

# MINUTES

## THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI March 27, 2006

### INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on March 27, 2006 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 Paul Link, Assistant City Attorney Matt Thompson, City Clerk Lisa Westfall, Director of Engineering David Miller, Director of Communications Jerry Adams, Director of Planning and Zoning Don Stephens, Director of Public Works Larry VanGilder, Police Chief Carol McCullough, Director of Economic Development Mike Rankin, Fire Chief Carl Sparks and Director of Health Linn Smith.

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

### APPROVAL OF MINUTES

Mayor Schaefer asked for any additions or corrections to the Minutes of the Board of Aldermen Regular Meeting and Public Comments Meeting of March 13, 2006. Receiving none, Mayor Schaefer entertained a motion to approve the Minutes. Alderman Huff moved to approve the Minutes as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

### POSTPONEMENT

#### Final subdivision plat of The Shoppes at Branson Hills.

Alderman Huff moved to postpone Item No. 10 for a period not to exceed 60 days from today's date, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. 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:

#### **BILL NO. 3210**

**Ord. No. 2006-035      Enacting a final subdivision plat of Country Ridge Estates.**

Final reading of Bill No. 3210, an ordinance enacting a final subdivision plat of Country Ridge Estates, located on Schaefer Drive Branson, Missouri. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-035 was duly enacted.

**BILL NO. 3211**

**Ord. No. 2006-036      Zoning change for PD-2006-005 for The Shoppes at Branson Hills.**

Final reading of Bill No. 3211, an ordinance approving a zoning change from "C" Commercial to "PD" Planned Development and approving Land Use Regulations for Planned Development PD-2006-005 for property to be known as The Shoppes at Branson Hills located at the southwest corner of U.S. Highway 65 and Branson Hills Parkway Branson, Missouri. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-036 was duly enacted.

**BILL NO. 3213**

**Ord. No. 2006-037      Amending Chapter 90, Section 34 Water Connection Fees.**

Final reading of Bill No. 3212, an ordinance amending Section 34 Water Connection Fees of Chapter 90 Utilities of the Branson Municipal Code by charging appropriate fees for material, labor and equipment costs. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-037 was duly enacted.

**BILL NO. 3214**

**Ord. No. 2006-038      Amending Section 86-622 Schedule II: Speed Limits.**

Final reading of Bill No. 3213, an ordinance amending Section 86-622 of the Branson Municipal Code: Schedule II: Speed Limits. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-038 was duly enacted.

**Bill NO. 3215**

**Ord. No. 2006-039      Amending Section 86-621 of the Branson Municipal Code: Schedule I: Stop Signs.**

Final reading of Bill No. 3215, an ordinance amending Section 86-621 of the Branson Municipal Code: Schedule I: Stop Signs. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-039 was duly enacted.

**BILL NO. 3216**

**Ord. No. 2006-040      Amendment to the Master Lease Agreement - Branson Landing.**

Final reading of Bill No. 3216, an ordinance authorizing the Mayor to execute an amendment to the Master Lease Agreement between HCW Development Company, LLC and the City of Branson relating to the Branson Landing Project. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-040 was duly enacted.

**BILL NO. 3217**

**Ord. No. 2006-041      Amending Section 22-32 Amendments to International Building Code – exempting Branson R-IV School District from Permit Fees.**

Final reading of Bill No. 3217, an ordinance amending the Branson Municipal Code, Section 22-32 Amendments to International Building Code, by adding language to Section 22-

32(2) exempting Branson R-IV School District from permit fees. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-041 was duly enacted.

**BILL NO. 3218**

**Ord. No. 2006-042**     **Accepting the proposal of bid award to General Chemical Performance Products, LLC, Polydyne, Inc, Brenntag Mid-South, Inc, G.S. Robbins, L&J Plumbing Supply, and L&M Distributing.**

Final reading of Bill No. 3218, an ordinance accepting the proposal of bid award to General Chemical Performance Products, LLC, Polydyne, Inc, Brenntag Mid-South, Inc, G.S. Robbins, L&J Plumbing Supply, and L&M Distributing for chemicals used in the water and wastewater treatment facilities for the Public Works Department for the City of Branson, and authorizing the Mayor to execute the agreements. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-042 was duly enacted.

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

## **REGULAR AGENDA**

### **STATUS REPORT ON BRANSON LANDING AND CONVENTION CENTER**

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 #69CC-R in the amount of \$21,554.29 and Request #70CC-R in the amount of \$9,401.81. Discussion. Mayor Schaefer asked for a motion to accept the report as presented. Alderman Purvis moved to approve, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3219**

**Annexing property owned by Branson Hills Development Company, LLC – Cedarview Addition identified as Taney County ID 08-4.0-18-000-000-001.002.**

Public hearing and first reading of Bill No. 3219, an ordinance annexing property owned by Branson Hills Development Company, LLC, and known as Cedarview Addition, identified by Taney County ID 08-4.0-18-000-000-001.002 into the City of Branson, Missouri was read by title by City Clerk Westfall, and the staff report was presented 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. 3219. Alderman Gass moved to approve, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3220**

**Annexing property owned by Branson Hills Development Company, LLC – The Garippo Subdivision identified as Taney County ID 08-4.0-18-000-000-005.003.**

Public hearing and first reading of Bill No. 3220, an ordinance annexing property owned by Branson Hills Development Company, LLC, known as The Garippo Subdivision, identified by Taney County ID 08-4.0-18-000-000-005-.003 into the City of Branson, Missouri was read by title

by City Clerk Westfall, and the staff report was presented 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. 3220. Alderman Huff so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3221**                    **Annexing property owned by Branson Hills Development Company, LLC – The MPI Addition identified as Taney County ID 08-4.0-17-000-000-024.000.**

Public hearing and first reading of Bill No. 3221, an ordinance annexing property owned by Branson Hills Development Company, LLC, known as The MPI Addition, identified by Taney County ID 08-4.0-17-000-000-024.000 into the City of Branson, Missouri was read by title by City Clerk Westfall, and the staff report was presented 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. 3221. Alderman Gass so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3222**                    **Approving a Planned Development and Land Use Regulations for PD-2006-004 for Centre Point Square located at the Southeast Corner of Gretna Road and Rosalee Street.**

Public hearing and first reading of Bill No. 3222, an ordinance approving a Planned Development and approving Land Use Regulations for Planned Development PD-2006-004 for property to be known as Centre Point Square located at the southeast corner of Gretna Road and Rosalee Street Branson, Missouri was read by title by City Clerk Westfall, and the staff report was presented 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. 3222. Alderman Barker moved to approve, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**RESOLUTION NO.**  
**2006-R009**                    **Resolution approving a preliminary subdivision plat for Deer Valley Estates Phase 1.**

A resolution approving a preliminary subdivision plat for Deer Valley Estates Phase 1 was read by title by City Clerk Westfall, and the staff report was presented by Don Stephens. Mayor Schaefer asked for a motion adopting the resolution. Alderman Huff moved to approve, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Resolution No. 2006-R009 was adopted.

**BILL NO. 3223**                    **Enacting a final subdivision plat of Deer Valley Estates Phase 1 located at the southeast corner of Gretna Road and Deer Valley Drive.**

Public hearing and first reading of Bill No. 3223, an ordinance enacting a final subdivision plat of Deer Valley Estates Phase 1 located at the southeast corner of Gretna Road and Deer Valley Drive Branson, Missouri was read by title by City Clerk Westfall, and the staff report was presented 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. 3223. Alderman Gass so moved, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3224**                    **Enacting a final subdivision plat of Branson Hills Development Phase 2 located in Branson Hills.**

Public hearing and first reading of Bill No. 3224, an ordinance enacting a final subdivision plat of Branson Hills Development Phase 2 located in Branson Hills Branson, Missouri was read by title by City Clerk Westfall, and the staff report was presented 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. 3224. Alderman Barker moved to approve, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3225**                    **Enacting a final subdivision plat of Branson Hills Apartments located in Branson Hills.**

Public hearing and first reading of Bill No. 3225, an ordinance enacting a final subdivision plat of Branson Hills Apartments located in Branson Hills Branson, Missouri was read by title by City Clerk Westfall, and the staff report was presented 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. 3225. Alderman Purvis so moved, seconded by Alderman Barker. Discussion. Rick Huffman of HCW Development addressed the Board. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3226**                    **An Ordinance to opt out of state imposed sales tax holiday.**

First reading of Bill No. 3226, an ordinance to opt out of state imposed sales tax holiday was read by title by City Clerk Westfall, and the staff report was presented by Paul Link. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3226, Alderman Edie so moved, seconded by Alderman Huff. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3227**                    **Approving an agreement with Branson Airport, LLC.**

First reading of Bill No. 3227, an ordinance approving an agreement between Branson Airport, LLC, and the City of Branson, and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall, and the staff report was presented by Terry Dody. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3227, Alderman Barker moved to approve, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Huff, and Purvis. Absent: Martin. Nays: Edie. Motion carried.

**BILL NO. 3228**  
**Ord. No. 2006-043**                    **Amending Ordinance No. 2005-035 extending the application process for Alliance Gas Energy, Inc.**

First reading of Bill No. 3228, an ordinance amending Ordinance No. 2005-035 between Alliance Gas Energy, Inc. and the City of Branson granting Alliance Gas Energy, Inc. an extension to complete application process was read by title by City Clerk Westfall, and the staff

report was presented by Paul Link. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3228, Alderman Gass made a motion to approve, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3228 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3228. Alderman Gass moved to approve the final reading of Bill No. 3228 due to the need to extend the current expiration date of April 6, 2006 before it lapses, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-043 was duly enacted.

**BILL NO. 3229**                    **An Ordinance authorizing the opening of a public road and declaring the public necessity for such road.**

First reading of Bill No. 3229, 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 and 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, and the staff report was presented by David Miller. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3229, Alderman Gass moved to approve, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

**BILL NO. 3230**  
**Ord. No. 2006-044**                    **Accepting bid award to L&J Plumbing Supply, Hoffman Supply Company, Allied Manufacturing, Harry Cooper Supply and Meek's Building Center for construction materials used in the new Public Works Administration Office.**

First reading of Bill No. 3230, an ordinance accepting the proposal of bid award to L&J Plumbing Supply, Hoffman Supply Company, Allied Manufacturing, Harry Cooper Supply and Meek's Building Center for construction materials used in the new Public Works Administration Office for the City of Branson, and authorizing the Mayor to execute the agreements was read by title by City Clerk Westfall, and the staff report was presented by Larry VanGilder. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3230, Alderman Barker moved to approve, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3230 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3230. Alderman Purvis moved to approve the final reading of Bill No. 3230, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Ordinance No. 2006-044 was duly enacted.

**BILL NO. 3231**                    **Accepting bid award to Bussey's Painting, Inc sandblast and paint weirs and clarifies at Compton Drive Wastewater Treatment Plant.**

First reading of Bill No. 3231, an ordinance accepting the proposal of bid award to Bussey's Painting, Inc. to sandblast and paint all painted metal surfaces and weirs on two (2) clarifiers at the Compton Drive Wastewater Treatment Plant for 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 the staff report was presented by Larry VanGilder. Mayor Schaefer asked for

a motion approving the first reading of Bill No. 3231, Alderman Purvis moved to approve, seconded by Alderman Gass. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried.

## **DISBURSEMENTS**

Mayor Schaefer stated the next item was review of disbursements, and asked if there were any questions regarding the disbursements. Receiving none, Mayor Schaefer asked for a motion to approve the disbursements as presented. Alderman Huff made a motion approving the disbursement statement as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. 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 then opened the floor for Aldermen reports.

## **ALDERMEN/ADMINISTRATOR'S REPORTS**

Alderman Gass complimented the work on the roundabout.

Alderman Barker expressed his sympathy to the families of the airplane crash and complimented staff on the handling of the incident.

Alderman Huff said he had had many compliments on the Target, Home Depot and TJ Maxx development.

Alderman Purvis also complimented the work on the roundabout.

City Administrator Dody asked for Larry VanGilder to make a presentation to the Board for the Plant of the Year Award that was awarded to the Cooper Creek Wastewater Treatment Plant by the Missouri Water Environment Association of the State of Missouri.

## **ADJOURN**

At this time Mayor Schaefer asked for a motion to adjourn. Alderman Purvis made the motion, seconded by Alderman Barker. Voting aye: Gass, Barker, Huff, Edie and Purvis. Absent: Martin. Nays: none. Motion carried. Mayor Schaefer adjourned the meeting at 8:05 p.m.