

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, APRIL 11, 2005**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on April 11, 2005 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Terry Dody, Assistant City Administrator Frank Schoneboom, City Attorney Dan Wichmer, Assistant City Attorney Matt Thompson, City Clerk Lisa Westfall, Public Information Director Jerry Adams, Director of Engineering David Miller, Director of Finance Deanna Schlegel, Director of Health Linn Smith, Director of Planning and Zoning Don Stephens, Police Chief Steve Mefford, Director of Public Works Larry VanGilder and Director of Parks Cindy Shook.

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

**APPROVAL OF
MINUTES**

City Clerk Lisa Westfall read the Certification of Municipal Election results from the April 5, 2005 election into the record as attached to the Minutes as Exhibit "A". Alderman Gass moved that the results of the April 5, 2005 Municipal Election be certified and entered into the record, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Voting nay: none. Absent: Barker. Motion carried.

**CERTIFICATION
ELECTION
RESULTS**

City Clerk Lisa Westfall gave the Oath of Office to Lou Schaefer, Mayor, (two-year term); David Edie Ward I, (two-year term); Ron Huff, Alderman Ward II, (two-year term) and Beverly Martin, Alderman Ward III, (two-year term).

OATHS OF OFFICE:

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 the Board of Planning and Zoning Commission meeting minutes of March 1, 2005 was

**ACKNOWLEDGEMENT
OF MINUTES**

acknowledged within the Consent Agenda. Voting aye: Gass, Martin, Huff and Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

Final 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 approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Ordinance No. 2005-040 was duly enacted.

**BILL NO. 3002
ZONING
“R-1” TO “R-3”
TURTLE CROSSING
ORD. NO. 2005-040**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Ordinance No. 2005-041 was duly enacted.

**BILL NO. 3003
AMENDING
LAND USE
REGULATIONS
NORTHERN
BRANSON
CITY LIMITS
ORD. NO. 2005-041**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Ordinance No. 2005-042 was duly enacted.

**BILL NO. 3004
AMENDING
ANNEXATION
JACK & SONDR
PASCOE
ORD. NO. 2005-042**

Final 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 Meetings was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Ordinance No. 2005-043 was duly enacted.

**BILL NO. 3006
AMENDING BRANSON
MUNICIPAL
CODE § 105.025
PUBLIC COMMENT
ORD. NO. 2005-043**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Ordinance No. 2005-044 was duly enacted.

**BILL NO. 3007
BID AWARD
LEO M. ELLEBRACHT
PUMPER FIRE
APPARATUS
ORD. NO. 2005-044**

Final 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 approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Ordinance No. 2005-045 was duly enacted.

**BILL NO. 3008
BID AWARD
LEE MATHEWS
EQUIPMENT
DRI-PRIME PUMP
ORD. NO. 2005-045**

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

REGULAR AGENDA:

First reading of Bill No. 3009 an ordinance approving the Cooperative Agreement between the Branson Landing Transportation Development District and the City of Branson, Missouri was read by title by City Clerk Westfall and the staff report was provided by David Bushek of Gilmore and Bell. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3009. Alderman Huff so moved, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

**BILL NO. 3009
CO-OP AGREEMENT
BRANSON LANDING
TRANSPORTATION
DEVELOPMENT
DISTRICT**

Resolution of the Board of Directors of the Branson Landing Transportation Development District imposing a one-cent sales tax within the District, authorizing the City of Branson to perform all functions incident to the administration, collection, enforcement, and operation of the District Sales Tax and prescribing the forms and Administrative Rules and Regulations for reporting and collecting the District Sales Tax was read by title by City Clerk Westfall and the staff report was provided by David Bushek of Gilmore and Bell. Mayor Schaefer asked for a motion adopting this resolution. Alderman Purvis made the motion, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Resolution No. 2005-R009 was approved.

**RESOLUTION
TRANSPORTATION
DEVELOPMENT
DISTRICT
SALES TAX
RESOL. NO. 2005-R009**

Gayla Roten of the Downtown Branson Main Street Association gave a progress report on the revitalization plan for Historic Downtown Branson. Mrs. Roten discussed the purposed renovations and presented pictures of the proposals. Stan Bess, President of the DBMSA gave an update on the Branson History Project. Mayor Schaefer asked for a motion accepting the report. Alderman Purvis made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

**PRESENTATION
REVITALIZATION
PLAN FOR HISTORIC
DOWNTOWN BRANSON**

Presentation of status report on Branson Landing and Convention Center Projects by Jim Martin of the Benham Company. Mr. Martin reported disbursements as follows: Request #530-R in the amount of \$22,500.00. Discussion. Mayor Schaefer asked for a motion to accept the report as presented. Alderman Purvis made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

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

Public hearing and first reading of Bill No. 3010 annexing property owned by Missouri Partners, located adjacent to State Highway 165, south of Fall Creek Road, Branson, Missouri, into the City was read by title by City Clerk Westfall with staff report provided by Don Stephens. Mayor Schaefer opened the Public Hearing, and after no discussion, closed the Public Hearing. Mayor Schaefer then entertained a motion approving the first reading of Bill No. 3010. Alderman Gass made the motion, seconded by Alderman Huff. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

**BILL NO. 3010
PUBLIC HEARING
ANNEXATION
MISSOURI
PARTNERS
HEATHER BROOK
HEIGHTS**

First reading of Bill No. 3011 an ordinance amending Section 215.080 of the Branson Municipal Code by adding a new Sub-Section prohibiting groups or individuals from using park facilities or equipment without first obtaining a permit was read by title by City Clerk Westfall with staff report provided by Cindy Shook. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3011. Alderman Purvis made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

**BILL NO. 3011
AMENDING
BRANSON MUNICIPAL
CODE-PERMITS
PARK FACILITIES
OR EQUIPMENT**

First reading of Bill No. 3012 an ordinance amending Title II of the Branson Municipal Code, by amending Chapter 205 Offenses, Section 205.215 Regulation of Mailboxes and other Structures on the Right-Of-Way was read by title by City Clerk Westfall with staff report provided by Dan Wichmer. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3012. Alderman Gass so moved, seconded by Alderman Edie. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

**BILL NO. 3012
AMENDING
BRANSON MUNICIPAL
CODE TITLE II
CHAPTER 205
MAILBOXES**

First reading of Bill No. 3013 an ordinance establishing and readopting a procedure to disclose potential conflict of interest and substantial interests for certain municipal officials was read by title by City Clerk Westfall who also provided the staff report. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3013. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

**BILL NO. 3013
READOPTING
PROCEDURE
CONFLICT OF
INTEREST**

First reading of Bill No. 3014 an ordinance approving an agreement for Professional Architectural Services between Treat Associates P.C. and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to architectural design services on the Fire Station #4 Project was read by title by City Clerk Westfall with staff report provided by David Miller. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3014. Alderman Purvis so moved, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

**BILL NO. 3014
AGREEMENT
TREAT ASSOCIATES
ARCHITECTURAL
DESIGN
FIRE STATION #4**

First reading of Bill No. 3015 an ordinance approving an agreement between Alamosa PCS and the City of Branson, and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall with the staff report provided by Frank Schoneboom. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3015. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

**BILL NO. 3015
AGREEMENT
ALAMOSA PCS
PCS TOWER**

First reading of Bill No. 3016 an ordinance authorizing an amendment of Section 2 of the contract between the City of Branson and the Empire District Electric Company authorized by Ordinance No. 95-035 on April 10, 1995 was read by title by City Clerk Westfall with the staff report provided by Dan Wichmer. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3016. Alderwoman Martin so moved, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Alderman Huff moved to read Bill No. 3016 a second time by emergency due to the current agreement expiring on April 11, 2005. Seconded by Alderman Purvis. Motion has been made and seconded to read this the second time. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Barker. Motion carried. Mayor Schaefer called for the final reading of Bill No. 3016. Final reading of Bill No. 3016 an ordinance authorizing an amendment of Section 2 of the contract between the City of Branson and the Empire District Electric Company authorized by Ordinance No. 95-035 on April 10, 1995 was read by City Clerk Westfall. Mayor Schaefer called for a motion approving Bill No. 3016. Alderwoman Martin made the motion, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Barker. Motion carried. Ordinance No. 2005-046 was duly enacted.

**BILL NO. 3016
AMENDMENT
TO AGREEMENT
EMPIRE DISTRICT
ELECTRIC CO.
ORD. NO. 2005-046**

First reading of Bill No. 3017 an ordinance accepting the proposal of bid award to the Middleton Group/MEMCO, Pippin Wholesale Company, Hillyard Floor Care, Pyramid School Products and Interboro Packaging Corporation for the janitorial supplies used in the parks, campground and city facilities for the City of Branson, and authorizing the Mayor to execute the agreements was read by title by City

**BILL NO. 3017
BID AWARD
PIPPIN WHOLESALE CO.,
HILLYARD FLOOR CARE,
PYRAMID SCHOOL
PRODUCTS, & INTERBORO
PACKAGING**

Clerk Westfall with staff report provided by Larry VanGilder. **JANITORIAL SUPPLIES**
 Mayor Schaefer asked for a motion approving the first
 reading of Bill No. 3017. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye:
 Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

Resolution authorizing the expenditure of funds from the City's **RESOLUTION**
 Tourism Tax Contingency Fund for a special project to produce a **SPECIAL PROJECT**
 variety show featuring Branson entertainers and promoting **TOURISM TAX**
 Branson as a tourist destination in conjunction with **OPERATION**
 Operation Homecoming USA Tribute to Vietnam Veterans was **HOMECOMING USA**
 read by title by City Clerk Westfall with staff report provided by **RESOL. NO. 2005-R010**
 Terry Dody. Mayor Schaefer asked for a motion adopting this
 resolution. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass,
 Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. Resolution No.
 2005-R010 was adopted.

Resolution of the Board of Aldermen of Branson, Missouri, **RESOLUTION**
 revoking Resolution No. 2005-R004 and withdrawing the Boards **REVOKE**
 consent of assignment of a ground lease between Lodge of the **RESOL. NO. 2005-R004**
 Ozarks, Inc. and Miramar, Inc. was read by title by City **GROUND LEASE**
 Clerk Westfall with staff report provided by Dan Wichmer. **LODGE OF OZARKS**
 Mayor Schaefer asked for a motion adopting this resolution. **RESOL. NO. 2005-R011**
 Alderman Gass so moved, seconded by Alderman Purvis. Voting
 aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.
 Resolution 2005-R011 was adopted.

Mayor Schaefer stated that the next item is the **APPOINTMENTS**
 appointment of an Acting President. Mayor Schaefer **ACTING PRESIDENT**
 recommended Ron Huff. Alderman Gass made the motion to
 approve Ron Huff as Acting President, seconded by Alderman Purvis. Voting aye: Gass,
 Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

The following Committee, Board and Commission **APPOINTMENTS**
 appointments were made at this time: **COMMITTEES,**
BOARDS &
COMMISSIONS

Ron Huff	Budget Committee
Dick Gass	Budget Committee
Stan Barker	Personnel Committee
Beverly Martin	Personnel Committee
David Edie	Capital Improvements Committee
Jack Purvis	Capital Improvements Committee
David Edie	Planning and Zoning Committee
Jack Purvis	Advisory Council on Disabilities Board
Stan Barker	Chamber of Commerce Representative
Dick Gass	Marketing Advisory Council
Beverly Martin	Parks & Recreation Advisory Board
Ron Huff	Hospital Board

Mayor Schaefer asked for a motion approving these appointments. Alderman Huff made the motion, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried.

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 to approve as presented, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Barker. 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 congratulated everyone back on the Board and congratulated the three new school board members. **GASS**

Alderwoman Martin expressed her sorrow at Dan's leaving and wished him good luck. Also, she welcomed Matt Thompson and stated she was glad he was with us. **MARTIN**

Alderman Huff gave credit to the entertainers and the area shows for their time and talent donated to special benefits. **HUFF**

Alderman Edie reiterated that we will all miss Dan and how fortunate we have been to have him. **EDIE**

Alderman Purvis also stated that Dan was going to be missed. **PURVIS**

Dan Wichmer stated that it had been his pleasure to work with the Board and he enjoyed getting to know Branson and the people who live and work here. **WICHMER**

Administrator Dody made a public announcement that the franchise agreement between Empire Electric and the City of Branson is on file in the City Clerk's office for 30 days for review by any citizen. **DODY**

ADJOURN:

At this time Mayor Schaefer asked for a motion to adjourn. Alderwoman Martin made the motion to adjourn, seconded by Alderman Purvis. Mayor Schaefer called for the vote. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Absent: Barker. Motion carried. Meeting was adjourned at 8:25 p.m.