

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI August 28, 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 August 28, 2006 at 7:00 p.m. with the following members present:

Mayor Pro Tem Huff presiding, Stan Barker, Beverly Martin, David Edie, Jack Purvis and Mayor Schaefer present. Absent: Dick Gass. (Mayor Schaefer was unable to preside).

Also present from the City were: City Administrator Terry Dody, Assistant City Administrator Frank Schoneboom, City Clerk Lisa Westfall, Director of Communications Jerry Adams, Director of Economic Development Mike Rankin, Director of Engineering David Miller, Director of Finance Deanna Schlegel, Director of Public Works Larry VanGilder, Director of Health Linn Smith, Police Chief Caroll McCullough, Fire Chief Carl Sparks and Director of Planning and Zoning Don Stephens.

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

SPECIAL RECOGNITION AWARD

Mayor Pro Tem Huff presented Larry VanGilder a special recognition award for his 30 years of outstanding loyal service to the City of Branson.

APPROVAL OF MINUTES

Mayor Pro Tem Huff asked for any additions or corrections to the Minutes of the Council Retreat of August 10, 2006; Minutes of the Board of Aldermen Regular Meeting and Public Comments Meeting of August 14, 2006. Receiving none, Mayor Pro Tem Huff asked for a motion approving the Minutes as presented. Alderman Purvis moved to approve as presented, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried.

CONSENT AGENDA

Mayor Pro Tem Huff 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:

ACKNOWLEDGEMENT RECEIPT OF MINUTES

Receipt of the Park Board Meeting minutes of May 16, 2006 and July 19, 2006 was acknowledged within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried.

ACKNOWLEDGEMENT RECEIPT OF PETITION

Receipt of petition to annex property owned by Virginia L. Boatright was acknowledged within the Consent Agenda. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried.

BILL NO. 3293

Ord. No. 2006-117 **Approving the addition of the real property to the Branson Hills Community Improvement District.**

Final reading of Bill No. 3293, an ordinance approving the addition of real property to the Branson Hills Community Improvement District. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Ordinance No. 2006-117 was duly enacted.

BILL NO. 3294

Ord. No. 2006-118 **Annexing property owned by Branson Hills Development Company, LLC, into the City of Branson, Missouri.**

Final reading of Bill No. 3294, an ordinance annexing property owned by Branson Hills Development Company, LLC, into the City of Branson. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Ordinance No. 2006-118 was duly enacted.

BILL NO. 3295

Ord. No. 2006-119 **Amending Chapter 78 of the Branson Municipal Code, Section 78-3, clarifying the permitted use of public property in commercial areas of Branson.**

Final reading of Bill No. 3295, an ordinance amending Chapter 78 of the Branson Municipal Code, Section 78-3, clarifying the permitted use of public property in commercial areas of Branson. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Ordinance No. 2006-119 was duly enacted.

BILL NO. 3296

Ord. No. 2006-120 **Authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund for the Branson Area Festival of Lights.**

Final reading of Bill No. 3296, an ordinance authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce for the installation of Branson Festival of Lights stars, authorizing the preparation and execution of the contract. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Ordinance No. 2006-120 was duly enacted.

BILL NO. 3297

Ord. No. 2006-121 **Accepting the proposal of bid award for a backup electrical generator and related equipment for the elevator in the Public Works office building at the new Pacific Street water tower.**

Final reading of Bill No. 3297, an ordinance accepting the proposal of bid award to provide a backup electrical generator and related equipment for the elevator in the Public Works office building at the new Pacific Street water tower for the Public Works Department for the City of Branson, and authorizing the Mayor to execute the agreement. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Ordinance No. 2006-121 was duly enacted.

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

REGULAR AGENDA

PRESENTATION TO PROPOSE INCREASE OF SEWER AND WATER RATES

Presentation pertaining to a proposed increase of sewer and water rates was presented by Larry VanGilder. Mayor Pro Tem Huff asked for a motion to accept the report as presented. Alderman Purvis so moved, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried.

BILL NO. 3298

Ord. No. 2006-122 **Establishing the annual levy of a property tax for general revenue in the City of Branson, Missouri**

Public hearing and first reading of Bill No. 3298, 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 presented by Deanna Schlegel. Mayor Pro Tem Huff opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Hearing none, Mayor Pro Tem Huff closed the public hearing and asked for a motion approving the first reading of Bill No. 3298. Alderwoman Martin so moved, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3298 by title for the final reading. Mayor Pro Tem Huff asked for a motion approving the final reading of Bill No. 3298. Alderman Barker moved to approve the final reading of Bill No. 3298 due to the September 1st statutory deadline for enacting the levy, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Ordinance No. 2006-122 was duly enacted.

BILL NO. 3299

Establishing the Branson Commerce Park Community Improvement District.

Public hearing and first reading of Bill No. 3299, an ordinance establishing the Branson Commerce Park Community Improvement District and containing a severability clause, was read by title by City Clerk Westfall, and the report was presented by Rick McConnell of Gilmore & Bell. Mayor Pro Tem Huff opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Rick McConnell briefly presented the minor changes to the petition which were filed in an amended petition. Hearing none, Mayor Pro Tem Huff closed the public hearing and asked for a motion approving the first reading of Bill No. 3299. Alderwoman Martin so moved, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried.

BILL NO. 3300

Determining the advisability of the Branson Commerce Park Neighborhood Improvement District Project and ordering the creation of a Neighborhood Improvement District for the project.

First reading of Bill No. 3300, an ordinance determining the advisability of the Branson Commerce Park Neighborhood Improvement District Project and ordering the creation of a Neighborhood Improvement District for the project in Branson, Missouri, was read by title by City Clerk Westfall and the report was presented by Rick McConnell of Gilmore & Bell. Mayor Pro Tem Huff asked for a motion approving the first reading of Bill No. 3300. Alderman Barker moved

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

BILL NO. 3301 **Vacating that undeveloped portion of a perpetual 60' right of way easement.**

First reading of Bill No. 3301, an ordinance vacating that undeveloped portion of a perpetual sixty foot (60') right of way easement, lying between Kirkland Drive and Vineyards Parkway, Branson, Taney County, Missouri, was read by title by City Clerk Westfall and the staff report was presented by David Miller. Mayor Pro Tem Huff asked for a motion approving the first reading of Bill No. 3301. Alderman Purvis so moved, seconded by Alderwoman Martin. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried.

BILL NO. 3302 **Approving a contract with the City of Hollister, Missouri for environmental public health services.**

First reading of Bill No. 3302, 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 the staff report was presented by Frank Schoneboom. Mayor Pro Tem Huff asked for a motion approving the first reading of Bill No. 3302. Alderman Purvis so moved, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried.

BILL NO. 3303 **Amending the Branson Municipal Code Chapter 86 – Traffic and Vehicles, Article X – Schedules: Restricted or Prohibited Parking by the removal of specified parking restrictions.**

First reading of Bill No. 3303, an ordinance amending the Branson Municipal Code Chapter 86 – *Traffic and Vehicles, Article X – Schedules: Restricted or Prohibited Parking* by the removal of specified parking restrictions was read by title by City Clerk Westfall and the staff report was presented by David Miller. Mayor Pro Tem Huff asked for a motion approving the first reading of Bill No. 3303. Alderman Purvis so moved, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried.

BILL NO. 3304
Ord. No. 2006-123 **Amending Section 86-521 of the Branson Municipal Code due to the change in Missouri laws regarding seat belts.**

First reading of Bill No. 3304, an ordinance amending Section 86-521 of the Branson Municipal Code due to the change in Missouri laws regarding seat belts, was read by title by City Clerk Westfall and the staff report was presented by Lisa Westfall. Mayor Pro Tem Huff asked for a motion approving the first reading of Bill No. 3304. Alderwoman Martin so moved, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3304 by title for the final reading. Mayor Pro Tem Huff asked for a motion approving the final reading of Bill No. 3304. Alderman Barker moved to approve the final reading of Bill No. 3304 so that our ordinance goes into effect the same time as the Missouri Law, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Ordinance No. 2006-123 was duly enacted.

BILL NO. 3305
Ord. No. 2006-124

Amending Section 86-522 of the Branson Municipal Code due to the change in Missouri laws regarding passenger restraint system for children.

First reading of Bill No. 3305, an ordinance amending Section 86-522 of the Branson Municipal Code due to the change in Missouri laws regarding passenger restraint system for children, was read by title by City Clerk Westfall and the staff report was presented by Lisa Westfall. Mayor Pro Tem Huff asked for a motion approving the first reading of Bill No. 3305. Alderman Barker moved to approve, seconded by Alderwoman Martin. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3305 by title for the final reading. Mayor Pro Tem Huff asked for a motion approving the final reading of Bill No. 3305. Alderwoman Martin moved to approve the final reading of Bill No. 3305 so that our ordinance goes into effect the same date as the Missouri State Law change, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Ordinance No. 2006-124 was duly enacted.

RESOLUTIONS

RESOLUTION NO.
2006-R023

Support of the formation of a Sister City relationship between the City of Branson, Missouri and the City of Huangshan, China.

A resolution in support of the formation of a Sister City relationship between the City of Branson, Missouri and the City of Huangshan, China, was read by title by City Clerk Westfall, and the staff report was presented by Terry Dody. Mayor Pro Tem Huff asked for a motion adopting this resolution. Alderman Purvis so move, seconded by Alderwoman Martin. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Resolution No. 2006-R023 was adopted.

RESOLUTION NO.
2006-R024

Authorizing the Downtown Branson Main Street Association to participate in the Neighborhood Assistance Program (NAP).

A resolution authorizing the Downtown Branson Main Street Association to participate in the Neighborhood Assistance Program (NAP), was read by title by City Clerk Westfall, and the staff report was presented by Mike Rankin. Mayor Pro Tem Huff asked for a motion adopting this resolution. Alderman Barker moved to adopt, seconded by Alderman Purvis. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Resolution No. 2006-R024 was adopted.

DISBURSEMENTS

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

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Barker recognized Mr. Marr who is working on becoming an Eagle Scout and is here to study government. He also congratulated Larry VanGilder.

Alderwoman Martin congratulated Larry VanGilder on his work and what a great asset to the city he is.

Alderman Huff appreciates Mayor Schaefer for being here tonight with no voice. Also thanked Larry VanGilder's wife, Anita, for her support of Larry.

Alderman Purvis congratulated Larry VanGilder for his service to all of us.

Administrator Dody thanked Larry VanGilder for all of his work. He then asked Matthew Yu of the Acrobats of China to speak on the Sister City program.

ADJOURN

At this time Mayor Pro Tem Huff asked for a motion to adjourn. Alderman Purvis so moved, seconded by Alderman Barker. Voting aye: Barker, Martin, Huff, Edie and Purvis. Absent: Gass. Nays: none. Motion carried. Mayor Pro Tem Huff adjourned the meeting at 8:00 p.m.