderman Barker moved to approve, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**BILL NO. 2742  
RESTRICTIVE  
COVENANT, GRANT  
OF ACCESS, & VCP  
CONTRACT-MO DEPT  
NATURAL RESOURCES**

First reading of Bill No. 2743 an ordinance accepting a Notice of Grant Award from the Federal Food and Drug Administration (FDA) to the City of Branson for development

**BILL NO 2743  
GRANT AWARD  
INNOVATIVE**

and implementation of FDA Innovative Food Safety Grant as defined in grant application FY 2003-2004 was read by title by City Clerk Williams, and Kevin Faught provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2743. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. At this time Alderman Barker moved to read the bill a second time by emergency due to the critical timelines involved, seconded by Alderman Gass. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2743 by title again. Mayor Pro Tem Huff then entertained a motion approving the final reading of Bill No. 2743. Alderman Barker moved to approve, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Ordinance No. 2003-248 was duly enacted.

**FOOD SAFETY  
ORD. NO. 2003-248**

First reading of Bill No. 2744 an ordinance amending Section 205.200 of the Branson Municipal Code by redefining the regulations concerning firearms was read by title by City Clerk Williams, and Carroll McCullough provided the staff report. Mayor Pro Tem Huff entertained a motion to accept the first reading of Bill No. 2744. Alderman Purvis made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Alderman Gass moved to table Bill No. 2744 pending the Supreme Court's ruling on the constitutionality of the state's conceal and carry law. Motion was seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO 2744  
AMENDING  
BRANSON MUNICIPAL  
CODE-SECTION 205.200  
FIREARMS  
TABLED**

First reading of Bill No. 2745 an ordinance amending Ordinance No. 2001-031 to modify the monthly expense reimbursement provided to the position of Mayor was read by title by City Clerk Williams, and Ron Huff provided the staff report. Mayor Pro Tem Huff entertained a motion to accept the first reading of Bill No. 2745. Alderman Purvis made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Alderman Barker moved to read the bill a second time by unanimous consent, seconded by Alderman Gass. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2745 by title again. Mayor Pro Tem Huff entertained a motion approving the final reading of Bill No. 2745. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2003-249 was duly enacted.

**BILL NO 2745  
AMENDING  
ORD. NO. 2001-031  
MONTHLY EXPENSE  
REIMBURSEMENT  
ORD. NO. 2003-249**

A Presentation regarding Judy Street was the next item on the Agenda, and City Engineer David Miller gave the presentation. The Board had asked staff to research a possible

**PRESENTATION  
JUDY STREET**

problem on Judy Street and to contact Steve Presley for additional details. Staff has done that and it seems there were three basic issues that needed to be looked into. (1) The issue of speeding on Judy Street; (2) The possibility of a Stop Sign being needed at the corner of Judy and Cedar Streets; and (3) A parking issue on Pine Street at Judy. The following are the results of their research, indicated Mr. Miller.

1. Speed counters were placed on Judy Street for north bound, and south bound traffic for a 24 hour period. They were also placed on Cedar Street. The summary of the fact sheets were that the vast majority were going 20 to 25 miles per hour which means that 85% of the vehicles were going slower than the posted 30 miles per hour, and 15% were going faster. There were some people going 50 and 55 miles per hour and one person going 65. The total amount of cars during the 24 hours were 721, and there were only three that were speeding. Therefore, staff's conclusion is that it is not fair to make 719 people a day go over a speed hump when there are only three that are speeding.
2. The next item researched was a stop sign at Judy and Cedar Streets in order to control the speed. After research staff found that it is not an acceptable use for a stop sign. The Manual on Uniform Traffic Control Devices or METCD, which is what the Engineering Department uses as it is the standard that traffic engineers use when they do stop signs and speeds, states not to use stop signs unless one of four things exist and that is not the case here. The manual is also emphatic that stop signs not be used for speed control. Based on this information, staff would recommend against a stop sign being placed at Judy Street.
3. The last issue was the complaint that vehicles were parking on both sides of Pine Street near Judy Street. After researching this, staff found that the fire vehicles can go through and there is no accident history. Staff felt the biggest problem was if they eliminated parking on Pine cars would park on Judy Street, and then if they eliminated parking on Judy they would then park somewhere else. Staff recommended to continue monitoring the area and see if any accidents are reported, or if there are problems occurring. In summary, staff recommend the City take no action at this time.

Mayor Pro Tem Huff entertained a motion to accept the report. Alderman Barker made the motion, seconded by Alderman Purvis. During discussion the Board requested that staff notify Mr. Presley in writing of their findings. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

Re-appointment of members to the Branson Housing Authority Board was introduced by City Clerk Williams. City Clerk Williams also provided the staff report stating the Branson Housing Authority

RE-APPOINTMENTS  
BRANSON HOUSING  
AUTHORITY BOARD

Board was established by resolution adopted by the Board of Aldermen and any appointments or re-appointments must be done by this Board. The recommendations are to re-appoint Bob Sutherland to the Branson Housing Authority Board until October 19, 2006, and to re-appoint Jim Arend for another four-year term expiring October 19, 2007. Mayor Pro Tem Huff entertained a motion to approve the re-appointments. Alderman Edie moved to approve the re-appointment of Bob Sutherland to the Branson Housing Authority Board for a term expiring October 19, 2006, and to re-appoint Jim Arend for a term expiring October 19, 2007. Motion was seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

#### **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 Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. 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 Gass stated he want to "Thank" the other aldermen for what they did regarding the setback that was considered tonight. I appreciate you changing your minds after looking into this, indicated Mr. Gass as he felt they made the right decision. **GASS**

Alderman Barker stated he too would like to comment on this. We would all like our community to look better and we know that there are some of those that are pretty hap-hazard about their displays. We just couldn't get a grip on how do that versus those that are running a very good business and are just wanting to display their items. That was really what moved us to this decision tonight. We don't want to penalize those people who are out there working hard every day to make a living and have a nice operation, indicated Mr. Barker. **BARKER**

Alderwoman Martin indicated that again this weekend the traffic was nice, bumper to bumper which means that Branson is holding true to form regarding drawing tourists and visitors. Everyone is so positive about Branson, so we can all pat ourselves on the back for a good job and a good City. **MARTIN**

**Alderman Edie stated he would like to recognize the Branson High School Marching Band for their recent exceptional performances and competitions. We can all be proud of them.**

**EDIE**

**Administrator Dody reminded everyone of the ERA Preliminary Report that will be given in a Public Meeting at 7:00 p.m. tomorrow at City Hall. This is the Preliminary Report for the feasibility level examination study on the waterfront, which entails the whole project rather than just the convention center which was done by CS&L. This project expands that study out and takes a look at the whole project and provides a preliminary economic analysis of the financial feasibility of the project.**

**DODY**

**ADJOURN:**

**At this time, Mayor Pro Tem Huff entertained a motion to adjourn. Alderman Purvis moved to adjourn, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Meeting was adjourned at 8:00 p.m.**