

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, MARCH 28, 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 28, 2005 at 7:00 p.m. with the following members present:

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

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, Division Fire Chief Ted Martin, Director of Economic Development Mike Rankin, Director of Finance Deanna Schlegel, Director of Planning and Zoning Don Stephens, Assistant Police Chief Caroll McCullough, 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.

Mayor Schaefer asked for any additions or corrections to the Minutes of the Board of Aldermen meeting and Public Comments meeting of March 14, 2005, and the Special meeting of March 21, 2005. Receiving none, Mayor Schaefer asked for a motion approving all of the Minutes as presented. Alderman Huff moved to approve the Minutes as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

**APPROVAL OF
MINUTES**

Alderman Huff made a motion to move Item No. 6 from the Consent Agenda and place it as Item 12A on the Regular Agenda. Alderman Purvis seconded the motion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. 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:

Final Reading of Bill No. 2993 amending Section 335.040 of the Branson Municipal Code: Schedule I-Stop Signs was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-030 was duly enacted.

**BILL NO. 2993
AMENDING
BRANSON MUNICIPAL
CODE-STOP SIGNS
ORD. NO. 2005-030**

Final Reading of Bill No. 2994 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-031 was duly enacted.

**BILL NO. 2994
AMEND
AGREEMENT
EFK MOEN
WIDENING
BUSINESS 65
ORD. NO. 2005-031**

Final Reading of Bill No. 2995 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-032 was duly enacted.

**BILL NO. 2995
PROFESSIONAL
ENGINEERING
SERVICES AGREEMENT
HORNER & SHIFRIN
DOWNTOWN RAILROAD
CROSSINGS
ORD. NO. 2005-032**

Final Reading of Bill No. 2996 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-033 was duly enacted.

**BILL NO. 2996
PROFESSIONAL
ENGINEERING
SERVICES AGREEMENT
LARKIN GROUP
WATER SUPPLY
REC. CTR. PROJECT
ORD. NO. 2005-033**

Final Reading of Bill No. 2998 authorizing the Mayor to execute an amendment to the lease agreement between Forever Together Incorporated, D/B/A Scotty's Trout Dock and the City of Branson, Missouri was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-034 was duly enacted.

**BILL NO. 2998
AMENDMENT
LEASE AGREEMENT
SCOTTY'S TROUT
DOCK
ORD. NO. 2005-034**

Final Reading of Bill No. 3000 accepting a 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 approved within the Consent Agenda. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-036 was duly enacted.

**BILL NO. 3000
BID AWARD
MAINTENANCE
GOLF COURSE
GRANT'S LANDSCAPING
ORD. NO. 2005-036**

Final Reading of Bill No. 3001 accepting a proposal of bid award to L&M Distributing, H2O Technical Services, Inc., DPC Enterprises, L.P., Brenntag Mid-South, Inc., G.S. Robins & Company, V.L. Clark Chemical Company, Inc., and Polydyne,

**BILL NO. 3001
BID AWARD
CHEMICALS
L&M DISTRIBUTING,**

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 approved within the Consent Agenda
Voting aye: Gass, Barker, Huff, Edie and Purvis.
Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-037 was duly enacted.

H₂O TECHNICAL SERVICES,
CLARK CHEMICAL,
DPC ENTERPRISES &
POLYDYNE
ORD. NO. 2005-037

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, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

REGULAR AGENDA:

Dan Lennon of the Branson Chamber of Commerce expressed the Chamber's support for Operation Homecoming a Tribute to Vietnam Veterans to be held June 13-19, 2005, in Branson. He then introduced Gary Linderer who presented a video and an overview of the event. After discussion by the Board and the audience, Alderman Gass made a motion to have the City Administrator enter into a contract with the Chamber of Commerce for Operation Homecoming, not to exceed \$19,500.00. Alderman Purvis seconded the motion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Mayor Schaefer thanked Operation Homecoming and asked for a motion to accept the presentation. Alderman Purvis made the motion, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

PRESENTATION
OPERATION
HOMECOMING

Dr. Doug Hayter with Branson School District made a presentation outlining the upcoming school bond issue on April 5. Mayor Schaefer asked for a motion to accept the presentation. Alderman Barker moved to approve the presentation, seconded by Alderman Huff. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: None. Absent: Martin. Motion carried.

PRESENTATION
BRANSON SCHOOL
DISTRICT
DR. DOUG HAYTER

Presentation of status report on Branson Landing and Convention Center Projects by Jim Martin of the Benham Company. Martin reported disbursements as follows: Request #52CC-R in the amount of \$1,260.68; Request #52MI-R in the amount of \$18,337.10; Request #52WF-R in the amount of \$90,951.11; Request #53CC in the amount of \$48,459.25; Request #53CC-R in the amount of \$441.38; Request #53CIP in the amount of \$19,006.47; Request #53MI in the amount of \$140,553.09; and Request #53WF in the amount of \$1,123,038.52. 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, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

STATUS REPORT
BRANSON LANDING
& CONVENTION CENTER
PROJECTS

Presentation of a Petition for Consent to Annex property owned by Missouri Partners, located adjacent to State Highway 165, south of Fall Creek Road, Branson, Missouri was read by title by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer asked for a motion to accept the petition for voluntary annexation. Alderman Purvis made the motion, seconded by Alderman Huff. Discussion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

PETITION
CONSENT TO
ANNEX
MISSOURI
PARTNERS

Final 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 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 final reading of Bill No. 2999. Alderman Huff so moved, seconded by Alderman Purvis. Alderman Huff made a motion to amend Bill No. 2999 by amending Section 12 replacing “within one year” to “within two years” and deleting Section 14. Alderman Purvis seconded the motion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Mayor Schaefer called for a vote on the motion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-035 was duly enacted.

BILL NO. 2999
AMEND AGREEMENT
ALLIANCE GAS
ENERGY
ORD. NO. 2005-035

Final reading of Bill No. 2982 an ordinance amending the Branson Municipal Code, Chapter 610, *Peddler’s License* by adding 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 approve the final reading of Bill No. 2982. The motion was made by Alderman Gass and seconded by Alderman Purvis. Alderman Huff moved to amend Bill No. 2982 by deleting all proposed language changes to Section 205.280. Alderman Purvis seconded the motion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Discussion by the Board and audience. Attorney Wichmer explained that the amendment removed all proposed language in the bill dealing with handbills. Mayor Schaefer called for the vote. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-038 was duly enacted.

BILL NO. 2982
AMENDING
BRANSON MUNICIPAL
CODE-CHPT. 610,
205 & 605-PEDDLER
& MERCHANT
LICENSES
ORD. NO. 2005-038

Public hearing and first reading of Bill No. 3002 an ordinance approving a zoning change from “R-1” Single-Family Residential to “R-3” Multi-Family Residential for a parcel of land known as Turtle Crossing Subdivision, located on Fall Creek Road, Branson, Missouri was read by title by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer opened the public hearing and asked for public comment. Hearing none, the public hearing was closed, and Mayor Schaefer asked for a motion approving the first reading of Bill No. 3002. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

**BILL NO. 3002
ZONING
“R-1” to “R-3”
TURTLE CROSSING
SUBDIVISION**

Public hearing and first reading of Bill No. 3003 an ordinance amending the Land Use Regulations for Planned Development PD-98-007, known as the Northern Branson City Limits, located at 470 Highway 248, Branson, Missouri was read by title by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer opened the public hearing and asked for public comments. Hearing none, the public hearing was closed and Mayor Schaefer entertained a motion approving the first reading of Bill No. 3003. Alderman Barker moved to approve, seconded by Alderman Edie. Mayor Schaefer called for the vote. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

**BILL NO. 3003
LAND USE
REGULATIONS
NORTHERN BRANSON
CITY LIMITS**

First Reading of Bill No. 3004 an ordinance amending Ordinance No. 2003-074 annexing property owned by Jack E. and Sondra Pascoe into the City was read by title by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3004. Alderman Barker moved to approve on first reading, seconded by Alderman Purvis. Mayor Schaefer asked for discussion and then called for the vote. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

**BILL NO. 3004
AMENDING
ANNEXATION
ORD. NO. 2003-074
JACK & SONDR
PASCOE**

First Reading of Bill No. 3005 an ordinance amending Chapter 235 of the Branson Municipal Code, Fire Prevention Code, granting an exception to Open Burning when Department of Natural Resources issues a variance to their regulations was read by title by City Clerk Westfall, and Ted Martin provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3005. Alderman Huff made the motion, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Alderman Huff moved to read Bill No. 3005 a second time by emergency due to the time constraints on the construction project at Branson Hills, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. City Clerk Westfall read Bill No. 3005 by title again. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3005. Alderman Barker moved to approve,

**BILL NO. 3005
AMEND BRANSON
MUNICIPAL CODE
FIRE CODE
OPEN BURNING
ORD. NO. 2005-039**

seconded by Alderman Huff. Mayor Schaefer called for the vote. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried. Ordinance No. 2005-039 was duly enacted.

First Reading of Bill No. 3006 an ordinance amending Section 105.025 of the Branson Municipal Code by adding language to Sub-Section B. re-defining the requirements for individuals to speak at Public Comment Meeting 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. 3006. Alderman Barker moved to approve, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

**BILL NO. 3006
AMENDING BRANSON
MUNICIPAL
CODE § 105.025
PUBLIC COMMENT**

First Reading of Bill No. 3007 an ordinance accepting the proposal of bid award to Leo M. Ellebracht Company for the purchase of a pumper fire apparatus for the City of Branson, and authorizing the Mayor to execute the contract agreement was read by title by City Clerk Westfall, and Ted Martin provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3007. Alderman Gass so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

**BILL NO. 3007
BID AWARD
LEO M. ELLEBRACHT CO.
PUMPER FIRE
APPARATUS**

First Reading of Bill No. 3008 an ordinance accepting the proposal of bid award to Lee Mathews Equipment, Inc. for a trailer mounted 6 inch Dri-Prime pump used in the Public Works Department for the City of Branson, 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. 3008. Alderman Purvis made the motion, seconded by Alderman Barker. Discussion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

**BILL NO. 3008
BID AWARD
LEE MATHEWS
EQUIPMENT
DRI-PRIME PUMP**

Mayor Schaefer read the following nominations to be considered for the Planning and Zoning Commission: Reappointment of Clark Harris to serve another four-year term running until April, 2009; Reappointment of Mark Weisz to serve another four-year term running until April, 2009; Bob Cohn filling the unexpired term of Don Williams that will run until April, 2008; and Chris Jordan filling the expired term of Jack Roeger that will run until April, 2009. Mayor Schaefer then asked for a motion approving these appointments. Alderman Barker moved to approve, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Nays: none. Absent: Martin. Motion carried.

**APPOINTMENTS
P&Z COMMISSION
MEMBERS**

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. Alderman Huff made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie, and Purvis. Nays: none. Absent: Martin. 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.

Alderman Gass made a motion requesting the May 23, 2005 City Council meeting be rescheduled, seconded by Alderman Barker. Mayor Schaefer asked for questions or discussion. Voting aye: Gass, Barker, Huff, Edie, and Purvis. Nays: none. Absent: Martin. Motion carried.

Administrator Dody suggested May 31, 2005 as the reschedule date. Alderman Huff made a motion to reschedule the May 23, 2005 City Council meeting to May 31, 2005, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie, and Purvis. Nays: none. Absent: Martin. Motion carried.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Barker thanked Ken Roten for the work he has done on the Branson School Board.

BARKER

Alderman Purvis stated that he appreciated Branson's effort to remove sewer tanks. You can see the bottom of the lake, and Branson's effort to remove septic tanks is paying off.

PURVIS

Mayor Schaefer reminded everyone of the ground breaking for Branson Hills on March 29, 2005 at 11:00 a.m.

MAYOR

ADJOURN:

At this time Mayor Schaefer asked for a motion to adjourn. Alderman Huff made the motion to adjourn, seconded by Alderman Purvis. Mayor Schaefer called for the vote. Voting aye: Gass, Barker, Huff, Edie, and Purvis. Nays: none. Absent: Martin. Motion carried. Meeting was adjourned at 8:55 p.m.