

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI September 25, 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 25, 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 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 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 Special Meeting of September 8, 2006; Board of Aldermen Regular Meeting and Public Comments Meeting of September 11, 2006; Special Meeting of September 21, 2006. Receiving none, Mayor Schaefer asked for a motion approving the Minutes as presented. Alderman Gass moved to approve as presented, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

Alderman Purvis moved to amend the Agenda by removing Item No. 3 from the Consent Agenda and placing it as the first item on the Regular Agenda, then move Items No. 17 and 18 to follow Item No. 3 at the request of outside counsel, due to travel time, 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 PETITION

Receipt of petition for property owned by Eric & Kelli Presley was acknowledged within the Consent Agenda. Voting aye: Gass, Baker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3306
Ord. No. 2006-131

Annexing property owned by Virginia L. Boatright.

Final 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. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-131 was duly enacted.

BILL NO. 3308
Ord. No. 2006-133

Amending the Land Use Regulation for Planned Development PD-98-02, known as "The Surrey Grand Crown Resort Condominium".

Final 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. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-133 was duly enacted.

BILL NO. 3310
Ord. No. 2006-134

Amending the Floodplain Management ordinance, designating the appeals board and revising the referenced flood study data.

Final 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. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-134 was duly enacted.

BILL NO. 3311
Ord. No. 2006-135

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*.

Final 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*. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-135 was duly enacted.

BILL NO. 3312
Ord. No. 2006-136

Adopting a tentative budget for the City of Branson, Missouri for water and sewer utilities for the fiscal year.

Final 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. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-136 was duly enacted.

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

REGULAR AGENDA

BILL NO. 3307

Ord. No. 2006-132 **Amending the Land Use Regulations for Planned Development PD-98-007 known as “The Point Entertainment Complex”.**

Final 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 City Clerk Westfall. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3307. Alderman Huff so moved, seconded by Alderwoman Martin. Alderman Purvis moved to amend Bill No. 3307 Point Entertainment Complex to restrict the building to 12 stories, seconded by Alderman Huff. Mayor Schaefer asked for anyone wishing to speak regarding the amendment.

The following speakers addressed the Board:

1. Irvana M. Kennedy – 218 South Old County Road, Apt. 515, Branson, MO.
2. Rick Huffman – HCW Development Company, 302 W. Hwy 76, Branson, MO.
3. Judy Hartley – 260 Snowden Lane, Blue Eye, MO.
4. Mel Bray – 112 Overlook Drive, Branson, MO.
5. Jeffery Butler – Butler, Rosenbury & Partner; 300 S. Jefferson Ave, Springfield, MO.
6. Ron Herschend - 1211 Hwy. F, Branson, MO.
7. Lucy Combs – 211 Riverbend Road, Branson, MO.
8. Al Moon – 70 Willow Court, Branson, MO.
9. Shane Seymour – no address
10. June Keuchler – 275 River Drive, Branson, MO.
11. Martha Kay Dralle – 618 Parnell Drive, Branson, MO.
12. George Laning – 119 Welford Lane, Branson, MO.
13. John Sow – 203 Sherman Way, Branson, MO.
14. Richard Potter – 146 Richmond Heights Blvd., Branson, MO.
15. Brian Jones – 93 Westwood Drive, Branson, MO.
16. John Logan – 2277 Lakeshore Drive, Branson, MO.
17. George Quigley – 7866 Cozy Cove Road, Branson, MO.
18. Bob Glenn – 21C Oak Court, Branson, MO.
19. Joey Ralph – 1214 W. Main Street, Branson, MO.
20. Ken McDonald – 1316 W. Hwy. 76, Branson, MO.
21. Dennis Evans – 120 Welford Lane, Branson, MO.

Discussion. Mayor Schaefer left the meeting at 8:23 p.m. and rejoined the meeting at 8:26 p.m. Mayor Schaefer called for the vote on the amendment. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Mayor Schaefer asked for the vote on the motion as amended. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-132 was duly enacted.

At 8:52 p.m., Mayor Schaefer called for a 5 minute recess. The meeting reconvened at 9:00 p.m.

BILL NO. 3322

Ord. No. 2006-141 **Approving a Convention Center and Parking Garage Development agreement between the City and HCW Development Company L.L.C. and multiple other agreements.**

First reading of Bill No. 3322, an ordinance approving a Convention Center and Parking Garage Development agreement between the City and HCW Development Company, L.L.C.; a hotel

and Convention Center parking lease between the City and Branson Landing Hotel, L.L.C.; a Reciprocal Easement Agreement between the City and Branson Landing Hotel, L.L.C.; a special warranty deed from the City to Boardwalk Development Company, L.L.C.; a special warranty deed from the City to Promenade Development Company, L.L.C.; a special warranty deed from the City to Boutique Hotel Development Company, L.L.C.; an Estoppel and Agreement executed by the City and HCW Development Company, L.L.C. for the benefit of Goldman Sachs Commercial Mortgage Capital, L.P. and HCW Private Development, L.L.C.; an Estoppel and Agreement executed by the City and HCW Development Company, L.L.C. for the benefit of Goldman Sachs Commercial Mortgage Capital, L.P., Boardwalk Development Company L.L.C. and Promenade Development Company, L.L.C.; a Ground Lessor and Ground Lessee Estoppel and Agreement (Campground Lease) executed by the Empire District Electric Company and the City for the benefit of Goldman Sachs Commercial Mortgage Capital, L.P., HCW Development Company, L.L.C. and HCW Private Development, L.L.C.; a Ground Lessor and Ground Lessee Estoppel and Agreement (Park Lease) executed by the Empire District Electric Company and the City for the benefit of Goldman Sachs Commercial Mortgage Capital, L.P., HCW Development Company, L.L.C. and HCW Private Development, L.L.C.; and a Master Lease (Hotel Land) between the City and Branson Landing Hotel, L.L.C., and approving actions related thereto, all for implementation of the Branson Landing Tax Increment Financing Plan, was read by title by City Clerk Westfall, and the report was presented by David Queen of Gilmore & Bell. Mayor Schaefer left the meeting at 9:27 p.m. and returned at 9:32 p.m. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3322. Alderman Purvis so moved, seconded by Alderman Barker. Chris Meyer, 360 Shepherd of the Hills Expressway, Branson, MO and Shane Seymour, no address, addressed the Board. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3322 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3322. Alderman Barker moved to approve the final reading of Bill No. 3322 to facilitate the conclusion of financial documents needed for the development, seconded by Alderwoman Martin. Chris Meyer, 360 Shepherd of the Hills Expressway, Branson, MO addressed the Board. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-141 was duly enacted.

BILL NO. 3323

Ord. No. 2006-142 **Amending Branson Municipal Code, Section 22-32 Amendments to the International Building Code by adding language to Section 22-32(3).**

First reading of Bill No. 3323, an ordinance amending Branson Municipal Code, Section 22-32 amendments to the International Building Code by adding language to Section 22-32(3) defining White Box Construction and establishing procedures for issuance of temporary certificates of occupancies in white box shell structures, was read by title by City Clerk Westfall and the staff report was presented by Don Stephens. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3323. Alderman Barker so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3323 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3323. Alderman Gass moved to approve the final reading of Bill No. 3323 in order to make an updated procedure allowing for administrative flexibility related to temporary occupancy of structures immediately available to ongoing projects, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-142 was duly enacted.

BILL NO. 3313

Ord. No. 2006-137 **Amending the Land Use Regulations for Planned Development PD-2002-001 known as "Discount City".**

Public hearing and first reading of Bill No. 3313, an ordinance amending the Land Use Regulations for Planned Development PD-2002-001 known as "Discount City" located at 550 Gretna Road 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. Mike Wagner – co-owner of Discount City

Speaking in opposition:

None

Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3313. Alderman Barker moved to approve, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3313 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3313. Alderman Huff so moved, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-137 was duly enacted.

BILL NO. 3314

Ord. No. 2006-138 Amending the Land Use Regulations for Planned Development PD-2002-002, known as "Whitetail".

Public hearing and first reading of Bill No. 3314, an ordinance amending the Land Use Regulations for Planned Development PD-2002-002 known as "Whitetail" located at 199 Buccaneer Boulevard 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 that public hearing and asked for a motion approving the first reading of Bill No. 3314. Alderman Gass so moved, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3314 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3314. Alderman Gass moved to approve the final reading of Bill No. 3314 to facilitate development deadlines, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-138 was duly enacted.

BILL NO. 3315

Amending Chapter 70 of the Branson Municipal Code, Section 70-17(a)(3), clarifying the replacement location for signs moved by a public utility company, the City, or any governmental agency.

First reading of Bill No. 3315, an ordinance amending Chapter 70 of the Branson Municipal Code, Section 70-17(a)(3), clarifying the replacement location for signs moved by a public utility company, the City, or any governmental agency, was read by title by City Clerk Westfall and the staff report was presented by Don Stephens. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3315. Alderman Gass so moved, seconded by Alderman Barker. Alderman Edie moved to amend the bill by deleting the language, "In such City-originated cases, the non-conformance shall be allowed to remain in place", seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Mayor Schaefer called for a vote on the bill as amended. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3316

Approving the placement of a manufactured building located north of Town Center Drive and west of Branson Hills Parkway.

First reading of Bill No. 3316, a special ordinance approving the placement of a manufactured building to be placed on property located north of Town Center Drive and west of Branson Hills Parkway, Branson, Missouri, was read by title by City Clerk Westfall and the staff report was presented by Don Stephens. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3316.

Alderman Barker moved to approve, seconded by Alderman Purvis. Mayor Schaefer asked for anyone wishing to speak regarding this matter. Steve Welko, P.O. Box 754, Kimberling City, addressed the Board. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3317 **Amending the Professional Engineering Services agreement with Berger Devine Yaeger, Inc. and approving an agreement between the City of Branson and Shafer, Kline & Warren, Inc. both pertaining to construction engineering service on the Business 65 traffic roundabout located on the south end of the Lake Taneycomo bridge.**

First reading of Bill No. 3317, an ordinance amending the Professional Engineering Services agreement with Berger Devine Yaeger, Inc. and approving an agreement between the City of Branson and Shafer, Kline & Warren, Inc. both pertaining to construction engineering services on the Business 65 traffic roundabout located on the south end of the Lake Taneycomo Bridge, 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. 3317. Alderman Gass so moved, seconded by Alderman Huff. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3318 **Naming a certain public street.**

First reading of Bill No. 3318, an ordinance naming a certain public street, 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. 3318. Alderman Barker moved to approve, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3319
Ord. No. 2006-139 **Extend the Marketing Agreement and Domain Name License Agreement.**

First reading of Bill No. 3319, an ordinance to extend the Marketing Agreement and Domain Name License Agreement with Branson Lakes Area Chamber of Commerce until December 31, 2006, 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. 3319. Alderman Gass so moved, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3319 by title for the final reading. Alderman Gass moved to approve the final reading of Bill No. 3319 due to the existing Agreement's expiration of September 30, 2006, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-139 was duly enacted.

BILL NO. 3320 **Approving a contract with the Taney County Health Department, providing for the City of Branson Health Department to perform environmental health and child care inspections.**

First reading of Bill No. 3320, an ordinance approving a contract with Taney County Health Department, providing for the City of Branson Health Department to perform environmental health and child care inspections, and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Westfall and the staff report was presented by Frank Schoneboom. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3320. Alderman Gass so moved, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3321
Ord. No. 2006-140 **Adopting a budget for the City of Branson.**

Public hearing and first reading of Bill No. 3321, an ordinance adopting a budget for the City of Branson, Missouri, for the fiscal year October 1, 2006, through September 30, 2007, and providing that certain amounts shown in the budget document are appropriated for the various departments specified in said budget, was read by title by City Clerk Westfall and the staff report was presented by Terry Dody. 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 that public hearing and asked for a motion approving the first reading of Bill No. 3321. Alderman Huff so moved, seconded by Alderwoman Martin. Shane Seymour addressed the Board. Alderman Huff left the meeting at 10:10 p.m. and returned at 10:14 p.m. Alderman Barker left the meeting at 10:16 p.m. and returned at 10:19 p.m. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3321 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3321. Alderman Gass moved to approve the final reading of Bill No. 3321 to have the budget in place for the fiscal year beginning October 1, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Ordinance No. 2006-140 was duly enacted.

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 so 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 said there was a lot of discussion tonight with hard decisions.

Alderman Barker thanked those who came out tonight.

Alderwoman Martin concurred with Alderman Gass & Alderman Barker.

Alderman Purvis was pleased on the input received.

ADJOURN

At this time Mayor Schaefer asked for a motion to adjourn. Alderman Purvis so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Mayor Schaefer adjourned the meeting at 10:32 p.m.