

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, AUGUST 22, 2005**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on August 22, 2005 at 7:00 p.m. with the following members present:

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

Also in attendance from the City were: City Administrator Terry Dody, Assistant Administrator Frank Schoneboom, City Attorney Joe Johnson, City Clerk Lisa Westfall, Director of Public Works Larry VanGilder, Director of Engineering David Miller, Police Chief Carol McCullough, Director of Health Linn Smith, Fire Chief Carl Sparks, Assistant City Attorney Matt Thompson, Public Information Director Jerry Adams and Director of Planning & Zoning Don Stephens.

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

Alderman Huff moved to amend the Agenda by removing Item #19 from the Agenda, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

Mayor Schaefer asked for any additions or corrections to the Minutes of the Regular meeting and Public Comments meeting of August 8, 2005. Receiving none, Mayor Schaefer asked for a motion approving the Minutes as presented. Alderman Huff moved to approve the Minutes as presented, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

**APPROVAL OF
MINUTES**

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 Planning & Zoning Commission meeting of July 5, 2005 was acknowledged within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

**ACKNOWLEDGEMENT
OF MINUTES**

Final reading of Bill No. 3106 an ordinance adopting and enacting a new code for the City of Branson, Missouri; providing for the repeal of certain ordinances not included therein; providing penalty for the violation thereof; and providing when such code and this ordinance shall become effective was read by title by City Clerk Westfall and

**BILL NO. 3106
ADOPTING
& ENACTING
BRANSON
MUNICIPAL CODE**

and approved within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance No. 2005-141 was duly enacted. **ORD. NO. 2005-141**

Final reading of Bill No. 3107 an ordinance accepting the proposal of bid award between D & E Plumbing and Heating, Inc. and the City of Branson pertaining to the Skaggs Road Roundabout Project was read by title by City Clerk Westfall and approved within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance No. 2005-142 was duly enacted. **BILL NO. 3107
BID AWARD
D & E PLUMBING
AND HEATING, INC.
SKAGGS ROAD
ROUNDAABOUT PROJECT
ORD. NO. 2005-142**

Mayor Schaefer opened the floor for a motion to approve the Consent Agenda as presented. Alderman Purvis so moved, seconded by Alderwoman Martin. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

REGULAR AGENDA:

Presentation by Judy Hartley requesting repealing the Resolution renaming Bob Hope Drive. Ms. Hartley discussed the new developments and future of the Avenue of Freedom. She proposed the road be given one name from Highway 65 to Highway 76 and stated that the Transportation Committee recommended the name be taken even further south to Highway 165. Ms. Hartley suggested that the name stay the Avenue of Freedom or keep the name Gretna Road. The goal would be to have one name for the entire stretch of the road. Discussion. Mayor Schaefer called for a motion accepting the presentation. Alderman Purvis so moved, seconded by Alderwoman Martin. Mayor Schaefer called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. **PRESENTATION
AVENUE OF FREEDOM**

Presentation by OACAC as required by contract was given by Max Lytle. A copy of the *Need and Demand Analysis for Taney County, Missouri* (Affordable Housing Study) was given to the Board of Aldermen, and Mr. Lytle touched on the high points of the study. Mayor Schaefer asked for a motion accepting the presentation. Alderman Huff so moved, seconded by Alderman Barker. Discussion. Mayor Schaefer called for a vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Alderman Purvis moved to have the City Administrator create a Task Force with members from Empire Electric, White River Electric, OACAC and the Taney County Commission, seconded by Alderman Barker. Mayor Schaefer called for a vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. **PRESENTATION
OACAC
AFFORDABLE
HOUSING STUDY**

Presentation of current status report on Branson Landing and Convention Center Projects by Jim Martin of the Benham Company. Martin reported disbursements as follows: Request #61WF in the amount of \$419,632.71 and Request **STATUS REPORT
BRANSON LANDING
& CONVENTION CENTER**

#61MI in the amount of \$33,176.15. Mayor Schaefer asked for a motion to accept the report. Alderman Huff so moved, seconded by Alderman Purvis. Discussion. Mayor Schaefer called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

Mayor Schaefer read a public hearing announcement to inform everyone of the procedure for public hearings according to the Branson Municipal Code.

Public hearing and first reading of Bill No. 3108, an ordinance for the purpose of establishing the annual levy of a property tax for general revenue in the City of Branson, Missouri, a city of the fourth class was read by title by City Clerk Westfall and the staff report was provided by Deanna Schlegel. Mayor Schaefer opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Hearing none, Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3108. Alderman Purvis so moved, seconded by Alderwoman Martin. Mayor Schaefer called for any questions or comments from the audience or any discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Alderman Barker made a motion to read Bill No. 3108 a second time by emergency due to the September 1st statutory deadline for enacting the levy. Alderman Purvis seconded the motion. Mayor Schaefer called for a vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. City Clerk Westfall read Bill No. 3108 by title for the final reading. Mayor Schaefer called for a motion approving the final reading of Bill No. 3108. Alderwoman Martin so moved, seconded by Alderman Purvis. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance No. 2005-143 was duly enacted.

**PUBLIC HEARING
ANNEXATION
BILL NO. 3108
ANNUAL LEVY
OF PROPERTY TAX
ORD. NO. 2005-143**

Public hearing and first reading of Bill No. 3109, an ordinance providing for the extension of the City Limits of the City of Branson, Missouri, by embracing and including unincorporated real property located in the County of Taney, State of Missouri, lying northwest of the present City Limits line of the City of Branson, Missouri, and hereinafter particularly described was read by title by City Clerk Westfall. Alderman Huff moved to amend Bill No. 3109 by amending Section 2 to read: "That the perimeter of the property proposed to be annexed is approximately thirty-nine thousand eight hundred and thirty two linear feet (39,832 LF), and the length of the contiguous boundary common to the existing corporate limits of the City of Branson and the property proposed to be annexed is approximately thirteen thousand eighteen linear feet (13,018 LF), which is equal to at least fifteen percent (15%) of the length of the total perimeter of the property proposed to be annexed", seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Mayor Schaefer called for the staff report by Don Stephens. Mayor Schaefer opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter.

**BILL NO. 3109
EXTENSION OF
CITY LIMITS**

Speaking in favor:

No one spoke.

Speaking in opposition:

Donald Boyd, 163 Boyd Ave.
Ron Herschend, Taney County Commissioner
John Cheary, 939 Victor Church Rd.
Rick Huffman, 420 Sunnybrook
Phil Loyd, 609 Old County Rd.
Ken Stottle, 274 Layfayette Ln.
Clinton Wright, 730 Cannon Ball Loop
Chuck Pennel, 353 Quincy Rd., Kirbyville, MO
John Logan, 2277 Lakeshore Dr.
Jim Justus, 1014 Cliff Dr.

Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3109 as amended. Alderman Purvis so moved, seconded by Alderman Huff. Mayor Schaefer called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

Mayor Schaefer called for a break at 8:46 p.m. The meeting resumed at 8:55 p.m.

Public hearing and first reading of Bill No. 3110, an ordinance annexing property owned by Gary R. Chaffin and Charlotte D. Chaffin, identified as Taney County ID# 08-9.0-29-000-009.000, into the City of Branson was read by title City Clerk Westfall and the staff report was provided by Don Stephens. Mayor Schaefer opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Hearing none, Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3110. Alderman Purvis so moved, seconded by Alderwoman Martin. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

**BILL NO. 3110
ANNEXATION
GARY R. CHAFFIN &
CHARLOTTE D. CHAFFIN**

Public hearing and first reading of Bill No. 3111, an ordinance annexing property owned by Dennis Evans and Jana Evans, identified as Taney County ID# 18-6.0-23-001-005-028.000, into the City of Branson was read by City Clerk Westfall and the staff report was Provided by Don Stephens. Mayor Schaefer opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. There being no comments, Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3111. Alderwoman Martin so moved, seconded by Alderman Barker.

**BILL NO. 3111
ANNEXATION
DENNIS EVANS &
JANA EVANS**

Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

Public hearing and first reading of Bill No. 3112, an ordinance annexing property owned by Joann Castle, identified as Taney County ID# 18-6.0-13-003-004-036.000, into the City of Branson was read by City Clerk Westfall and the staff report was provided by Don Stephens.

**BILL NO. 3112
ANNEXATION
JOANN CASTLE**

Mayor Schaefer opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Hearing none, Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3112. Alderwoman Martin so moved, seconded by Alderman Purvis. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

Public hearing and first reading of Bill No. 3113, an ordinance annexing property owned by Joann Castle, Trustee, of the Joann Castle Family Revocable Living Trust, identified as Taney County ID# 18-6.0-23-001-002-004.008, into the City of Branson was read by City Clerk Westfall and the staff report was provided by Don Stephens. Mayor Schaefer opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter.

**BILL NO. 3113
ANNEXATION
JOANN CASTLE,
TRUSTEE, OF THE
JOANN CASTLE FAMILY
REVOCABLE LIVING
TRUST**

Hearing none, Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3113. Alderman Barker moved to approve, seconded by Alderman Purvis. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

First reading of Bill No. 3114 an ordinance vacating that undeveloped portion of Wilshire Drive, lying between Walnut Lane and Stockstill Lane, in the Terrace View Addition, Branson, Taney County, Missouri was read by title by City Clerk Westfall and the staff report was provided by David Miller. Mayor Schaefer called for a motion approving the first reading of Bill No. 3114. Alderman

**BILL NO. 3114
UNDEVELOPED
WILSHIRE DRIVE
IN TERRACE VIEW
ADDITION**

Barker so moved, seconded by Alderwoman Martin. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

First reading of Bill No. 3115 an ordinance authorizing the Mayor to execute a sewer reimbursement agreement with Missouri Partners, Inc., a Missouri Corporation, pertaining to the Majestic Point Development Sewer Project was read by title by City Clerk Westfall and the staff report was provided by David Miller. Mayor Schaefer called for a motion approving the first reading of Bill No. 3115.

**BILL NO. 3115
MISSOURI PARTNERS
SEWER
REIMBURSEMENT
AGREEMENT**

Alderman Purvis so moved, seconded by Alderman Barker. Mayor Schaefer called for any questions or comments from the audience or any discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

First reading of Bill No. 3116 an ordinance approving a pipeline Crossing agreement between the Union Pacific Railroad Company and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to a sanitary sewer line crossing at Main Street in Branson, Missouri was read by title by City Clerk Westfall and the staff report was provided by David Miller. Mayor Schaefer called for a motion approving the first reading of Bill No. 3116. Alderwoman Martin so moved, seconded by Alderman Barker. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Alderman Barker made a motion to read Bill No. 3116 a second time by emergency so the convention center can open on schedule. Alderwoman Martin seconded the motion. Mayor Schaefer called for a vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. City Clerk Westfall read Bill No. 3116 by title for the final reading. Mayor Schaefer called for a motion approving the final reading of Bill No. 3116. Alderwoman Martin so moved, seconded by Alderman Purvis. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance No. 2005-144 was duly enacted.

**BILL NO. 3116
PIPELINE
CROSSING
AGREEMENT
ORD. NO. 2005-144**

First reading of Bill No. 3117 an ordinance accepting a proposal for the provision of services between the City of Branson and Branson Arts Council and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall who also provided the staff report. Mayor Schaefer called for a motion approving the first reading of Bill No. 3117. Alderwoman Martin so moved, seconded by Alderman Purvis. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

**BILL NO. 3117
BRANSON
ARTS COUNCIL
AGREEMENT**

First reading of Bill No. 3118 an ordinance accepting a proposal for the provision of services between the City of Branson and Christian Action Ministry (CAM) and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall who also provided the staff report. Mayor Schaefer called for a motion approving the first reading of Bill No. 3118. Alderman Purvis so moved, seconded by Alderman Barker. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

**BILL NO. 3118
CHRISTIAN
ACTION MINISTRY
AGREEMENT**

First reading of Bill No. 3119 an ordinance accepting a proposal for the provision of services between the City of Branson and the Salvation Army and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall who also provided the staff report. Mayor Schaefer called for a motion approving the first reading of Bill No. 3119. Alderman Barker so moved, seconded by Alderman Purvis. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

**BILL NO. 3119
SALVATION ARMY
AGREEMENT**

First reading of Bill No. 3121 an ordinance approving a sewer line construction and reimbursement agreement between Roark Water & Sewer Company, Inc. and the City of Branson pertaining to the construction of a sewer interceptor to provide City sewer service to Stonebridge Village and adjoining development was read by title by City Clerk Westfall and Larry VanGilder provided the staff report. Mayor Schaefer called for a motion approving the first reading of Bill No. 3121. Alderwoman Martin so moved, seconded by Alderman Purvis. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried.

**BILL NO. 3121
ROARK WATER &
SEWER COMPANY, INC.
REIMBURSEMENT
AGREEMENT**

First reading of Bill No. 3122 an ordinance authorizing the borrowing of funds in the amount of not to exceed \$80,000,000 from the Missouri Development Finance Board in connection with the payment of certain redevelopment costs described in a tax increment financing plan previously approved by the City; approving the form of and authorizing the execution of a first supplemental financing agreement with the Missouri Development Finance Board; authorizing the mortgaging of property to secure bonds issued by the Missouri Development Finance Board; providing for the administration of a special allocation fund and other funds and accounts; amending the City budget; prescribing other matters relating thereto was read by title by City Clerk Westfall with a report by David Queen of Gilmore & Bell. Mayor Schaefer called for a motion approving the first reading of Bill No. 3118. Alderman Barker moved to approve, seconded by Alderman Purvis. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen. Discussion. Mayor Schaefer then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Alderman Huff moved to read Bill No. 3122 a second time by emergency due to the need for the funding of the project, seconded by Alderman Purvis. Mayor Schaefer called for a vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Final reading of Bill No. 3122 was read by title by City Clerk Westfall. Mayor Schaefer called for a motion approving the final reading of Bill No. 3122. Alderman Purvis so moved, seconded by Alderwoman Martin. Mayor Schaefer asked for questions or comments from the audience or discussion by the Aldermen and then called for the vote. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Ordinance No. 2005-145 was duly enacted.

**BILL NO. 3122
BORROWING
\$80,000,000 FROM
MISSOURI DEVELOPMENT
FINANCE BOARD
ORD. NO. 2005-145**

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 so moved, seconded by Alderman Huff. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. 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 then opened the floor for Aldermen Reports.

ALDERMEN/ADMINISTRATOR'S REPORTS:

Alderman Barker thanked public works for fixing a waterline break.

Alderwoman Martin thanked Mr. Dody and Larry VanGilder for filling the pothole.

Alderman Purvis commented on the annexation item.

ADJOURN:

At this time Mayor Schaefer asked for a motion to adjourn. Alderman Huff made the motion, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Absent: Gass. Motion carried. Mayor Schaefer adjourned the meeting at 9:29 p.m.