

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI September 11, 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 September 11, 2006 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Terry Dody, Assistant City Administrator Frank Schoneboom, City Clerk Lisa Westfall, City Attorney Paul Link, Assistant City Attorney Matt Thompson, Director of Communications Jerry Adams, Director of Economic Development Mike Rankin, 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 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 August 28, 2006. Receiving none, Mayor Schaefer asked for a motion approving the Minutes as presented. Alderman Huff moved to approve as presented, 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:

ACKNOWLEDGEMENT RECEIPT OF MINUTES

Receipts of the Budget Committee Meeting and the Personnel Committee Meeting minutes of August 30, 2006 were acknowledged within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3299

Ord. No. 2006-125 Establishing the Branson Commerce Park Community Improvement District.

Final reading of Bill No. 3299, an ordinance establishing the Branson Commerce Park Community Improvement District and containing a severability clause. Voting aye: Gass, Barker,

Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-125 was duly enacted.

BILL NO. 3300

Ord. No. 2006-126 **Determining the advisability of the Branson Commerce Park Neighborhood Improvement District Project and ordering the creation of a Neighborhood Improvement District for the project.**

Final 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. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-126 was duly enacted.

BILL NO. 3301

Ord. No. 2006-127 **Vacating that undeveloped portion of a perpetual 60' right of way easement.**

Final reading of Bill No. 3301, an ordinance vacating that undeveloped portion of a perpetual 60' right of way easement, lying between Kirkland Drive and Vineyards Parkway, Branson, Taney County, Missouri. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-127 was duly enacted.

BILL NO. 3302

Ord. No. 2006-128 **Approving a contract with the City of Hollister, Missouri for environmental public health services.**

Final 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. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-128 was duly enacted.

BILL NO. 3303

Ord. No. 2006-129 **Amending the Branson Municipal Code Chapter 86 – Traffic and Vehicles, Article X – Schedules: Restricted or Prohibited Parking by the removal of specified parking restrictions.**

Final 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. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-129 was duly enacted.

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

REGULAR AGENDA

STATUS REPORT ON BRANSON LANDING CONVENTION CENTER

Presentation of status report on Branson Landing Convention Center Projects by Jim Martin of the Benham Company. Discussion. Mayor Schaefer asked for a motion to accept the report as presented. Alderman Barker moved to accept the report, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3306

Annexing property owned by Virginia L. Boatright.

Public hearing and first reading of Bill No. 3306, an ordinance annexing property owned by Virginia L. Boatright located at 525 Cannon Ball Loop 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. 3306. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3307

Amending the Land Use Regulation for Planned Development PD-98-007, known as "The Point Entertainment Complex".

Public hearing and first reading of Bill No. 3307, an ordinance amending the land use regulations for planned development PD-98-007 known as "The Point Entertainment Complex" located at 448 State Highway 248, 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.

Speaking in favor:

1. Jeff Butler - Butler, Rosenbury & Partner; 300 S. Jefferson Ave, Springfield, MO
2. Rick Huffman - 420 Sunnybrook Drive, Branson, MO, HCW Development Company
3. Ron Huff
4. Dick Gass
5. Beverly Martin

Speaking in opposition:

1. June Kuechler - 275 River Drive, Branson, MO
2. Judy Hartley - 260 Snowden Lane, Blue Eye, MO
3. David Edie

Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3307. Alderman Huff so moved, seconded by Alderwoman Martin. Voting aye: Barker, Martin, Huff, and Gass. Nays: Purvis and Edie. Motion carried. Mayor Schaefer asked for a motion on a second reading this evening. Alderman Huff moved to allow a second reading this evening, seconded by Alderwoman Martin. Rick Huffman of HCW; C. L. Carr of Unique L.L.C.; Steve Plaster representing the developing group; Judy Hartley, 260 Snowden Lane, Blue Eye, MO; Shane Seymour, Branson, MO addressed the Board. Discussion. Voting aye: None. Nays: Gass, Barker, Martin, Huff, Edie and Purvis. Motion failed.

BILL NO. 3308

Amending the Land Use Regulations for planned development PD-98-02 known as "The Surrey Grand Crown Resort Condominium".

Public hearing and first reading of Bill No. 3308, an ordinance amending the land use regulations for planned development PD-98-02 known as "The Surrey Grand Crown Resort Condominium" located at 300 Golf View 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.

Speaking in favor:

1. Grant Pointer – Representing developer

Speaking in opposition:

1. Chris Meyer – 157 Country Bluff Drive, Branson, MO

Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3308. Alderman Gass so moved, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3309

Ord. No. 2006-130

Enacting an amended final subdivision plat of Lot 35A2 of the replat of Lot 35A of Branson Meadows Phase Two.

Public hearing and first reading of Bill No. 3309, an ordinance enacting an amended final subdivision plat of Lot 35A2 of the replat of Lot 35A of Branson Meadows Phase Two located at the southwest corner of Gretna Road and Motley 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. 3309. Alderman Huff so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3309 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3309. Alderman Barker moved to approve the final reading of Bill No. 3309 to facilitate development deadlines, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-130 was duly enacted.

BILL NO. 3310

Amending the Floodplain Management ordinance, to revise the designated appeals board.

Public hearing and first reading of Bill No. 3310, an ordinance amending the Floodplain Management ordinance establishing the Board of Aldermen for the City of Branson as the designated appeals board, and revising the referenced flood study data to be the 2006 Federal Emergency Management Agency Flood Insurance Study #29213CV000A and accompanying flood insurance rate maps, 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.

Speaking in favor:

None

Speaking in opposition:

1. Rick Harrison – 2165 Lakeshore Dive, Branson, MO

Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3310. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3311

Amending Chapter 90 of the Branson Municipal Code Utilities, Article II Combined Waterworks and Sewage System Amending Section 90-41 Monthly Water Rates and 90-42 Monthly Sewer Rates.

Public hearing and first reading of Bill No. 3311, an ordinance amending Chapter 90 of the Branson Municipal Code *Utilities*, Article II *Combined Waterworks and Sewage System* by amending Section 90-41 *Monthly Water Rates* and Section 90-42 *Monthly Sewer Rates*, was read by title by City Clerk Westfall and the staff report was presented by Larry VanGilder. Mayor Schaefer opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter.

Speaking in favor:

1. Rick Huffman – 420 Sunnybrook, Branson, MO
2. Dan Ruda – 1217 Ledgestone Circle, Reeds Spring, MO

Speaking in opposition:

None

Mayor Schaefer closed that public hearing and asked for a motion approving the first reading of Bill No. 3311. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3312 **Adopting a tentative budget for the City of Branson, Missouri for water and sewer utilities for the fiscal year.**

Public hearing and first reading of Bill No. 3312, an ordinance adopting a tentative budget for the City of Branson, Missouri for water and sewer utilities for the fiscal year October 1, 2006 through September 30, 2007, was read by title by City Clerk Westfall and the staff report was presented by Larry VanGilder. 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. 3312. Alderman Barker so moved, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

RESOLUTIONS

RESOLUTION NO.
2006-R025 **Appointing members to the Board of Directors to the Public Building Corporation.**

A resolution appointing members to the Board of Directors to the Public Building Corporation, was read by title by City Clerk Westfall, and the staff report was presented by Lisa Westfall. Mayor Schaefer asked for a motion adopting this resolution. Alderman Huff so moved, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Resolution No. 2006-R025 was adopted.

APPOINTMENTS

Appointment to the Branson Lakes Area Tourism Community Enhancement District Board

Mayor Schaefer made the following appointments to the Branson Lakes Area Tourism Community Enhancement District Board:

Edd Akers and Bill Skains, with terms expiring October 1, 2009

Mayor Schaefer asked for a motion approving these appointments. Alderman Gass moved to approve, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. 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 moved to approve the disbursement statement as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Gass thanked Bill Skains and Edd Akers for serving on the Tourism Enhancement Board.

Alderman Barker thanked Edd Akers and Bill Skains for accepting the appointment to the Tourism Enhancement Board and spoke of remembering 9/11.

Alderwoman Martin welcomed Edd Akers and Bill Skains aboard. Thanked Larry VanGilder for his words about 9/11.

Alderman Huff stated that on Friday the Board of Aldermen and County Commissioners met with each other and thought the meeting was productive with more open communications.

Alderman Purvis gave his condolences to the Motley family.

ADJOURN

At this time Mayor Schaefer asked for a motion to adjourn. Alderman Barker so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Mayor Schaefer adjourned the meeting at 8:37 p.m.