

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, JANUARY 26, 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 26, 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, Assistant City Attorney Russ Dempsey, City Clerk Sandra Williams, 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 asked for any additions or corrections to the Minutes of the Marketing Review Committee meeting of December 3, 2003; Marketing Review Committee meeting of December 4, 2003; and the Board of Aldermen meeting and public comments meeting of January 12, 2004. Receiving none, Mayor Schaefer entertained a motion to approve the Minutes stated. Alderman Huff made the motion to approve the Minutes as presented, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**APPROVAL
OF MINUTES**

At this time, Alderman Huff made a motion to remove Bill No. 2618 from the Table which had already received the first reading, and then temporarily tabled by the developer; and put it up for the second reading as it is included in the Consent Agenda. Motion was seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

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:

Receipt of the minutes of the Branson Advisory Council on Disabilities meeting of September 16, 2003; the Branson Advisory Council on Disabilities meeting of October 21, 2003; the Park Board meetings of October 14, 2003 and of December 16, 2003; and the Planning and Zoning Commission meeting of November 4, 2003, were acknowledged within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**ACKNOWLEDGEMENT
OF
MINUTES**

Final reading of Bill No. 2784, an ordinance to opt out of state imposed Sales Tax Holiday, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-012 was duly enacted.

**BILL NO. 2784
OPT OUT TO
STATE IMPOSED
SALES TAX HOLIDAY
ORD. NO. 2004-012**

Final reading of Bill No. 2788, annexing property owned by Steven S. and Vineta G. Redford into the City, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-013 was duly enacted.

**BILL NO. 2788
ANNEXATION
STEVEN S. &
VINETA G. REDFORD
ORD. NO. 2004-013**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-014 was duly enacted.

**BILL NO. 2789
AMENDING
MUNICIPAL CODE
ADVISORY COUNCIL
ON DISABILITIES
ORD. NO. 2004-014**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-015 was duly enacted.

**BILL NO. 2790
AMENDMENTS
SCOTT CONSULTING
AGREEMENT
ORD. NO. 2004-015**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-016 was duly enacted.

**BILL NO. 2791
AMENDMENTS
SAPP DESIGN
AGREEMENT
ORD. NO. 2004-016**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-017.

**BILL NO. 2792
AMENDMENTS
PUBLIC TRANSIT
PLANNING GRANT
AGREEMENT
ORD. NO. 2004-017**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-018 was duly enacted.

**BILL NO. 2793
AGREEMENT
JACOBS CIVIL, INC.
ALTERNATIVE
ANALYSIS MASS
TRANSIT STUDY
ORD. NO. 2004-018**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-019 was duly enacted.

**BILL NO. 2794
PUBLIC NECESSITY
PUBLIC ROAD
FIVE STAR MOTEL
ORD. NO. 2004-019**

Final reading of Bill No. 2618, an ordinance amending the Land Use Regulations for Planned Development PD-2002-02, owned by HCW, LLC, and located at 199 Bucanneer Blvd., Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-020 was duly enacted.

**BILL NO. 2618
LAND USE REGULATIONS
HCW, LLC
199 BUCANNEER BLVD.
ORD. NO. 2004-020**

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:

Presentation of 2003 Independent Audit Report was introduced by City Clerk Williams and Deanna Schlegel provided the staff report. Karen Keehn from Berberich Trahan & Company, P. A., the City's independent auditors, presented the Independent Audit Report. Ms. Keehn highlighted some items from the Audit process and some conclusions about the Audit. She stated they did issue an unqualified opinion, which is the highest form of opinion that a city can receive. Discussion was held by the Board. Mayor Schaefer then entertained a motion to receive the 2003 Audit Report. Motion was made by Alderman Purvis, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PRESENTATION
2003 INDEPENDENT
AUDIT REPORT**

A presentation by Joni Milstead of the Calico Cut Ups was the next item. Mrs. Milstead presented quilts made by the Calico Cup Ups for the Police Department to distribute to small children that are involved in accidents and incidents involving the Police Department. Police Chief Steve Mefford accepted the quilts and thanked Mrs. Milstead and all of the members of the Calico Cut Ups for the gift and indicated the quilts would certainly be used. Alderman Purvis moved to received the presentation, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PRESENTATION
JONI MILSTEAD
CALICO CUT UPS**

The next item was a Public Hearing and First Reading of Bill No. 2801, an ordinance enacting a Final Subdivision Plat of Villas at Hideaway located in the 200 block of Tyler Street, Branson, Missouri, 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 some discussion, Mayor Schaefer closed the Public Hearing. Mayor Schaefer then entertained a motion approving the first reading of Bill No. 2801. Alderman Gass made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PUBLIC HEARING
BILL NO. 2801
FINAL SUBDIVISION
PLAT-VILLAS AT
HIDEAWAY**

Public Hearing and First Reading of Bill No. 2802, an ordinance enacting a Final Subdivision Replat of part of the Replat of Lots 11 & 10 & 13-16 of Block 5, Lots 3-13 of Block 6, and Plot 8, West Branson Heights, to be known as Suncrest Place located on Blackner Street, Owens Trail and Westwood Drive, Branson, Missouri, 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 discussion, Mayor Schaefer closed the Public Hearing. Mayor Schaefer then entertained a motion

**PUBLIC HEARING
BILL NO. 2802
FINAL SUBDIVISION
REPLAT
SUNCREST PLACE
ORD. NO. 2004-021**

approving the first reading of Bill No. 2802. Alderwoman Martin made the motion, seconded by Alderman Purvis. 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, motion was seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2802 by title again. Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2802. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-021 was duly enacted.

First reading of Bill No. 2803, an ordinance approving an agreement between the City of Branson and Missouri Highways and Transportation Commission pertaining to a Road Relinquishment Agreement for transfer of ownership of Business Route 65 to the City of Branson, 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. 2803. 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. 2803
AGREEMENT
MISSOURI HIGHWAYS
& TRANSPORTATION
ROAD RELINQUISHMENT
BUSINESS RT. 65**

First reading of Bill No. 2804, an ordinance approving a Lease Agreement between the City of Branson and Table Rock Asphalt pertaining to the Recreation Center construction access road 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. 2804. 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. 2804
AGREEMENT
TABLE ROCK
ASPHALT
RECREATION CTR.
CONSTRUCTION
ACCESS ROAD**

First reading of Bill No. 2805, an ordinance approving a contract between the City of Branson and Tri-States Utilities, Inc. pertaining to certain water service shut offs, and authorizing the Mayor to enter into the contract, was read by title by City Clerk Williams, and Russ Dempsey provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2805. 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 Huff moved to read the bill a second time by unanimous consent, motion was seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2805 by title again. Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2805. Alderman Barker

**BILL NO. 2805
AGREEMENT
TRI-STATES
UTILITIES, INC.
WATER SERVICE
SHUT OFFS
ORD. NO. 2004-022**

moved to approve on the second reading, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-022 was duly enacted.

First Reading of Bill No. 2806, an ordinance of the Board of Aldermen of the City of Branson, granting to Ozark Natural Gas, the right and privilege and franchise for the laying of gas mains along the streets, avenues, alleys, roads and highways and other public places of the city, for the purpose of distributing and selling natural Gas to the inhabitants of said city and to others, and also the non-exclusive right to lay pipe lines in the streets, alleys, avenues, highways, roads and other public places and grounds of said city for the purpose of conveying Natural Gas through and in said city for the distribution of Natural Gas to the inhabitants of said city, and to others beyond the limits of said city, for domestic, commercial and industrial purposes, and providing the regulation of said gas distribution system, and other purposes; and calling for an election to ratify same, and providing for notice thereof, was read by title by City Clerk Williams, and Russ Dempsey provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2806. Alderman Gass made the motion, seconded by Alderwoman Martin. No discussion. 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, motion was seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2806 by title again. Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2806. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-023 was duly enacted.

**BILL NO. 2806
GRANTING FRANCHISE
OZARK
NATURAL GAS
ORD. NO. 2004-023**

First Reading of Bill No. 2807. an ordinance approving an agreement between the Chamber of Commerce and the City of Branson pertaining to internet domain names, 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 entertained a motion to approve the first reading of Bill No. 2807. 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 unanimous consent, motion was seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2807 by title again. Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2807. Alderman Barker moved to approve on final reading, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Ordinance No. 2004-024 was duly enacted.

**BILL NO. 2807
AGREEMENT
CHAMBER OF
COMMERCE
INTERNET
DOMAIN NAMES
ORD. NO. 2004-024**

A resolution acknowledging the Reimbursement No. 13 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 Schaefer 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-R003 was adopted.

**RESOLUTION
REIMBURSEMENT
TO HCW
NO. 2004-R003**

DISBURSEMENTS:

Mayor Schaefer stated the next item was review of the disbursements, and asked if there were any questions regarding the disbursements. Hearing none, Mayor Schaefer entertained a motion to approve the disbursements. Alderman Huff made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

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 said he was glad to see that someone came forward for a franchise to install natural gas. It is going to give the residents here a choice between electric and gas. **GASS**

Alderman Barker said he would again like to welcome Russ Dempsey to the City, as this was the first time for him to present an item to the Board. **BARKER**

Alderman Barker said he would like to commend Deanna Schlegel and her Department for receiving a spotless audit. I know that she probably feels like she has been under the gun the last couple of years as we have had a lot of financial decisions that we had to make. Her and her department should be commended for the professional way they have conducted business for the City, indicated Mr. Barker. **BARKER**

Alderwoman Martin said that she concurred that Deanna has done a great job, and she was glad that it is over with for now. **MARTIN**

Alderwoman Martin stated she would like to tell audience, "Thank you good soldiers for attending this evening". It is treacherous and you **MARTIN**

always show up and support us, and we really appreciate it.

Alderman Purvis said he would just like to echo Alderwoman Martin's comments about the faithful ones that come. I am just thankful for their attendance here tonight and appreciate you all coming out.

PURVIS

ADJOURN:

At this time, Mayor Schaefer entertained a motion to adjourn. Alderman Barker made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Meeting was adjourned at 8:07 p.m.