

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI October 9, 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 October 9, 2006 at 7:00 p.m. with the following members present:

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

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 Finance Deanna Schlegel, Director of Engineering David Miller, 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 Don Stephens 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 September 25, 2006; Special Meeting of September 28, 2006. Receiving none, Mayor Schaefer asked for a motion approving the Minutes as presented. Alderman Gass moved to approve as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. 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

Receipt of the Park Board Meeting minutes of August 15, 2006 and Tree Board Meeting minutes of September 26, 2006 were acknowledged within the Consent Agenda. Voting aye: Gass, Baker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried.

BILL NO. 3315

Ord. No. 2006-143

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.

Final 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. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried. Ordinance No. 2006-143 was duly enacted.

BILL NO. 3316
Ord. No. 2006-144

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

Final 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. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried. Ordinance No. 2006-144 was duly enacted.

BILL NO. 3317
Ord. No. 2006-145

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.

Final 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. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried. Ordinance No. 2006-145 was duly enacted.

BILL NO. 3318
Ord. No. 2006-146

Naming a certain public street.

Final reading of Bill No. 3318, an ordinance naming a certain public street. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried. Ordinance No. 2006-146 was duly enacted.

BILL NO. 3320
Ord. No. 2006-147

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.

Final 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. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried. Ordinance No. 2006-147 was duly enacted.

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

REGULAR AGENDA

PRESENTATION OF HIGHWAY 65/248 BRIDGE PROJECT, ROUNDABOUT AT THE END OF TANEYCOMO BRIDGE, AND BRANSON LANDING BOULEVARD ROUNDABOUT

Presentation by David Miller, City Engineer, providing an update on the Highway 65/248 Bridge Project, the Roundabout at the end of the Taneycomo Bridge, and the Branson Landing Boulevard Roundabout, was read by title by City Clerk Westfall. Discussion. Mayor Schaefer asked for a motion

to accept this report. Alderman Purvis so moved, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried.

BILL NO. 3324 **Annexing property owned by Eric & Kelli Presley.**

Public hearing and first reading of Bill No. 3324, an ordinance annexing property owned by Eric & Kelli Presley located at 206 Lancashire Drive 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. 3324. Alderman Gass so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried.

BILL NO. 3325
Ord. No. 2006-148 **Enacting an amended final subdivision plat of the Branson Landing Convention Center.**

First reading of Bill No. 3325, an ordinance enacting an amended final subdivision plat of the Branson Landing Convention Center, 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. 3325. Alderman Gass so moved, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3325 by title for the final reading. Mayor Schaefer asked for a motion approving the final reading of Bill No. 3325. Alderman Gass moved to approve the final reading of Bill No. 3325 to meet financial deadlines, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried. Ordinance No. 2006-148 was duly enacted.

BILL NO. 3326 **Approving an agreement between the City of Branson and Shafer, Kline & Warren, Inc. for the 265 Wastewater Conveyance Study.**

First reading of Bill No. 3326, an ordinance approving an agreement between the City of Branson and Shafer, Kline & Warren, Inc. for the 265 Wastewater Conveyance Study, and authorizing the Mayor to enter into the agreement, 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. 3326. Alderman Barker moved to approve the bill, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Nays: none. Motion carried.

BILL NO. 3327
Ord. No. 2006-149 **Approving an electric utility easement to the Empire District Electric Company, pertaining to power lines along Fall Creek Road near Frank Rea Boulevard.**

First reading of Bill No. 3327, an ordinance approving an electric utility easement to the Empire District Electric Company, and authorizing the Mayor to execute the easement pertaining to power lines along Fall Creek Road near Frank Rea Boulevard, 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. 3327. Alderwoman Martin so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3327 by title for the final reading. Alderman Barker moved to approve the final reading of Bill No. 3327 due to the need to meet Empire's schedule for increasing the power supply, seconded by Alderman Huff. Discussion. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Nays: none. Motion carried. Ordinance No. 2006-149 was duly enacted.

BILL NO. 3328 **Approving an agreement with Branson Arts Council.**

First reading of Bill No. 3328, an ordinance accepting a proposal for the provision of services between the City of Branson and Branson Arts Council and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Westfall and the staff report was presented by Lisa Westfall. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3328. Alderwoman Martin so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Nays: none. Motion carried.

BILL NO. 3329 **Approving an agreement with Christian Action Ministry (CAM).**

First reading of Bill No. 3329, an ordinance accepting a proposal for the provision of services between the City of Branson and Christian Action Ministry (CAM) and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Westfall and the staff report was presented by Lisa Westfall. Mayor Schaefer asked for motion approving the first reading of Bill No. 3329. Alderman Purvis so moved, seconded by Alderman Huff. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Motion carried.

BILL NO. 3330 **Approving an agreement with Salvation Army.**

First reading of Bill No. 3330, an ordinance accepting a proposal for the provision of services between the City of Branson and the Salvation Army and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Westfall and the staff report was presented by Lisa Westfall. Mayor Schaefer asked for motion approving the first reading of Bill No. 3330. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Motion carried.

BILL NO. 3331 **Amending Chapter 2 of the Branson Municipal Code Administration, Article III Board of Aldermen, Section 2-55 Public Comment Meeting.**

First reading of Bill No. 3331, an ordinance amending Chapter 2 of the Branson Municipal Code Administration, Article III Board of Aldermen, Section 2-55 Public Comment Meeting, was read by title by City Clerk Westfall and the staff report was presented by Paul Link. Mayor Schaefer asked for motion approving the first reading of Bill No. 3331. Alderwoman Martin so moved, seconded by Alderman Gass. Discussion. Chuck Pennel, 353 Quincy Road, Kirbyville, MO, Gary Groman, 230 River Point Road, Hollister, MO, and Shane Seymour, 145 Mathew Lane, Hollister, MO addressed the Board. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Motion carried.

BILL NO. 3332 **Establishing the annual levy of a property tax for general revenue in the City of Branson.**

First reading of Bill No. 3332, 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, as certified by the State of Missouri, was read by title by City Clerk Westfall and the staff report was presented by Deanna Schlegel. Mayor Schaefer asked for motion approving the first reading of Bill No. 3332. Alderman Purvis so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Motion carried.

BID AWARD

BILL NO. 3333 **Accepting the proposal of bid award between Micro-Comm, Inc. and the City of Branson.**

First reading of Bill No. 3333, an ordinance accepting the proposal of bid award between Micro-Comm, Inc. and the City of Branson, and authorizing the Mayor to enter into the agreement pertaining to the Digital Radio Network project, was read by title by City Clerk Westfall and the staff report was presented by David Miller. Mayor Schaefer asked for motion approving the first reading of Bill No. 3333. Alderman Barker so moved, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff and Purvis. Absent: Edie. Motion carried.

APPOINTMENTS

Appointment of members to the Board of Director's of the Branson Commerce Park Community Improvement District.

Mayor Schaefer made the following appointments to be made to the Board of Directors of the Branson Commerce Park Community Improvement District:

Corey Lagerstrom	Representing Branson Commerce Park III, LLC, serving for a term of 2 years
Troy Kerr	Representing Branson Commerce Park IV, LLC, serving for a term of 2 years
Nick Blasi	Representing Branson Commerce Park, LLC, serving for a term of 3 or 4 years, to be determined by the CID Board of Directors of the District
Gordon Garrett	Representing Branson Commerce Park I, LLC, serving for a term of 3 or 4 years, to be determined by the CID Board of Directors of the District
Trevor Holsinger	Representing Branson Commerce Park II, LLC, serving for a term of 2 years

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

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Gass commented on the special events taking place at the Branson Landing.

Alderman Huff read a statement regarding the protection of the City of Branson name. (statement attached).

ADJOURN

At this time Mayor Schaefer asked for a motion to adjourn. Alderman Purvis so moved, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, and Purvis. Absent: Edie. Nays: none. Motion carried. Mayor Schaefer adjourned the meeting at 8:20 p.m.

Statement Read by Ron Huff at October 9, 2006 City Council Meeting:

Recently, there have been some media news and opinion articles regarding the Board of Aldermen's decision to direct city staff to take the necessary steps to protect the name Branson – a decision that was made by the Board after receiving outside legal counsel from the law firm of Lathrop & Gage.

Because the City has spent, and continues to spend, millions of dollars annually advertising and promoting Branson as a wholesome and values driven vacation entertainment destination, as well as a great place to live and work, the Board of Aldermen recognized and believed that attempting to protect Branson's name, a nationally recognized icon, was a reasonable and necessary undertaking.

Interestingly, the City is often reminded that it should protect Branson Businesses and Branson's values. I completely agree. But now some of those same people are criticizing the city for trying to do exactly that.

I have to believe that the positions recently expressed by some individuals and the media might be drastically different if the business that the city recently sent a letter to had been an unsavory business beginning the construction of its building just outside the city limits of Branson – a business that might want to capture the marketing appeal and name recognition of the Branson name by perhaps calling itself something like the Branson Strip Club; a type of business that is unregulated in the county.

And what about a casino? If Rockaway Beach was to succeed in its efforts to get gambling, and since Rockaway Beach is not a recognized name nation wide as is Branson, is it unreasonable to believe that for marketing purposes a casino owner might elect to name his casino something like the Branson Casino at Rockaway Beach?

I would believe that the same individuals, who are now upset with our actions in enforcing the use of the name Branson, might be even more upset with us – under the above described circumstances – if we did not try to protect Branson's name and all that it stands for as a family friendly, values oriented vacation and entertainment destination.

Branson Sports Club received the city's first letter in an effort to give them an early notice prior to their building being constructed. Other letters have been and are being sent to businesses that have been using the Branson name for 24 months or less. These existing businesses, and future businesses, will not necessarily be prohibited from using the name Branson. There will be several ways that those businesses may use, or continue to use, the Branson name.

Unfortunately, some individuals and some of the media articles have incorrectly attempted to spin the city's notification to the sports club as some form of retaliation related to annexation. That is simply ridiculous and completely false. The name of the property owner and their position on annexation is totally immaterial. The truth is that because the business is located adjacent to the City limits, the offer for the business to provide a petition to

annex into the City limits is simply being presented by the City as a very simple and easy resolution, if they would like to use the Branson name.

In closing, Branson is a special and unique destination and the City feels that Branson's name is worthy of being be protected if possible and I believe that we should continue doing so.