

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, SEPTEMBER 13, 2004**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on September 13, 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 from the City were: City Administrator Terry Dody, City Attorney Dan Wichmer, City Clerk Sandra Williams, Assistant City Administrator Frank Schoneboom, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Director of Economic Development Mike Rankin, Director of Communications Jerry Adams, Finance Director Deanna Schlegel, Director of Planning and Zoning Don Stephens, Parks Director Cindy Shook, Police Chief Steve Mefford, and Director of Health Linn Smith.

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

Mayor Schaefer asked for any additions or corrections to the Minutes of the Goal Setting Workshop on August 10, 2004, the Board of Aldermen meeting and public comments meeting of August 23, 2004, the Luncheon meeting with Hollister Board of Aldermen on August 27, 2004, the Special meeting on August 27, 2004, the Special Executive Session meeting on August 31, 2004, and the Special Executive Session meeting on September 7, 2004. Receiving none, Mayor Schaefer entertained a motion to approve the Minutes as presented. Alderman Purvis moved to approve the Minutes as submitted, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**APPROVAL
MINUTES**

At this time, Alderman Gass presented the September Employee of the Month Award to Kelly Eidson of the Branson Fire Department. Alderman Gass stated, "I am proud to announce the City of Branson's September Employee of the Month is Kelly Eidson, a firefighter in the Branson Fire Department. Recently, a boy and his mother dropped by Fire Station Number One because the young man wanted to tour the station and get up close to the fire trucks. While Kelly was giving the tour, the boy became fascinated with the collection of other fire department patches that are displayed in one of the station rooms. Kelly gave the young man a patch and also gave the boy a fire department T-shirt that Kelly himself had paid for. The boy was thrilled with the gifts, and the fire station tour obviously left a positive lasting impression with the young man and his mother. Kelly exemplified outstanding customer service and commitment to the community to go that extra step to assist those we serve and work for. Kelly, on behalf of the Mayor, Board of Aldermen

**EMPLOYEE
OF THE MONTH**

and City Administrator, I am proud to present you with this plaque naming you the Employee of the Month for September. We are proud of the job you do for our city. Congratulations and keep up the good work.”

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 Park Board meetings of May 18, 2004 and July 13, 2004 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. 2898 an ordinance adopting a budget for the City of Branson, Missouri, for the fiscal year October 1, 2004, through September 30, 2005, and providing that certain amounts shown in the budget document are appropriated for the various departments specified in said budget was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-117 was duly enacted.

**BILL NO. 2898
ADOPTING BUDGET
OCT. 1, 2004 THRU
SEPT. 30, 2005
ORD. NO. 2004-117**

Final reading of Bill No. 2899 an ordinance approving zoning of “R-1” Single-Family Residential for property owned by Timothy and Janet Swope, located at 214 Shady Drive, Branson, Taney County, Missouri was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-118 was duly enacted.

**BILL NO. 2899
ZONING
“R-1” SINGLE-FAMILY
TIMOTHY AND
JANET SWOPE
ORD. NO. 2004-118**

Final reading of Bill No. 2900 an ordinance approving zoning of “R-1” Single-Family Residential for properties in the Roark Hills Subdivision, Phase I, Branson, Taney County, Missouri was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-119 was duly enacted.

**BILL NO. 2900
ZONING
“R-1” SINGLE-FAMILY
ROARK HILLS
SUBDIVISION
ORD. NO. 2004-119**

Final reading of Bill No. 2902 an ordinance amending the Floodplain Management Ordinance, to revise the referenced Flood Study Data to be the U.S. Army Corps of Engineers Flood Study was approved within the Consent

**BILL NO. 2902
PUBLIC HEARING
AMENDING
FLOODPLAIN**

Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-120 was duly enacted.

**MGMT. ORD.
ORD. NO. 2004-120**

Final reading of Bill No. 2903 an ordinance vacating that portion of Cahill Drive, which was proposed for relocation, located in the Streamside Crossings Subdivision, Branson, Taney County, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Nays: none. Abstain: Edie. Absent: Martin. Motion carried. Ordinance No. 2004-121 was duly enacted.

**BILL NO. 2903
VACATING
CAHILL DRIVE
ORD. NO. 2004-121**

Final reading of Bill No. 2904 an ordinance amending the Branson Municipal Code, Chapter 415: *Off-Street Parking Regulations*, Section 415.010: *Parking Spaces*, by clarifying where off-street parking areas can be located was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-122 was duly enacted.

**BILL NO. 2904
AMENDING
MUNICIPAL CODE
OFF-STREET
PARKING
ORD. NO. 2004-122**

Final reading of Bill No. 2905, an ordinance authorizing the Mayor to execute an amendment to the Professional Engineering Services Agreement with Burns & McDonnell Engineering Company, Inc. pertaining to the Branson Landing Sewer Realignment Project, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-123 was duly enacted.

**BILL NO. 2905
AMENDMENT
AGREEMENT
BURNS & McDONNELL
ORD. NO. 2004-123**

Final reading of Bill No. 2908, an ordinance approving an agreement between the City of Branson and Branson Arts council was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-124 was duly enacted.

**BILL NO. 2908
AGREEMENT
BRANSON ARTS
COUNCIL
ORD. NO. 2004-124**

Final reading of Bill No. 2909, an ordinance approving an agreement between the City of Branson and Christian Action Ministry (CAM) was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-125 was duly enacted.

**BILL NO. 2909
AGREEMENT
CHRISTIAN ACTION
MINISTRY (CAM)
ORD. NO. 2004-125**

Final reading of Bill No. 2910, an ordinance approving an agreement between the City of Branson and The Salvation Army was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-126 was duly enacted.

**BILL NO. 2910
AGREEMENT
THE SALVATION
ARMY
ORD. NO. 2004-126**

Final reading of Bill No. 2911, an ordinance accepting the proposal of bid award from Service Recycling for a contract for transport and marketing of recyclable materials for the Recycle Center 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-127 was duly enacted.

**BILL NO. 2911
BID AWARD
SERVICE RECYCLING
TRANSPORT &
MARKETING
RECYCLABLE
MATERIALS
ORD. NO. 2004-127**

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 Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

REGULAR AGENDA:

Final reading of Bill No. 2875, an ordinance of the Board of Aldermen of Branson, Missouri, approving, designating, and implementing Redevelopment Project I of the Branson Hills Tax Increment Financing Plan as a Redevelopment Project and adopting tax increment financing for the area described in the Branson Hills Tax Increment Financing Plan as Redevelopment Project Area I; authorizing certain actions by city officials; and containing a severability clause, was read by title by City Clerk Williams. Alderman Huff moved to postpone the Final Reading of Bill No. 2875 not to exceed the September 27, 2004 meeting, seconded by Alderman Purvis. Voting aye on the postponement were: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. The final reading of Bill No. 2875 was postponed until September 27, 2004.

**BILL NO. 2875
BRANSON HILLS
TIF PROJECT I
POSTPONED**

Presentation of Petition for Consent to Annex property owned by Copelco, L.L.C., Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PETITION
CONSENT TO ANNEX
COPELCO, L.L.C.**

Presentation of Petition for Consent to Annex property owned by David Christian, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Alderman Purvis made the motion, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PETITION
CONSENT TO ANNEX
DAVID CHRISTIAN**

Presentation of Petition for Consent to Annex property owned by GV 248, L.L.C., Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Alderman Purvis made the motion, seconded by Alderwoman martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

PETITION
CONSENT TO ANNEX
GV 248, L.L.C.

First reading of Bill No. 2913, an ordinance approving a third year agreement between the Missouri Department of Health and Senior Services and the City of Branson for West Nile mosquito surveillance and collection, was read by title by City Clerk Williams, and Frank Schoneboom provided the staff report. Alderman Barker made the motion, seconded by Alderman Huff. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

BILL NO. 2913
AGREEMENT
MO DEPT. OF HEALTH
& SENIOR SERVICES
WEST NILE MOSQUITO
SURVEILLANCE
& COLLECTION

A resolution acknowledging Reimbursement No. 36C and 36R to HCW for expenses incurred on the Branson Landing Project pursuant to the Technical Services Contract, was read by title by Clerk Williams, and Frank Schoneboom provided the staff report indicating the reimbursement amounts to HCW are \$45,437.58 for Reimbursement No. 36C and \$13,000.00 for Reimbursement No. 36R. Mayor Schaefer entertained a motion to approve the resolution. Alderwoman Martin made the motion, seconded by Alderman Gass. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R026 was adopted.

RESOLUTION
REIMBURSEMENT
TO HCW
NO. 2004-R026

APPOINTMENTS:

Re-appointment of members to the Branson Advisory Council on Disabilities was introduced by City Clerk Williams. Mayor Schaefer made the recommendation to re-appoint Walt Stone and Keith O'Neil to serve on the Branson Advisory Council on Disabilities for three-year terms expiring June, 2007. Alderman Gass moved to approve the Mayor's re-appointments to the Branson Advisory Council on Disabilities. Motion was seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

RE- APPOINTMENTS
BRANSON ADVISORY
COUNCIL ON DISABILITIES
STONE AND O'NEIL

DISBURSEMENTS:

Mayor Schaefer stated the next item was review of the disbursements, and asked if there were any questions regarding the disbursements. Receiving none, Mayor Schaefer entertained a motion to

DISBURSEMENTS

approve the disbursements as presented. Alderman Barker moved to approve the disbursements as presented, seconded by Alderwoman Martin. 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 addressed the next item on the agenda.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderwoman Martin asked that everyone keep the Floridians well being in their thoughts and prayers. MARTIN

ADJOURN:

At this time, Mayor Schaefer entertained a motion to adjourn. Alderman Gass made the motion to adjourn, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Meeting was adjourned at 7:24 p.m.

**MINUTES OF THE PUBLIC COMMENT MEETING
OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, SEPTEMBER 13, 2004**

The Board of Aldermen of the City of Branson, Missouri, met in the Public Comments session in the Council Chambers of the City Hall on September 13, 2004 at 7:30 p.m. with the following members present:

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

Also in attendance from the City were: Administrator Terry Dody, Assistant Administrator Frank Schoneboom, City Attorney Dan Wichmer, City Clerk Sandra Williams.

Mayor Schaefer called the Public Comments meeting to order and stated the Board would hear citizens that signed up to speak in the order of the first person signing the sheet, and there was only one person signed up to address the Board.

Chuck Pennel, 353 Quincy Drive, Kirbyville, Missouri addressed the Board indicating he was appearing as a County Commissioner and as himself. Mr. Pennel stated he wanted to let the Board know that the Commission had held their annual staff meeting with the County Road Engineer and had been informed that within a week they should have the Engineering for the Fall Creek Road, and it sounds like it is going to be three lanes, and hopefully the County will get started shortly. PENNEL

Mr. Pennel then said that he personally was here to discuss if the City's intention was still that they did not need to purchase his property on Long Street as they had originally planned. He said the reason he was bring it up was that the renters of that property had informed him they were moving their business, but had also informed him that three men had been there, who indicated they were working for the City and had been hired to measure the buildings that were going to be torn down. PENNEL

Mayor Schaefer said he did not know of any change regarding that property. SCHAEFER

Mr. Pennel indicated he needed to look at his options of renting the property, and asked if someone could explain why he could not be given some kind of a written commitment so that he had a set time frame in order to know what his options are regarding the property. PENNEL

Administrator Terry Dody suggested to the Board that these issues were discussed previously in Executive Session, and if Mr. Pennel wanted to discuss the potential of land acquisition again, a meeting should be set up to do that in Executive Session as there are more issues connected to this land as some of his land that he has purported to own is not in his ownership, some of it may be owned by the City and some by the Railroad. Mr. Dody said he had advised Mr. Pennel that part of his building may be on City property and most of his parking lot is on Railroad property. Mr. Dody suggested Mr. Pennel hire an Attorney to look into this matter.

DODY

Mr. Pennel said that when they bought the property a survey was done and he knew there was a corner of the building on Railroad property, and now the City is saying it is on City property, which was news to him.

Mr. Dody indicated the people measuring his property were not working for the City but were probably Railroad representatives. He also indicated that the issue of the boundary lines of his building was going to have to be addressed at some point in time, and recommended Mr. Pennel hire an Attorney.

ADJOURN:

Mayor Schaefer then stated, that concluded the Public Comments section and entertained a motion to adjourn to the meeting. Alderman Huff made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Huff, Edie, and Purvis. Nays: none. Martin absent. Motion carried. Meeting was adjourned at 7:55 p.m.

ADJOURN:

Mayor Schaefer entertained a motion to adjourn. Alderman Purvis moved to adjourn, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie, and Purvis. Nays: none. Martin absent. Motion carried. Meeting was adjourned at 8:50 p.m.