

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, AUGUST 8, 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 8, 2005 at 7:00 p.m. with the following members present:

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

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 Carroll McCullough, Director of Health Linn Smith, Director of Economic Development Mike Rankin, 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.

Mayor Schaefer asked for any additions or corrections to the Minutes of the Goal Setting Workshop of July 22, 2005 and the Regular meeting and Public Comments meeting of July 25, 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 Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**APPROVAL OF
MINUTES**

Ron Ginn of the Police Department was presented the Employee of the Month award by Alderwoman Martin. Sergeant Ginn was recognized because he delivered a baby.

**EMPLOYEE
OF THE MONTH**

Alderman Huff made a motion moving Item No. 3 from the Consent Agenda and placing it as Item No. 8A on the Regular Agenda, seconded by Alderman Barker. 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 the Park Board meeting minutes of May 17, 2005 was 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. 3098 an ordinance amending the Land Use Regulations for Planned Development PD-99-007, known as French Quarter, located at 3706 State Highway 76, 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. 2005-133 was duly enacted.

**BILL NO. 3098
LAND USE
REGULATIONS
FRENCH QUARTER
ORD. NO. 2005-133**

Final reading of Bill No. 3100 an ordinance approving a change order with SMI-Co Construction, Inc. pertaining to the Recreation Center Water Supply Well Project 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. 2005-134 was duly enacted.

**BILL NO. 3100
SMI-CO
CONSTRUCTION, INC.
RECREATION
CENTER WATER SUPPLY
WELL PROJECT
ORD. NO. 2005-134**

Final reading of Bill No. 3101 an ordinance amending Title III of the Branson Municipal Code, Traffic Code, Chapter 340 *Miscellaneous Driving Rules* by adding a new Section 340.270 to prohibit the operation of Pocket Bikes and certain Motorized Scooters 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. 2005-135 was duly enacted.

**BILL NO. 3101
AMENDMENT
BRANSON
MUNICIPAL CODE
MISC. DRIVING RULES
POCKET BIKES
ORD. NO. 2005-135**

Final reading of Bill No. 3102 an ordinance approving a contract with the City of Hollister, Missouri for Environmental Public Health Services within the City of Hollister 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. 2005-136 was duly enacted.

**BILL NO. 3102
CITY OF HOLLISTER
ENVIRONMENTAL PUBLIC
HEALTH SERVICES
CONTRACT
ORD. NO. 2005-136**

Final reading of Bill No. 3103 an ordinance accepting the proposal of bid award between Leher Painting Enterprises, Inc. and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to the Water Tower Painting, Washing and Repair Modifications Project 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. 2005-137 was duly enacted.

**BILL NO. 3013
BID AWARD
LEHER PAINTING
ENTERPRISES, INC.
WATER TOWER PROJECT
ORD. NO. 2005-137**

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

REGULAR AGENDA:

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 #59CC-R in the amount of \$8,405.31; Request #59O-R in the amount of \$7,500.00; and Request #60WF-R in the amount of \$59,886.73. Mayor Schaefer asked for a motion to accept the report. Alderwoman Martin so moved, seconded by Alderman Barker. Discussion. Mayor Schaefer called for the vote. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**STATUS REPORT
BRANSON LANDING
& CONVENTION CENTER**

Final reading of Bill No. 3099 an ordinance authorizing the opening of a public road and declaring the public necessity for such road, and declaring that such road is necessary and beneficial to the whole of the City of Branson, Missouri, and is an indispensable and integral part of the City road system, and declaring the necessity of condemning the property rights belonging to those persons identified on Exhibit "A" attached hereto, so as to enable the City of Branson, Missouri, to construct said public road across property owned by said parties herein described, and authorizing the filing of condemnation proceedings in accordance with the laws of the State of Missouri, and authorizing payment of attorney fees and expenses therewith connected was read by title by City Clerk Westfall. Alderman Gass moved to amend Bill No. 3099 by amending Exhibit C2 to read "All of the Grantor's land, described as all of Lots Nine (9) and Ten (10), in Block '2' of Branson Heights Subdivision, a subdivision in the City of Branson, Taney County, Missouri, as described in a warranty deed recorded in Book 0300 at Page 1104 at the Taney County Records Office, Taney County, Missouri" seconded by Alderman Purvis. Mayor Schaefer called for a vote on the amendment. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Mayor Schaefer then asked for a motion approving the final reading of Bill No. 3099 as amended. Alderman Huff made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-138 was duly enacted.

**BILL NO. 3099
PUBLIC ROAD
NECESSITY
COMDEMNATION
ORD. NO. 2005-138**

Presentation of a Petition for Consent to Annex property owned by Gary R. Chaffin and Charlotte D. Chaffin, located on Bird Road, Branson, Missouri, was introduced by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Alderman Purvis so moved, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**PRESENTATION
CONSENT TO ANNEX
GARY R. CHAFFIN &
CHARLOTTE D. CHAFFIN**

Presentation of a Petition for Consent to Annex property owned by Dennis Evans and Jana Evans, located at 120 Welford Lane, Branson, Missouri, was introduced by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the

**PRESENTATION
CONSENT TO ANNEX
DENNIS EVANS &
JANA EVANS**

petition for voluntary annexation. Alderman Barker moved to approve, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

Presentation of a Petition for Consent to Annex property owned by Joann Castle, located at 174 Sherwood Drive, Branson, Missouri, was introduced by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**PRESENTATION
CONSENT TO ANNEX
JOANN CASTLE**

Presentation of a Petition for Consent to Annex property owned by Joann Castle, Trustee, of the Joann Castle Family Revocable Living Trust, located at 187 Clubhouse Drive #8, Branson, Missouri, was introduced by City Clerk Westfall, and Don Stephens provided the staff report. Mayor Schaefer entertained a motion to accept the petition for voluntary annexation. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

**PRESENTATION
CONSENT TO ANNEX
JOANN CASTLE,
TRUSTEE OF THE
JOAN CASTLE FAMILY
REVOCABLE LIVING TRUST**

First reading of Bill No. 3104 an ordinance vacating a sewer easement to Good Shepherd Meadows, L.P. in the southeast quarter of the northeast quarter of section 25, township 23 north, range 22 west, Taney County, Missouri, was read by title by City Clerk Westfall and David Miller provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 3104. Alderman Huff so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Alderman Barker moved to read Bill No. 3104 a second time by emergency so the Sight & Sound Theater can open on schedule, seconded by Alderman Huff. Mayor Schaefer called for a vote. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3104 by title again. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3104. Alderwoman Martin so moved, seconded by Alderman Barker. Mayor Schaefer asked if there were any questions or comments from anyone in the audience or by any of the Aldermen. Chuck Pennel, 353 Quincy Rd., Kirbyville addressed the Board. Mayor Schaefer called for a vote. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-139 was duly enacted.

**BILL NO. 3104
GOOD SHEPHERD
MEADOWS SEWER
EASEMENT
ORD. NO. 2005-139**

First reading of Bill No. 3105 an ordinance approving an intergovernmental agreement between the City of Springfield and the City of Branson, and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall and Caroll McCullough provided the staff report. Mayor Schaefer entertained a motion to approve the first reading

**BILL NO. 3105
INTERGOVERNMENTAL
AGREEMENT WITH
CITY OF SPRINGFIELD
ORD. NO. 2005-140**

of Bill No. 3105. Alderman Gass so moved, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Alderman Huff moved to read Bill No. 3105 a second time by emergency consent due the need to have the contract in place before the event, seconded by Alderman Purvis. Mayor Schaefer called for a vote. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3105 by title again. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3105. Alderman Purvis so moved, seconded by Alderman Huff. Mayor Schaefer asked if there were any questions or comments from anyone in the audience or by any of the Aldermen. Mayor Schaefer called for a vote. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2005-140 was duly enacted.

First 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 a 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 Joe Johnson provide the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 3106. Alderman Barker moved to approve, seconded by Alderman Huff. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

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

Mayor Schaefer stepped out of meeting at 7:40 p.m. and Mayor Pro Tem Huff took over meeting.

First 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, and authorizing the Mayor to enter into the agreement pertaining to the Skaggs Road Roundabout Project was read by title by City Clerk Westfall and David Miller provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No.

**BILL NO. 3107
BID AWARD
D & E PLUMBING
AND HEATING, INC.
SKAGGS ROAD
ROUNDAABOUT PROJECT**

3107. Alderman Barker moved to approve, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

DISBURSEMENTS:

Mayor Pro Tem Huff stated the next item was review of the disbursements, and asked if there were any questions regarding the disbursements. Receiving none, Mayor Pro Tem Huff entertained a motion to approve the disbursements as presented. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

OTHER BUSINESS:

Mayor Pro Tem Huff 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 Pro Tem Huff then opened the floor for Aldermen Reports.

ALDERMEN/ADMINISTRATOR'S REPORTS:

Alderman Gass spoke of the passing of Bill Dailey. He made a motion to dedicate tonight's meeting to Bill Dailey, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

Mayor Schaefer returned at 7:45 p.m. and Mayor Pro Tem Huff turned the meeting back over to Mayor Schaefer.

Alderman Barker complimented the Police Department, Officer Ginn and staff on their professionalism.

ADJOURN:

At this time Mayor Schaefer asked for a motion to adjourn. Alderman Huff made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Mayor Schaefer adjourned the meeting at 7:45 p.m.