

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN

CITY OF BRANSON, MISSOURI

November 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 November 27, 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 Attorney Paul Link, 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, Police Chief Carroll McCullough, Fire Chief Carl Sparks, Director of Planning and Zoning Don Stephens and Director of Public Works Larry VanGilder.

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 Special Meeting of November 9, 2006; and the Regular Meeting and Public Comments Meeting of November 13, 2006. Receiving none, Mayor Schaefer asked for a motion approving the Minutes as presented. Alderman Huff moved to approve minutes as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

REGULAR AGENDA

REPORT ON BRANSON LANDING CONVENTION CENTER CONSTRUCTION SCHEDULE

A report on the Branson Landing Convention Center construction schedule was given by Jim Delaney of Turner Construction. Discussion. Mayor Schaefer asked for a motion to accept the report. Alderman Barker moved to accept the presentation, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

PRESENTATION ON DECORUM RULES AS REQUIRED BY BRANSON CITY CODE FOR ALL BOARD OF ALDERMEN MEETINGS

Presentation by Paul Link on Decorum Rules as required by Branson City Code for all Board of Aldermen Meetings was read by title by City Clerk Westfall and the staff report was given by Paul Link who presented a PowerPoint. Mayor Schaefer asked for a motion to accept the report. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

PRESENTATION REGARDING THE PROTECTION OF THE USE OF THE BRANSON NAME BY CITY COUNCIL

Presentation by Joe Johnson of Lathrop & Gage regarding the protection of the use of the Branson name by City Council was read by title by City Clerk Westfall and the report was given by Joe Johnson of Lathrop & Gage. Mayor Schaefer asked for a motion to continue the enforcement of the Branson name. Alderman Huff so moved, seconded by Alderman Barker. Discussion.

The following speakers addressed the Board:

1. John Logan – 2277 Lakeshore Drive, Branson, MO
2. Mel Bray – 112 Overlook Drive, Branson, MO
3. Pam Dapprich – 414 Buchanan Road, Branson, MO (handouts)
4. Judy Hartley – 260 Snowden Lane, Blue Eye, MO
5. Shane Seymour – 145 Mathew Lane, Hollister, MO
6. Larry Dapprich – 414 Buchanan Road, Branson, MO
7. Chuck Pennel – 353 Quincy Road, Kirbyville, MO
8. Chris Myer – 157 Country Bluff Drive, Branson, MO
9. Sherri Harris – 403 Lake Drive, Branson, MO
10. Kelly Trimble – 114 South Drive, Branson, MO
11. Jon Seaux – 203 Sherman Way, Branson, MO
12. Ron Herschend – 1211 Hwy. F, Branson, MO
13. Larry Melton – 4 Willow Court, Branson, MO
14. Ron Herschend – 1211 Hwy. F, Branson, MO

Mayor Schaefer departed the meeting at 8:22 p.m. and rejoined at 8:25 p.m.

Voting aye: Gass, Barker, Martin, Huff and Purvis. Nays: Edie. Motion carried.

BILL NO. 3344 Amending Land Use Regulations for Planned Development PD-98-0706 known as “The Point Entertainment Complex”.

First reading of Bill No. 3344, 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 Paul Link. Mayor Schaefer asked for a motion approving the first reading of Bill No. 3344. Alderman Huff moved to approve to get it on the floor for discussion, seconded by Alderman Gass. Discussion.

The following speakers addressed the Board:

1. Ron Herschend, 1211 Hwy. F, Branson, MO
2. Rick Huffman, HCW Development Company and Evergreen Investments
3. Larry Leimkuehler, 3514 W. Hwy. 76, Branson, MO
4. Mark Weisz, 386 Dalton Drive, Branson, MO
5. John Epps, 602 Walkington, Branson, MO
6. Kandis Davis, 523 Parsons Parkway, Branson, MO
7. Jim Cox, 138 Hampshire, Branson, MO
8. Shane Seymour, 145 Matthew Lane, Hollister, MO
9. John Logan, 2277 Lakeshore Drive, Branson, MO
10. Judy Hartley, 260 Snowden Lane, Blue Eye, MO
11. Jason Turner, 128 Wimbleton Drive, Branson, MO
12. Euella, DJ Motel and Motel 9
13. Joe Sullivan, 111 Stoneridge Drive, Branson, MO
14. Gary Allman, 124 Leinhart Lane, Branson, MO
15. June Kuechler, 275 River Drive, Branson, MO

16. Dennis Wilson, DJ Motel and Motel 9
17. Sylvia Sutton, 360 Schaefer Drive, Branson, MO
18. Mark Billington, 1944 W. Hwy. 76, Branson, MO
19. Joey Rolff, 1214 W. Main Street, Branson, MO
20. Jon Seaux, 203 Sherman Way, Branson, MO
21. Chris Myer, 157 Country Bluff Drive, Branson, MO
22. Andrew Van Gilder, 2685 Sunset Road, Branson, MO
23. Ricky Renfro, 3025, Hollister, MO
24. Ron Herschend, 1211 Hwy. F, Branson, MO
25. Mel Bray, 112 Overlook Drive, Branson, MO
26. Rick Huffman, HCW Development Company, 302 W. Hwy 76, Branson, MO
27. John Logan, 2277 Lakeshore Drive, Branson, MO
28. Larry Melton, 4 Willow Court, Branson, MO
29. Yakov Smirnoff, Hwy. 248, Branson, MO

Mayor Schaefer departed the meeting at 9:31 p.m. and rejoined at 9:34 p.m. Alderman Barker departed the meeting at 9:33 p.m. and rejoined at 9:36 p.m. Alderman Gass departed the meeting at 9:36 p.m. and rejoined at 9:40 p.m. Alderman Huff departed the meeting at 10:10 p.m. and rejoined at 10:13 p.m. Mayor Schaefer departed the meeting at 10:49 p.m. and rejoined at 10:52 p.m.

Alderman Edie moved to amend Section 1.08 of the Land Use Regulations for Planned Development PD-98-007, by deleting the language: "three-hundred (300) feet", and replacing it with the language: "one hundred fifty (150) feet", seconded by Alderman Huff. Discussion. Voting aye: Edie, Purvis and Huff. Nays: Gass, Barker, and Martin. Tie vote. Mayor Schaefer voted nay. Motion failed.

Mayor Schaefer asked for a motion approving the first reading of Bill No. 3344. Voting aye: Gass, Barker, and Martin. Nays: Edie, Purvis and Huff. Tie vote. Mayor Schaefer voted aye. Motion carried.

BILL NO. 3345 Repealing Branson Ordinance No. 2006-132 in its entirety.

Alderman Gass made a motion to remove Item No. 5 from the Agenda, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

At 11:30 p.m., Mayor Schaefer called for a recess. The meeting reconvened at 11:42 p.m.

**RESOLUTION NO.
2006-R029 Approving the preliminary subdivision plat for property known as "Branson Commerce Park".**

A resolution approving the preliminary subdivision plat for property known as "Branson Commerce Park" located north of Timberlane Drive between State Highway 248 and Sycamore Church Road 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 adopting this resolution. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Resolution No. 2006-R029 was adopted.

BILL NO. 3346 Approving "PD" Planned Development zoning and adopting Land Use Regulations PD-2006-009 to be known as "Branson Commerce Park".

Public hearing and first reading of Bill No. 3346, an ordinance approving "PD" Planned Development zoning and adopting Land Use Regulations PD-2006-009 for property to be known as "Branson Commerce Park" located north of Timberlane Drive between State Highway 248 and Sycamore Church 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. Hearing none, Mayor Schaefer closed the public hearing and asked for a motion approving the first reading of Bill No. 3346. Alderman Gass so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3347 **Amending Section 66-219(C) of the Branson Municipal Code pertaining to time limits on tree deposit refunds.**

Public hearing and first reading of Bill No. 3347, an ordinance amending Section 66-219(C) of the Branson Municipal Code pertaining to time limits on tree deposit refunds, 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. 3347. Alderman Purvis so moved, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3348 **Approving “M-H” Mobile Home Community District zoning for properties located near the intersection of Illinois Street and Shady Drive.**

Public hearing and first reading of Bill No. 3348, an ordinance approving “M-H” Mobile Home Community District zoning for properties located near the intersection of Illinois Street and Shady 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 that public hearing and asked for a motion approving the first reading of Bill No. 3348. Alderman Huff so moved, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3349 **Approving “PD” Planned Development zoning and adopting Land Use Regulations PD-2006-008 to be known as “The Fuentes Planned Development”.**

Public hearing and first reading of Bill No. 3349, an ordinance approving “PD” Planned Development zoning and adopting Land Use Regulations PD-2006-008 for property to be known as “The Fuentes Planned Development” located at 1109 West State Highway 76 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. 3349. Alderman Gass so moved, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3350 **Approving an agreement between the City of Branson and Archer Engineering for the Roark Creek and Bee Creek Wastewater Study.**

First reading of Bill No. 3350, an ordinance approving an agreement between the City of Branson and Archer Engineering for the Roark Creek and Bee Creek Wastewater 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. 3350. 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. 3351 **Approving an agreement between the City of Branson and Archer Engineering for the Roark Creek and Bee Creek Wastewater Study.**

First reading of Bill No. 3351, an ordinance accepting the proposal of bid award to AmeriPride Services for uniform rental, mats and shop towels 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. 3351. Alderwoman Martin so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

BILL NO. 3352 **Accepting the proposal for the purchase of a telephone system for Public Works.**

First reading of Bill No. 3352, an ordinance accepting the proposal for purchase of a telephone system located at the new Public Works offices 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. 3352. Alderman Barker moved to approve, seconded by Alderwoman Martin. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

RESOLUTION NO.
2006-R030 **Approving the preliminary subdivision plat for property known as "Branson 248 Commerce Park".**

A resolution approving the preliminary subdivision plat for property known as "Branson 248 Commerce Park" located along State Highway 248 between James F. Epps Road and the Branson North Subdivision 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 adopting this resolution. Alderwoman Martin so moved, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried. Resolution No. 2006-R030 was adopted.

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 approving the disbursement statement as presented. Alderman Huff made a motion approving the disbursement statement as presented, seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie and Purvis. Nays: none. Motion carried.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Purvis commented on the need for construction clean up in the Branson Landing area, asked about North Beach Park and fishing from the Branson Landing boardwalk. Administrator Dody and Larry VanGilder commented on the issues brought up by Alderman Purvis.

Mayor Schaefer commented the sidewalks at Branson Landing are slick. Administrator Dody stated he would pass it on to HCW.

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, Edie and Purvis. Nays: none. Motion carried. Mayor Schaefer adjourned the meeting at 12:14 a.m.