

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, OCTOBER 11, 2004**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on October 11, 2004 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Terry Dody, Assistant City Attorney Russ Dempsey, City Clerk Sandra Williams, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Director of Economic Development Mike Rankin, Director of Communications Jerry Adams, Finance Director Deanna Schlegel, Director of Planning and Zoning Don Stephens, Parks Director Cindy Shook, Police Chief Steve Mefford, and Director of Health Linn Smith.

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

Mayor Schaefer asked for any additions or corrections to the Minutes of the Board of Aldermen meeting and Public Comments meeting of September 27, 2004. Receiving none, Mayor Schaefer entertained a motion to approve the Minutes as presented. Alderman Huff moved to approve the Minutes as submitted, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

**APPROVAL
MINUTES**

CONSENT AGENDA:

Mayor Schaefer then asked City Clerk Williams to read the items being considered on the Consent Agenda. City Clerk Williams read the following Consent Agenda items by title:

Receipt of the Planning and Zoning Commission meetings of August 3, 2004 and September 7, 2004 were acknowledged within the Consent Agenda. Voting Aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Barker absent. Motion carried.

**ACKNOWLEDGEMENT
OF MINUTES**

Final reading of Bill No. 2914, an ordinance annexing property owned by Copelco, LLC., identified as Taney County property ID#18-2.0-10-004-001-003.001, into the City of Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-134 was duly enacted.

**BILL NO. 2914
ANNEXATION
COPELCO, LLC
ORD. NO. 2004-134**

Final reading of Bill No. 2915, an ordinance annexing property owned by David Christian, identified as Taney County property ID#18-6.0-14-001-002.002, into the City of Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-135 was duly enacted.

**BILL NO. 2915
ANNEXATION
DAVID CHRISTIAN
ORD. NO. 2004-135**

Final reading of Bill No. 2916, an ordinance annexing property owned by GV248, LLC, identified as Taney County property ID#08-4.0-19-003.008-013.000 and ID#08-4.0-19-003-008-014.000, into the City of Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-136 was duly enacted.

**BILL NO. 2916
ANNEXATION
GV248, LLC
ORD. NO. 2004-136**

Final reading of Bill No. 2917, an ordinance enacting a Final Subdivision Plat of Turtle Crossing, located adjacent to Fall Creek Road, south of Juniper Way, Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-137 was duly enacted.

**BILL NO. 2917
FINAL SUBDIVISION
PLAT-TURTLE CROSSING
ORD. NO. 2004-137**

Final reading of Bill No. 2919, an ordinance amending Title IV, *Land Use*, of the Branson Municipal Code, Chapter 445, *Sign Regulations*, by adding language requiring final inspection and approval of outstanding sign permits prior to issuance of any new permits, was approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-138 was duly enacted.

**BILL NO. 2919
AMENDING
MUNICIPAL CODE
TITLE IV-LAND USE
ORD. NO. 2004-138**

Final reading of Bill No. 2920, an ordinance reviewing and approving the renewal of the agreement between Rodney D. Gray of Hendren and Andrae, L.L.C. and the City of Branson, was approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-139 was duly enacted.

**BILL NO. 2920
RENEWAL
AGREEMENT
RODNEY D. GRAY
HENDREN & ANDRAE
ORD. NO. 2004-139**

Final reading of Bill No. 2923, an ordinance reviewing and approving the agreement between the Branson/Lakes Area Chamber of Commerce and the City of Branson, was approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-140 was duly enacted.

**BILL NO. 2923
AGREEMENT
CHAMBER OF COMMERCE
ORD. NO. 2004-140**

Final reading of Bill No. 2924, an ordinance authorizing the Mayor to execute an agreement between the Downtown Branson Main Street Association (DBMA) and the City of Branson, Missouri, was approved within the Consent Agenda. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-141 was duly enacted.

**BILL NO. 2924
AGREEMENT
DOWNTOWN BRANSON
MAIN STREET ASSOC.
(DBMA)
ORD. NO. 2004-141**

Mayor Schaefer asked for any corrections on the Consent Agenda as read. Receiving none, Mayor Schaefer entertained a motion to approve the Consent Agenda as presented. Alderman Purvis made the motion, seconded by Alderman Huff. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

REGULAR AGENDA:

Certification of Missouri Local Government Employees Retirement System (LAGERS) Delegates to the 37th Annual Meeting was introduced by City Clerk Williams, and Deb Durler provided the staff report stating an “Employer Delegate” and a “Member Delegate” needed to be designated by the Board to attend the Annual LAGERS meeting, to be held in Springfield on October 28-29, 2004. The City Administrator recommends that Frank Schoneboom be designated as the “Employer Delegate”. The “Member Delegate” is chosen through a secret ballot by the employees of the City. Joe Breckenridge from Public Works has been elected by the employees as the “Member Delegate”. Mayor Schaefer entertained a motion to approve the Delegate Certification. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Martin, Huff, Edie, and Purvis. Nays: none. Barker absent. Motion carried.

**CERTIFICATION
OF LAGERS
DELEGATES**

Public Hearing and first reading of Bill No. 2927 an ordinance annexing property owned by LMN Corporation, located south of Fall Creek Road and west of Hunter Avenue, identified as Taney County Property ID #18-1.0-12-003-001-027.003, into the City of Branson, Missouri was read by title by City Clerk Williams, and Don Stephens provided the staff report and informed the Board that instead of “west of Hunter Avenue”, it should read “east of Hunter Avenue”. Mayor Schaefer opened the Public Hearing and after no discussion, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2927. Alderwoman Martin made the motion, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Alderman Edie then moved to amend Bill No. 2927 changing the words “west of Hunter Avenue” to read “east of Hunter Avenue”. Motion was seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

**BILL NO. 2927
PUBLIC HEARING
ANNEXATION
LMN
CORPORATION**

Public Hearing and first reading of Bill No. 2928 an ordinance annexing property owned by David R. and Doris J. Woolery, located at 101 River Lane, identified as Taney County Property ID #17-3.0-07-000-000-025.000, into the City of Branson, Missouri was read by title by City Clerk Williams, and Don Stephens provided the staff report.

Mayor Schaefer opened the Public Hearing and after some discussion, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2928. Alderman Purvis made the motion, seconded by Alderwoman Martin. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

**BILL NO. 2928
PUBLIC HEARING
ANNEXATION
DAVID R. & DORIS J.
WOOLERY**

Public Hearing and first reading of Bill No. 2929 an ordinance annexing property owned by Jerry D. and Carolyn P. Lilley located at 135 River Lane, identified as Taney County Property ID #17-3.0-07-000-000-025.003, into the City of Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report.

Mayor Schaefer opened the Public Hearing and after some discussion, closed the Public Hearing. Mayor Schaefer then entertained a motion to approve the first reading of Bill No. 2929. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

**BILL NO. 2929
PUBLIC HEARING
ANNEXATION
JERRY D. & CAROLYN P.
LILLEY**

First reading of Bill No. 2930, 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 Williams and Linn Smith provided the staff report. Mayor Schaefer entertained a motion to approve the first reading of Bill No. 2930. Alderwoman Martin made the motion, seconded by Alderman Edie.

Discussion by John Logan addressing to the Board on his objection. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Alderman Huff moved to read Bill No. 2930 a second time by emergency due to the existing contract expired September 30, 2004. Motion was seconded by Alderman Purvis. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. City Clerk Williams read Bill No. 2930 by title again. Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2930. Alderman Huff made the motion, seconded by Alderman Purvis. Discussion by John Logan addressing to the Board his objection to having both readings. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-142 was duly enacted.

**BILL NO. 2930
AGREEMENT
TANEY CO. HEALTH
ENVIRONMENTAL
HEALTH &
CHILD CARE
INSPECTIONS
ORD. NO. 2004-142**

First reading of Bill No. 2931 an ordinance approving an agreement for Professional Engineering Services between Walter P. Moore and Associates, Inc. and the City of Branson, and authorizing the Mayor to enter into the agreement

**BILL NO. 2931
AGREEMENT
PROFESSIONAL
ENGINEERING SERVICES**

pertaining to Engineering Design Services on the Sycamore Street Improvement Project, was read by title by City Clerk Williams, and David Miller provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2931. Alderman Edie made the motion, seconded by Alderwoman Martin. Ron Herschend addressed the Board asking if the cost was in line with other projects. David Miller replied that the \$75,000 was in line with what normally pay on projects. Added into this is also the cost of inspections, material testing, drawings and some additional costs related to complexities with the storm sewer system. Mr. Miller also explained that the road would be three lanes with some additional lanes by the convention center. Mayor Schaefer called for the vote. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

**SYCAMORE STREET
IMPROVEMENT PROJECT
WALTER P. MOORE**

First reading of Bill No. 2392, an ordinance authorizing a lease purchase agreement between the City of Branson and Taney County Regional Sewer District for the Bee Creek Sewer Project and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Williams, and Larry VanGilder provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2932. Alderman Gass made the motion, seconded by Alderman Purvis.

**BILL NO. 2932
AGREEMENT
TANEY CO. REGIONAL
SEWER DISTRICT
BEE CREEK
SEWER PROJECT
ORD. NO. 2004-143**

Ron Herschend from the Taney County Commission addressed the Board endorsing the project and stating that corrections have been made so that the project was viable with the State of Missouri. Mayor Schaeffer called for the vote. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Alderman Huff moved to read Bill No. 2932 a second time by emergency due to the necessity to meet the state SRF funding deadlines that must be submitted and in their office by October 29, 2004. Motion was seconded by Alderwoman Martin. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Absent: Barker. Motion carried. City Clerk Williams read Bill No. 2932 by title again. Mayor Schaefer entertained a motion to approve the final reading of Bill No. 2932. Alderman Gass made the motion, seconded by Alderwoman Martin. Discussion by John Logan addressing to the Board his objection to having both readings. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Ordinance No. 2004-143 was duly enacted.

First reading of Bill No. 2933, an ordinance approving an agreement for professional services between Micro-Comm, Inc. and the City of Branson, and authorizing the preparation of a contract in accordance with the terms of the proposal, and authorizing the Mayor to enter into the agreement

**BILL NO. 2933
BID AWARD
MICRO-COMM, INC.
RADIO PATH STUDY**

pertaining to the Radio Path Study Project for the Public Works Department, was read by title by City Clerk Williams, and David Miller provided the staff report. Mayor Schaefer entertained a motion approving the first reading of Bill No. 2933. Alderwoman Martin made the motion, seconded by Alderman Edie. Discussion. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

A request by Chuck Pennel to discuss his property located at 211 E. Long Street, Branson, Missouri was the next item on the Agenda. Mr. Pennel handed out pictures of his property marked exhibit #1, #2, #3 & #4. Mr. Pennel explained exhibit #2 was a copy of a survey that was done for his Dad in January 1980. He stated that the survey does show with slash lines the encroachment that his old building has on the railroad property and to the east it shows a corner in the 20 foot wide street. He continued to state that the legal description in this exhibit states a point 20 feet west of the west line of the right-of-way of St. Louis Iron Mt. and Sern Railway Co. bent in a northerly direction parallel with the west line of said right-of-way. Mr. Pennel stated that in exhibit #1 it shows the right-of-way 50 feet on each side of the center of the railroad and as you go north you will see an additional 50 foot marked on both sides. That section of railroad right-of-way is 200 feet and between those two 50 foot marks say "number 1" and all the way up to the top of the page on the additional 50 foot right-of-way, it shows "number 2". He reviewed a survey done by the railroad engineer in 1918 showing the "number 1", "number 2" and "number 3" right-of-ways and stated that the "number 2" right-of-way runs through town and seems to be a spur.

**REQUEST BY
CHUCK PENNEL
PROPERTY AT
211 E. LONG ST.**

Mr. Pennel continued by stating that Mr. Dody had mentioned that Tri-Lakes Title Company had informed him that there were possibly some significant boundary issues concerning Mr. Pennel's property and through considerable research, the city had discovered a significant portion of the building was on the city's 20 foot road easement. Mr. Pennel then contended that this is speculation by city staff on this being true at this point. He has asked Rozell Engineering to get the deeds, go through them, and say for sure one way or the other. In Mr. Pennel's opinion you could have one right-of-way and then you could have a second right-of-way that is wider as appears in this case. His hopes are that when the original legal description was written it says a point 20 feet west of the west line of the right-of-way, which means of the right-of-way on "number 1" (see exhibit #1).

To substantiate this, Mr. Pennel pointed out on exhibit #4 that Spruce Street, now Long Street, doesn't show the 50 foot right-of-way on either side, it just shows what Mr. Pennel is guessing the "number 1" right-of-way. It also shows the 20 foot street right next to the west line of the railroad right-of-way. Exhibit #2 also shows it the same way. On Exhibit #3 it shows lot #1 (Mr. Pennel's property) with the 100 foot right-of-way. It doesn't show the 50 feet until you get almost to Price Street. Mr. Pennel stated that to his knowledge they are the third owners of the property. J.B. Calvert was ahead of them then D.E. Watson and Howard Piercey. He stated that he had requested the information from the city on his property and that the city had no plat of the street, no deed or written easements showing the street. He hopes that Rozell Engineering will clear up this issue when he gets his research done.

Alderman Edie asked if Mr. Pennel had seen any deed or other document proving whom this belongs to. Mr. Pennel stated there was nothing provided from the city. Mr. Dody replied that Mr. Pennel had gotten what was provided by legal. He advised Mr. Pennel to get with our City Attorney and look at what they have. It would also be in his benefit to use an attorney that is an expert in these issues. Mr. Dody stated that we are trying to get to the bottom of a very complicated issue.

Mr. Pennel then read his request for information, "I request copies of any and all records, whether written or electronically stored that pertain in any way to the

presentation to the Board of Aldermen on 9/27 by Terry Dody regarding Pennel Property located at 211 East Long Street, Branson. The records requested include but are not limited to: 1) all documents provided to the aldermen, 2) all reports, surveys, memos or any other document or study related to or supporting the presentation, such as drawings, surveys, deeds, easements and title reports, 3) all reports or documents concerning the property of the adjoining property to the east given to the city by Tri-Lakes Title Company or its affiliates and 4) all communications, notes, emails and other memos created since April 2004 about the property, that are to or from any staff or official.”

Mr. Dody told Mr. Pennel, “We are trying to work with you on this. You don’t even need to request these records under the open record. This is an issue between you and the city. You can come straight to us and ask for information without even going to the City Clerk’s office.” He again encouraged Mr. Pennel to speak to the City Attorney and explained, “We are on the verge of having to put you on public notice that you need to work out a lease agreement with us. We are trying to get this resolved before we take that next step, but if you are waiting for us to do that then we are at the brink of having to take that type of legal action with you.” Mr. Pennel asked why he did not get what he asked for. Mr. Dody turned to the City Clerk and asked how much time and effort did the city go through to get all of the information that we had available to Mr. Pennel?

City Clerk Williams stated that she was unable to find anything in the archive records as far as a deed regarding the 20 feet; she was unable to find an easement of any kind. She continued by saying that she had given Mr. Pennel what she had found at the county courthouse, which dated back to the Branson Land Company where it was first deeded to the very first person. It was tracked back to when the property was a farm. Also found was a copy of the railroad 1918 surveyor document. He received all of these documents along with some documents from the City Attorney.

Mr. Pennel read a quote from Mr. Dody stating, “obviously the issue that we have clearly there is an encroachment on the Pennel property – certainly on the railroad property and certainly on the city’s road easement”. Mr. Pennel continued by saying that the Clerk stated she did not find a road easement or a deed, which has been mentioned by the City Attorney. Additional he stated that Council and staff has made assumptions that were presented as facts and have told me that I need to spend time and money on an attorney about an issue that I don’t believe is an issue tonight. Mr. Pennel then asked for a response from the Council.

Mayor Schaefer responded by stating that the Council asks the City Administrator to bring all information to them so they can make the decisions. The Board needs facts and figures from the Administrator. We have decided that we don’t need that piece of property but then all of the details of the easement has come up.

Mr. Pennel then asked two questions: 1) “Did the Council as a body direct staff to do this research?” 2) “Did any of you direct staff to do this research?” Alderman Edie stated that he didn’t recall Council asking staff to look into this.

Alderman Huff referred back to exhibit #2 and asked Mr. Pennel if the survey was prepared by Rozell Engineering for him and his father and if the survey showed an encroachment, why would you not want to clear up that issue? Mr. Pennel said that it would be a good thing to clear up but that’s not what we are talking about here. The city is saying that the encroachment is on this 20 foot wide street. Mr. Pennel explained that it had been that way for 40 years and probably saw no need to take care of it at the time.

Alderman Huff then proceeded to answer Mr. Pennel's earlier question concerning who directed staff to do the research. He stated that he didn't believe that it should be necessary to direct staff to deal with right-of-way issues that involve our convention center. The staff is doing their due diligence.

Mr. Dody then asked if he could clear up this issue. Mayor Schaefer allowed him to continue. Mr. Dody said, "I will answer your question Chuck for everybody, not one single Council Member asked me to go into this issue. But I am legally responsible to do that under City Code. The City Attorney is legally responsible to do so under City Code. That's my job and his job and when we make a determination that there are issues out there, we have no choice but to bring them forward to the City Council." Mr. Pennel asked if Mr. Dody was required by law to say to the Council that there is an encroachment on the Pennel property. Mr. Dody replied, yes.

Mr. Pennel then stated that he couldn't see a road easement. The Mayor replied that the exhibits showed the 50-foot easements and the 20-foot road. Mr. Pennel stated he did not see an easement, a platted street. Mr. Dody read the legal description where it states, "a point 20-feet west of the west line of the right-of-way of the St. Louis Iron Mt. and Sern Railway Co.". Mr. Dody said that this clearly shows the 20-foot strip going through your property on the west side of the railroad right-of-way. Mr. Pennel stated right-of-way #2, not #1. Mr. Dody said that it didn't say that. Mr. Pennel said it didn't state either way. Mr. Dody agreed and that may be room for an argument, which needs to be taken into consideration and asked Mr. Pennel to come and go over these issues.

Then Mr. Pennel asked if he could find out how much was paid for the properties that did sell. Mr. Dody did not know the answer to his question. Additional comments on the easements were made.

Mr. Pennel stated at the last Board of Aldermen meeting Mr. Gass made a motion, "I make a motion to accept presentation and direct staff to meet with Terry, I assume, to try and resolve issues relating to the encroachment of Pennel improvements on city and railroad property". He asked, "Why is it that you want staff to work on the railroad encroachment". Mr. Dody responded because the city is continuing to attempt to purchase that railroad right-of-way. It is necessary for the widening of the intersection on Long Street. Mr. Pennel asked what the city paid for the railroad right-of-way on the east side. Mr. Dody stated it averaged right at \$6.50 a square foot.

Alderman Huff made a motion to accept the presentation, seconded by Alderman Edie. Mayor Schaefer called for the vote. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

At this time John Logan asked to address the Board again. Mr. Dempsey indicated that since the motion had been made and seconded there was no additional discussion. Mr. Logan called for a point of order; he asked for a ruling from the governing body. Mr. Dempsey indicated that if the Board wanted to allow additional discussion a motion to rescind the motion and second would be in order. Alderman Huff made a motion to rescind his motion, and Alderman Edie rescinded his second. Mayor Schaefer called for the vote. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried. Mayor Schaefer then opened the floor for discussion.

John Logan, 2277 Lakeshore Drive, spoke concerning why Mr. Pennel did not receive all of his information he requested. Mr. Dody responded by saying that he did receive all of the information the city possessed. Mr. Logan then asked who did the broker

represent: the buyer, this public body or HCW, and why were the public documents not made available to Mr. Pennel. City Clerk Williams was again asked to confirm that Mr. Pennel did receive all of the documents, which she did. Mr. Huff responded that HCW was authorized to work on the city's behalf and they in turn hired brokers to negotiate for the land. The brokers were working for HCW.

Mr. Dody answered the question as to why the sudden interest in Mr. Pennel's property. It was during the surveys of the railroad property when it was discovered that most of Mr. Pennel's parking lot and a portion of the building was on railroad property. Then through this process the legal description showed the 20-foot easement issue, which was brought to my attention and in turn Mr. Pennel was informed. This was in May. Mr. Dody stated that this is not a convention center issue; it is an encroachment potentially of somebody's property on city property. It has been determined by the City Attorney, legal staff and consultants that there is an encroachment, and we are reacting to that.

Ron Herschend, 1211 Hwy F, addressed the Board asking the City Clerk if she had found a recorded easement transferring the roadway to the City of Branson. Mrs. Williams replied that there was no easement for that 20-foot strip.

Alderman Huff made a motion to accept the presentation, seconded by Alderman Edie. Mayor Schaefer called for the vote. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

DISBURSEMENTS:

Mayor Schaefer stated the next item was review of **DISBURSEMENTS** the disbursements, and asked if there were any questions regarding the disbursements. Receiving none, Mayor Schaefer entertained a motion to approve the disbursements as presented. Alderman Gass moved to approve the disbursements as presented, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: none. Barker absent. Motion carried.

OTHER BUSINESS:

Mayor Schaefer asked if there was any other business **EDIE** that a member of the Board of Aldermen would like to introduce **BRANSON LANDING** as an official agenda item for discussion and action by the Board. Alderman Edie asked two questions of Harold Allen (the city's project representative on the Branson Landing project): (1) is the city paying for the fill at Branson Landing by the truckload? Mr. Allen indicated that the city is being billed on a cubic yard basis, which is determined from subtracting the results of an after-fill GPS survey (satellite survey) from a before the filling started (topographic survey). A registered surveyor will do the determining of the cubic yardage. The city will then be paying for that amount of dirt on a cubic yard basis. Alderman Edie's second question was: There is a large pad that is being constructed, is that the rear foundation of a large building or a retaining wall? Mr. Allen stated that the city has an obligation to bring the site up to a pad-ready condition, if it is a retaining wall then the city has an obligation. He also added that the city's obligation for site work is a capped lump sum number that will not be exceeded and has not been exceeded. Rick Huffman of HCW then spoke and replied that it was not a foundation wall,

and it was not a load-bearing wall. It is a retaining wall to hold dirt at the proper elevation.

Mayor Schaefer addressed the next item on the agenda.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Purvis stated it was his privilege to attend a training with **PURVIS** the third grade students by the Firemen last week. Alderman Purvis expressed to the Chief that he appreciated him and his team. You are doing a fabulous orientation program for the children.

ADJOURN:

At this time, Mayor Schaefer entertained a motion to adjourn. Alderman Gass made the motion to adjourn, seconded by Alderman Huff. Voting aye: Gass, Martin, Huff, Edie and Purvis. Nays: None. Barker absent. Motion carried. Meeting was adjourned at 9:20 p.m.