

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, JANUARY 12, 2004**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on January 12, 2004 at 7:00 p.m. with the following members present:

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

Also present were City Administrator Terry Dody, Assistant City Administrator Kevin Faught, City Attorney Dan Wichmer, City Clerk Sandra Williams, Assistant City Attorney Russ Dempsey, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Dept. Division Chief Ted Martin, Director of Communications Jerry Adams, Finance Director Deanna Schlegel, Director of Planning and Zoning Don Stephens, Parks Director Cindy Shook, Director of Economic Development Mike Rankin, and Director of Health Linn Smith.

Mayor Schaefer called the meeting to order with the "Pledge of Allegiance" and Larry VanGilder gave the invocation.

Mayor Schaefer introduced Russ Dempsey, Assistant City Attorney and welcomed him to the City.

Mayor Schaefer asked for any additions or corrections to the Minutes of the regular meeting and public comments meetings of December 8, 2003. Receiving none, Mayor Schaefer entertained a motion to approve the minutes of December 8, 2003. Alderman Huff made the motion to approve the Minutes as presented of the regular meeting and public comments meetings, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**APPROVAL
OF MINUTES**

CONSENT AGENDA:

Mayor Schaefer 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. 2779, annexing property owned by Enrique E. Cohen and Robert K. Munchrath and Anthony J. and Mary B. Yonkers into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Ordinance No. 2004-001 was duly enacted.

**BILL NO. 2779
ANNEXATION
ENRIQUE E. COHEN
ROBERT K. MUNCHRATH
ANTHONY YONKERS**

Final reading of Bill No. 2780, annexing property owned by Enrique E. Cohen and Richard L. and Joann D. Munchrath and Robert K. Munchrath and Douglas M. and Gloria S. Osborn and Rudy and Judy Tesar and Robert L. and Kim M. Whitehouse and Anthony J. and Mary B. Yonkers into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-002 was duly enacted.

**BILL NO. 2780
ANNEXATION
ENRIQUE COHEN
ROBERT K.
MUNCHRATH
ORD. NO. 2004-002**

Final reading of Bill No. 2781, annexing property owned by Norman J. and Renae M. Cizek into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-003 was duly enacted.

**BILL NO. 2781
ANNEXATION
NORMAN CIZEK
ORD. NO. 2004-003**

Final reading of Bill No. 2782, annexing property owned by Kristina N. Silliman into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-004 was duly enacted.

**BILL NO. 2782
ANNEXATION
KRISTINA SILLIMAN
ORD. NO. 2004-004**

Final reading of Bill No. 2783 annexing property owned by John J. and Joy D. Jeschke into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-005 was duly enacted.

**BILL NO. 2783
ANNEXATION
JOHN JESCHKE
ORD. NO. 2004-005**

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

REGULAR AGENDA:

Mayor Schaefer stated the next item is Item No. 6 which was postponed at the December 8, 2003 meeting and he would entertain a motion to remove Bill No. 2784 from the Table and place it up for consideration at this time. Alderman Gass made the motion, seconded by Alderman Purvis, Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

First reading of Bill No. 2784 an ordinance to opt Out of State imposed Sales Tax Holiday was read by title by City Clerk Williams. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2784, and for discussion. Alderman Purvis

**BILL NO. 2784
OPT OUT
SALES TAX**

made the motion, seconded by Alderman Huff. Those addressing the Board regarding this matter were Ross Summers, Executive Director of the Branson Area Chamber of Commerce, Ron Herschend, Taney County Commissioner, John Logan, Patricia Broeckling, Paul Mumberger, and Dena Edison. At this time Alderman Huff called for the question. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Motion carried. Mayor Schaefer then called for the vote on the first reading of Bill No. 2784. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

The next item was a Public Hearing and First Reading of Bill No. 2788 annexing property owned by Steven S. and Vineta G. Redford into the City, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer then opened the Public Hearing and asked for any comments or questions from the audience or the Board regarding this annexation. After receiving no comments or discussion, Mayor Schaefer closed the Public Hearing. Mayor Schaefer then entertained a motion approving the first reading of Bill No. 2788 annexing property owned by Steven S. and Vineta G. Redford into the City. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PUBLIC HEARING
BILL NO. 2788
ANNEXATION
STEVE REDFORD**

First reading of Bill No. 2789, an ordinance amending Sections 155.010 and 155.020 of the Branson Municipal Code by revising the establishment and function of the Branson Advisory Council on Disabilities, was read by title by City Clerk Williams, and Terry Dody provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2789. Alderman Barker moved to approve the bill on first reading, seconded by Alderman Purvis. No discussion. Voting aye: Gass Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2789
AMENDING
MUNICIPAL CODE
ADVISORY COUNCIL
ON DISABILITIES**

First reading of Bill No. 2790, an ordinance authorizing the Mayor to execute amendments to the Engineer Services Agreement with Scott Consulting Engineers, P.C. pertaining to the East Fall Creek Sewer Project, 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. 2790. Alderman Gass made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**BILL NO. 2790
AMENDMENTS
SCOTT CONSULTING
AGREEMENT**

First reading of Bill No. 2791, an ordinance authorizing the Mayor to execute amendments to the Professional Services Agreement with Sapp Design Associates Architects, P.C. pertaining to the Recreation Center and Sports Complex, 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

**BILL NO. 2791
AMENDMENTS
SAPP DESIGN
AGREEMENT**

No. 2791. Alderman Purvis made the motion, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

First Reading of Bill No. 2792 an ordinance authorizing the Mayor to execute amendments to the Public Transit Planning Grant Agreement with the Missouri Highways and Transportation Commission, 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. 2792. 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. 2792
AMENDMENTS
PUBLIC TRANSIT
PLANNING GRANT
AGREEMENT

First Reading of Bill No. 2793 an ordinance approving an agreement for Professional Engineering Services between Jacobs Civil, Inc., and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to an alternative analysis study of mass transit options, 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. 2793. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

BILL NO. 2793
AGREEMENT
JACOBS CIVIL, INC.
ALTERNATIVE
ANALYSIS MASS
TRANSIT STUDY

First Reading of Bill No. 2794 an ordinance authorizing the opening of a public road and declaring the Public Necessity for such road, and declaring that such road is necessary and beneficial to the whole of the City of Branson, Missouri, and is an indispensable and integral part if the City Road System, and declaring the necessity of condemning the property rights belonging to those persons identified on Exhibit "A" attached hereto, so as to enable the City of Branson, Missouri, to construct said public road across property owned by said parties and herein described, and authorizing the filing of Condemnation Proceedings in accordance with the laws of the State of Missouri, and authorizing the payment of attorney fees and expenses therewith connected, 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. 2794. Alderman Purvis made the motion, seconded by Alderman Barker. Discussion was held regarding the Public Necessity. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

BILL NO. 2794
PUBLIC NECESSITY
PUBLIC ROAD
FIVE STAR MOTEL

First Reading of Bill No. 2795 an ordinance approving an agreement between the Branson/Lakes Area Chamber of Commerce and the City of Branson, and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Williams, and Terry Dody provided the staff report. Mayor Schaefer left the meeting at this time. Mayor Pro Tem Huff entertained a motion to approve the first

BILL NO. 2795
AGREEMENT
CHAMBER OF
COMMERCE
MARKETING
ORD. NO. 2004-006

of Bill No. 2795. Alderman Gass made the motion, seconded by Alderman Purvis. 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 emergency due to the necessity to continue the marketing campaign without interruption, motion was seconded by Alderman Gass. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2795 by title again. Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2795. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-006 was duly enacted.

Mayor Schaefer returned to the meeting, explaining that he was losing his voice and he would try to continue, but if he had to he would turn the meeting over to Mayor Pro Tem Huff.

First Reading of Bill No. 2796 an ordinance approving a **BILL NO. 2796**
Contract for Sale of Real Estate between Triple Seven Enterprises, **CONTRACT FOR**
Inc., D/B/A Uncle Dad's Convenience Store, and the City of Branson, **SALE OF UNCLE**
and authorizing the Mayor to enter into the agreement, was read **DAD'S**
by title by City Clerk Williams, and Dan Wichmer provided the **ORD. NO. 2004-007**
staff report. Mayor Schaefer entertained a motion to approve the
first reading of Bill No. 2796. Alderman Barker moved to approve on first reading,
seconded by Alderwoman Martin. 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 Purvis. Voting aye: Gass,
Barker, Martin, Huff, Edie, and Purvis. Motion carried. City Clerk Williams read Bill
No. 2796 by title again. Mayor Schaefer entertained a motion to approve the final reading
of Bill No. 2796. Alderman Gass made the motion, seconded by Alderman Purvis. No
discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none.
Ordinance No. 2004-007 was duly enacted.

At this time Mayor Schaefer left, and Mayor Pro Tem Huff presided over the remaining portion of the meeting.

First Reading of Bill No. 2797 an ordinance approving an Asset **BILL NO. 2797**
Purchase Agreement between J & R Rainbow Enterprises, Inc., **ASSET PURCHASE**
D/B/A Branson Trout Dock, and the City of Branson, and authorizing **AGREEMENT**
the Mayor to enter into the agreement. was read by title by City Clerk **BRANSON**
Williams, and Dan Wichmer provided the staff report. Mayor Pro **TROUT DOCK**
Tem Huff entertained a motion to approve the first reading of Bill **ORD. NO. 2004-008**
No. 2797. 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 Purvis. Voting aye: Gass, Barker,
Martin, Huff, Edie, and Purvis. Motion carried. City Clerk Williams read Bill No. 2797
by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of

Bill No. 2797. Alderman Purvis made the motion, seconded by Alderman Barker. Discussion was held regarding an appraisal. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-008 was duly enacted.

First Reading of Bill No. 2798 an ordinance approving an Asset Purchase Agreement between KGK, Inc., D/B/A Main Street Marina and the City of Branson, and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Williams, and Dan Wichmer provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2798. Alderman Gass made the motion, seconded by Alderman Purvis. 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 Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Motion carried. City Clerk Williams read Bill No. 2798 by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2798. Alderman Purvis made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-009 was duly enacted.

**BILL NO. 2798
ASSET PURCHASE
AGREEMENT
MAIN STREET
DOCK
BILL NO. 2004-009**

First Reading of Bill No. 2799 an ordinance accepting the proposal of bid award to Irvinbilt Company for Compton Sewer Plant Filter Room Improvements for 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 Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2799. Alderman Purvis made the motion, seconded by Alderwoman Martin. 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 Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Motion carried. City Clerk Williams read Bill No. 2799 by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2799. Alderman Purvis made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-010 was duly enacted.

**BILL NO. 2799
BID AWARD
IRVINBILT CO.
SEWER PLANT
FILTER ROOM
IMPROVEMENTS
ORD. NO. 2004-010**

First Reading of Bill No. 2800 an ordinance accepting the proposal of bid award for to Animated Lighting for lighting the Landmark Water Tower at Highways 76 and 165 for 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 Jerry Adams provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2800. Alderman

**BILL NO. 2800
BID AWARD
WATER TOWER
LIGHTING
ANIMATED
LIGHTING
ORD. NO. 2004-011**

Gass made the motion, seconded by Alderwoman Martin. 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 Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Motion carried. City Clerk Williams read Bill No. 2800 by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2800. Alderman Purvis made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-011 was duly enacted.

A resolution approving the City of Branson's Legislative Agenda for the year 2004, was read by title by City Clerk Williams, and Terry Dody provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderman Gass made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R001 was adopted.

**RESOLUTION
LEGISLATIVE
2004 AGENDA
NO. 2004-R001**

A resolution acknowledging the reimbursement #11, and #12 to HCW for expenses incurred on the Branson Landing Project pursuant to the Technical Services Contract, was read by title by Clerk Williams, and Kevin Faught provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R002 was adopted.

**RESOLUTION
REIMBURSEMENT
TO HCW
NO. 2204-R002**

At this time Mayor Pro Tem Huff announced he had an appointment to be made on behalf of the Mayor, electing Julie Wolfe to the Advisory Park Board, for a three-year term expiring June, 2006. Mayor Pro Tem Huff entertained a motion approving this appointment. Alderman Barker moved to approve the Mayor's appointment, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**APPOINTMENT
JULIE WOLFE
PARK BOARD**

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 Purvis made the motion, seconded by Alderwoman Martin. No discussion. 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 Purvis said he hoped everyone had a great holiday season and that the year 2004 would be a good year for Branson, and that we will see some progress on the Branson Landing lake development. He also wished everybody a HAPPY NEW YEAR. **PURVIS**

Alderman Edie stated he echoed Alderman Purvis's sentiments that everyone have a good year and maybe we can make some good progress this year. **EDIE**

Alderman Huff said as the Board sees a lot of the same faces in the audience, he wanted to say how much they appreciated them, their dedication and interest in our community. We just wish there were more people in our community that would come to these meetings because at times they are very informative. Thank you all for coming. **HUFF**

Alderwoman Martin said she too would like to wish everyone a HAPPY NEW YEAR. There is a lot of things on our docket for this upcoming year, and a lot are very positive, something for us to look forward to in our progress of our famous little entertainment City. We should really bless the Lord for all these opportunities that we have been given for Branson. **MARTIN**

Alderman Barker said he also would like to wish everyone a HAPPY NEW YEAR, and hoped everyone enjoyed the holidays with family and friends. Although he has enjoyed the break, we now have to roll up our sleeves and really get back to work, indicated Mr. Barker. He is looking forward to this coming year to see some great progress and our community growing in a positive direction and in a way that will help the community be around for future generations said Alderman Barker. **BARKER**

Alderman Gass thanked staff for the great job they had done this past year. They worked hard, and we appreciate it. We have a lot on our plate, and he is looking forward to the next year. **GASS**

Alderman Gass thanked the aldermen for ringing the bells on the 'Red Kettle Day' for the Salvation Army as it was a very successful day. Even though we came in second to the Noon Rotary Club, we are going to do a better job next year and get more people involved. It is a winner for the Salvation Army, and we really appreciate everybody that stopped by. **GASS**

Alderman Gass also thanked Bob Warlick of Naturegraphics for the trophy he donated.

GASS

Mayor Pro Tem Huff stated that on behalf of the Mayor he wanted to wish everyone a very happy and healthy and prosperous New Year.

HUFF

ADJOURN:

At this time, Mayor Pro Tem Huff entertained a motion to adjourn. Alderman Purvis made the motion, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Meeting was adjourned at 9:00 p.m.