

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI, MARCH 14, 2005**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on March 14, 2005 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, Assistant City Administrator Frank Schoneboom, City Attorney Dan Wichmer, City Clerk Lisa Westfall, Director of Engineering David Miller, Fire Chief Carl Sparks, Director of Economic Development Mike Rankin, Director of Finance Deanna Schlegel, Director of Planning and Zoning Don Stephens, Police Chief Steve Mefford, Director of Public Works Larry VanGilder and Director of Health Linn Smith.

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

Next, Alderman Edie presented the March Employee of the Month Award to Benny Compton, equipment operator for the Public Works Department. Benny was presented the award for his ingenuity in designing a more efficient spreader for the sludge trucks.

**EMPLOYEE  
OF THE MONTH**

Mayor Schaefer asked for any additions or corrections to the Minutes of the Special meeting of February 28, 2005; Special TIF meeting of February 28, 2005; Board of Alderman meeting and Public Comments meeting of February 28, 2005; Special meeting of March 2, 2005 and Special meeting of March 4, 2005. Receiving none, Mayor Schaefer asked for a motion to approving all of the Minutes as presented. Alderman Barker moved to approve the Minutes as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**APPROVAL OF  
MINUTES**

Alderman Edie made a motion to move Item 2 from the Consent Agenda and place it as Item 8A on the Regular Agenda. Alderman Purvis seconded the motion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**CONSENT AGENDA:**

Mayor Schaefer asked City Clerk Westfall to read the items being considered on the Consent Agenda. City Clerk Westfall read the following Consent Agenda items by title:

Receipt of minutes of the Board of Adjustment meeting of November 18, 2004 and Planning & Zoning Commission meeting of February 1, 2005 was acknowledged within the Consent Agenda.

**ACKNOWLEDGEMENT  
OF MINUTES**

Final reading of Bill No. 2979 an ordinance approving a zoning change from "R-1" Single-Family Residential to "C" Commercial for a parcel of land located on the southeast corner of the Francis Street extension and Little Pete's Road, Branson, Missouri was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-024 was duly enacted.

**BILL NO. 2979  
ZONING CHANGE  
"R-1" TO "C" FRANCIS  
EXTENSION &  
LITTLE PETE'S ROAD  
ORD. NO. 2005-024**

Final reading of Bill No. 2980 an ordinance approving a contractual agreement between Johnny-On-The-Spot, Inc. and the City of Branson to authorize the disposal of special wastes into the City of Branson Wastewater Treatment Plants, and authorizing the Mayor to execute the agreement was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-025 was duly enacted.

**BILL NO. 2980  
AGREEMENT  
JOHNNY-ON-THE-SPOT  
ORD. NO. 2005-025**

Final reading of Bill No. 2987 an ordinance reappointing members to the Tax Increment Financing Commission of the City of Branson, Missouri was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-026 was duly enacted.

**BILL NO. 2987  
REAPPOINTING  
MEMBERS TO TIF  
COMMISSION  
ORD. NO. 2005-026**

Final reading of Bill No. 2988 an ordinance accepting the proposal of bid award to Best Contracting to remove existing roofing materials and install new metal roofing on two (2) equipment buildings at the Cliff Drive Water Treatment Plant for the City of Branson, and authorizing the Mayor to execute the agreement, was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-027 was duly enacted.

**BILL NO. 2988  
BID AWARD  
BEST CONTRACTING  
CLIFF DRIVE WATER  
TREATMENT PLANT  
ORD. NO. 2005-027**

Final reading of Bill No. 2989 an ordinance accepting the proposal of bid award to Murphy Tractor & Equipment Co. for a backhoe used in the Water Distribution Division of the City of Branson, and authorizing the Mayor to execute the agreement, was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-028 was duly enacted.

**BILL NO. 2989  
BID AWARD  
MURPHY TRACTOR  
& EQUIPMENT CO.  
BACKHOE  
ORD. NO. 2005-028**

Mayor Schaefer asked for any corrections on the Consent Agenda as read. Receiving none, Mayor Schaefer asked for 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:**

Final reading of Bill No. 2978 an ordinance annexing property owned by Majestic Pointe, LTD was read by title by City Clerk Westfall. Mayor Schaefer called for a vote approving the final reading of Bill No. 2978. Alderman Gass made a motion, seconded by Alderman Barker. Gary Allman, 101 State Dr., attorney for Friendly Hills Subdivision spoke in opposition to the annexation due to the size of roads for the egress and ingress of traffic into Majestic Pointe. Robert Johnston resident of Friendly Hills Subdivision also spoke of the roads and the number of cars that will travel through the subdivision. Dan Wichmer advised the Board that they were only considering the annexation of the property tonight and not the zoning of the property. Don Stephens explained that the road that was being spoken of was a county road and the city had no control over the road. He also stated that the city would have to zone the property the same as it was zoned in the county. Bob Allen, 150 Regent, with MPI the developer of Majestic Pointe, discussed that Majestic Pointe wanted to be on city sewer to avoid having to put in a package plant and this annexation would allow them to bring the sewer line from the Chateau to this development. Mr. Dody then pointed out that if the city doesn't annex this piece of property, the project would still be built, there would still be a road issue and a package sewer plant would be built rather than a connection to city sewer. Additional discussion. Mayor Schaefer called for the vote. Voting aye: Gass. Nays: Barker, Martin, Huff, Edie and Purvis. Motion defeated.

**BILL NO. 2978  
ANNEXATION  
MAJESTIC  
POINTE, LTD.**

Presentation of status report on Branson Landing and Convention Center Projects by Jim Martin of the Benham Company. Martin reported disbursements as follows: Request #52WF in the amount of \$144,032.47; Request #52MI in the amount of \$11,885.74; Request #52CC in the amount of \$64,539.30. After discussion by the Board and audience, Mayor Schaefer asked for a motion to accept the report as presented. Alderman Huff made the motion, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**STATUS REPORT  
BRANSON LANDING  
& CONVENTION CENTER  
PROJECTS**

At 8:25 p.m., Mayor Schaefer called for a 5 minute break. The meeting reconvened at 8:37 p.m.

Dan Lennon of the Branson/Lakes Area Chamber of Commerce presented the 2005 Marketing Media & Public Relations Plans. He played a video of commercial spots promoting Branson entertainment. Mayor Schaefer asked for a motion to accept the report as presented. Alderman

**PRESENTATION  
CHAMBER OF  
COMMERCE  
MARKETING MEDIA**

Barker moved to approve the report, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: None. Motion carried.

Alderman Purvis read the next item by title, final reading of Bill No. 2982 an ordinance amending the Branson Municipal Code, Chapter 610, *Peddler's License* by adding language related to Public Solicitation; Chapter 205 *Offenses* by adding language to handbills; and Chapter 605 *Merchant Licenses and Regulations* by changing the license fees. Mayor Schaefer asked for a motion to postpone the final reading until March 28, 2005. The motion was made by Alderman Purvis and seconded by Alderman Edie. Mayor Schaefer called for the vote. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 2982  
AMENDING  
BRANSON MUNICIPAL  
CODE-CHPT. 610,  
205 & 605-PEDDLER  
& MERCHANT  
LICENSES

First reading of Bill No. 2993 an ordinance amending Section 335.040 of the Branson Municipal Code: Schedule I-Stop Sign was read by title by City Clerk Westfall, and David Miller provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 2993. Alderman Gass made the motion, seconded by Alderman Huff. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 2993  
AMENDING  
BRANSON MUNICIPAL  
CODE-STOP SIGNS

First reading of Bill No. 2994 an ordinance amending the Professional Engineering Services Agreement with EFK Moen pertaining to the design and construction phase engineering services for the Business 65 widening was read by title by City Clerk Westfall, and David Miller provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 2994. Alderman Barker moved to approve Bill No. 2994 and Alderwoman Martin seconded. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 2994  
AMEND  
AGREEMENT  
EFK MOEN  
WIDENING  
BUSINESS 65

First reading of Bill No. 2995 an ordinance amending the Professional Engineering Services Agreement with Horner & Shifrin, Inc. pertaining to engineering design services on the downtown railroad crossings, Oklahoma Street and Long Street Improvement Projects was read by title by City Clerk Westfall, and David Miller provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 2995. Alderman Huff made the motion, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 2995  
AMEND HORNER  
& SHIFRIN  
AGREEMENT

First reading of Bill No. 2996 an ordinance amending the Professional Engineering Services Agreement with the Larkin Group, Inc. pertaining to the water supply system at the Recreation Center Project was read by title by City Clerk Westfall, and David Miller

BILL NO. 2996  
AMEND  
AGREEMENT  
LARKIN GROUP

provided the staff report. Discussion by Board and audience. Mayor Schaefer asked for a motion approving Bill No. 2996 on first reading. Alderwoman Martin made the motion, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

First reading of Bill No. 2997 an ordinance approving a change order with Freesen Inc. pertaining to the Phase I Fall Creek Road Extension Project, was read by title by City Clerk Westfall, and David Miller provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 2997. Alderwoman Martin so moved, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Alderman Barker moved to read Bill No. 2997 a second time by emergency so as to minimize further erosion of the exposed mud seams, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 2997 by title again. Mayor Schaefer asked for a motion approving the final reading of Bill No. 2997. Alderman Gass made the motion, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-029 was duly enacted.

**BILL NO. 2997  
CHANGE ORDER  
FREESSEN INC.  
FALL CREEK RD.  
EXT. PROJECT  
ORD. NO. 2005-029**

First reading of Bill No. 2998 an ordinance authorizing the Mayor to execute an amendment to the Lease Agreement between Forever Together Incorporated, DBA, Scotty's Trout Dock and the City of Branson, Missouri, was read by title by City Clerk Westfall, and Terry Dody provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 2998. Alderman Purvis made the motion, seconded by Alderman Barker. Alderman Gass made a motion to amend the address of "395 North Lakefront" to "400 Box Car Willie Dr.". Alderman Purvis seconded. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Mayor Schaefer called for the vote on the amendment. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**BILL NO. 2998  
LEASE AGREEMENT  
SCOTTY'S TROUT  
DOCK**

Resolution approving assignment of a franchise from Ozark Natural Gas to Alliance Gas Energy, Inc. was read by title by City Clerk Westfall, and Dan Wichmer and Mike Rankin provided the staff report. Mayor Schaefer asked for a motion to adopt the resolution. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Resolution No. 2005-R008 was adopted.

**RESOLUTION  
GAS FRANCHISE  
ALLIANCE GAS  
ENERGY  
RESOL. NO. 2005-R008**

First reading of Bill No. 2999 an ordinance amending an agreement between Alliance Gas Energy, Inc. and the City of Branson granting Alliance Gas Energy, Inc., 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

**BILL NO. 2999  
AMEND  
GAS MAINS  
ALLIANCE GAS  
ENERGY**

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, was read by title by City Clerk Westfall, and Dan Wichmer provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 2999. Alderman Gass made the motion, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

<p>First reading of Bill No. 3000 an ordinance accepting the proposal of bid award to Grant's Landscaping for maintenance of the City's Golf Course, and authorizing the Mayor to execute the agreement, was read by title by City Clerk Westfall, and Larry VanGilder provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3000. Alderman Barker moved to approve, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.</p>	<p><b>BILL NO. 3000          BID AWARD          MAINTENANCE          GOLF COURSE          GRANT'S LANDSCAPING</b></p>
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<p>First reading of Bill No. 3001 an ordinance accepting the proposal of bid award to L&amp;M Distributing, H<sub>2</sub>O Technical Services, Inc., DPC Enterprises, L.P., Clark Chemical Company, Inc., and Polydyne, Inc. for the chemicals used in the water and wastewater treatment facilities for the City of Branson, and authorizing the Mayor to execute the agreements, was read by title by City Clerk Westfall, and Larry VanGilder provided the staff report. Mayor Schaefer asked for a motion approving the bill. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.</p>	<p><b>BILL NO. 3001          BID AWARD          CHEMICALS          L&amp;M DISTRIBUTING,          H<sub>2</sub>O TECHNICAL SERVICES,          CLARK CHEMICAL,          DPC ENTERPRISES &amp;          POLYDYNE</b></p>
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<p>Resolution declaring the Intent to Annex certain unincorporated property to the City of Branson, Missouri, was read by title by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer asked for a motion adopting the resolution. Alderman Purvis made the motion to adopt the resolution, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Resolution No. 2005-R006 was adopted.</p>	<p><b>RESOLUTION          INTENT TO ANNEX          UNINCORPORATED          PROPERTY          RESOL. NO. 2005-R006</b></p>
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<p>Resolution of the Board of Aldermen of Branson, Missouri, reappointing the Board of Directors of the Branson Hills Community Improvement District; and containing a severability clause, was read by title by City Clerk Westfall, and Frank Schoneboom provided the staff report. Mayor Schaefer asked for a motion adopting the resolution. Alderman Gass made the motion adopting the resolution, seconded by Alderwoman Martin. Voting aye: Gass, Barker,</p>	<p><b>RESOLUTION          REAPPOINT          BRANSON HILLS          BOARD OF          DIRECTORS          RESOL. NO. 2005-R007</b></p>
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Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Resolution No. 2005-R007 was adopted.

**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 approve the disbursements as presented. Alderwoman Martin made the motion, seconded by Alderman Barker. 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 Barker stated that he was not advocating second readings **BARKER**  
on ordinances but wanted it clarified this is not a restriction by  
state statutes but a restriction created by our own city ordinance.

Alderwoman Martin wished everyone a Happy St. Patrick's Day, Happy **MARTIN**  
Spring and Happy Easter.

Mayor Schaefer announced that the Target ground breaking was March **MAYOR**  
29, 2005.

**ADJOURN:**

At this time Mayor Schaefer entertained a motion to adjourn. Alderman Purvis made the motion to adjourn, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Meeting was adjourned at 9:55 p.m.