

MINUTES

**THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI
May 27, 2008**

INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on May 27, 2008 at 7:00 p.m. with the following members present:

Mayor Presley presiding, Stan Barker, Sandra Williams, Stephen Marshall and Cris Bohinc present. Absent: Rick Davis and Bob McDowell.

Also present from the City were: Acting City Administrator Frank Schoneboom, City Attorney Paul Link, City Clerk Lisa Westfall, Director of Communications Jerry Adams, Director of Computer Information Services D.J. Cline, Director of Engineering David Miller, Fire Chief Carl Sparks, Director of Planning and Zoning Don Stephens and Police Chief Caroll McCullough.

Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Carl Sparks gave the invocation.

SPECIAL RECOGNITION

Mayor Presley presented a plaque to Bob Cohn for his years of service on the Planning and Zoning Commission.

PUBLIC COMMENT

Mayor Presley began the Public Comments section of the Board of Aldermen meeting by stating that the Board would hear citizens that signed up to speak in the order of the first person signing the sheet.

There were no speakers for the evening.

CONSENT AGENDA

Mayor Presley asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda for further discussion. Mayor Presley asked City Clerk Westfall to read the items on the Consent Agenda. City Clerk Westfall read the following Consent Agenda items by title.

Approval of the Board of Aldermen Minutes:

May 12, 2008 regular meeting

May 16, 2008 special meeting
May 19, 2008 special meeting
May 20, 2008 special meeting

Acknowledge Receipt of Minutes:

Board of Adjustment meeting of April 3, 2008

BILL NO. 3544

Ord No. 2008-054

Annexing property petitioned by Jacqueline Nguyen located at 1109 Bird Road.

Final reading of Bill No. 3544, an ordinance annexing property petitioned by Jacqueline Nguyen located at 1109 Bird Road, Branson, Missouri was read by title by City Clerk Westfall. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried. Ordinance No. 2008-054 was duly enacted.

BILL NO. 3545

Ord. No. 2008-055

Authorizing the Mayor to execute an amendment to the Sewer Services and Exclusive Territorial Agreement with the Taney County Regional Sewer District, the Taney County Commission and the City of Branson.

Final reading of Bill No. 3545, an ordinance authorizing the Mayor to execute an amendment to the Sewer Services and Exclusive Territorial Agreement with the Taney County Regional Sewer District, the Taney County Commission and the City of Branson was read by title by City Clerk Westfall. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried. Ordinance No. 2008-055 was duly enacted.

Mayor Presley opened the floor for a motion to approve all items on the Consent Agenda. Alderwoman Williams so moved, seconded by Alderman Marshall. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried.

REGULAR AGENDA

PRESENTATION BY THE BRANSON ARTS COUNCIL

Bonnie Herrmann, Executive Director provided a power point and an update on the Branson Arts Council Board and their activities. Mayor Presley asked if anyone in the audience had questions or comments. Hearing none, Mayor Presley asked for comments or questions from the Board. Discussion. Mayor Presley asked for a motion to accept the Branson Arts Council report. Alderman Barker moved to approve the report, seconded by Alderwoman Williams. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried.

BILL NO. 3546**Approving a Development Agreement between the City of Branson and The TanStone Group, LLC and two Cooperative Agreements attached thereto; authorizing the Mayor to sign the Development Agreement and the Cooperative Agreements; authorizing the conveyance of certain property of the City; amending the Fiscal Year 2007-2008 Budget of the City; and authorizing the execution of documents and the taking of actions consistent therewith.**

First reading of Bill No. 3546, an ordinance approving a Development Agreement between the City of Branson and The TanStone Group, LLC and two Cooperative Agreements attached thereto; authorizing the Mayor to sign the Development Agreement and the Cooperative Agreements; authorizing the conveyance of certain property of the City; amending the Fiscal Year 2007-2008 Budget of the City; and authorizing the execution of documents and the taking of actions consistent therewith was read by title by City Clerk Westfall and the staff report was presented by Paul Link. Mayor Presley asked for a motion approving the first reading of Bill No. 3546. Alderman Barker moved to approve, seconded by Alderman Marshall. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Stephen Bradford, 301 Pacific, Branson, Missouri representing Patobin Enterprise stated he received four draft easement proposals and agreements from the law firm representing The TanStone Group. He said the agreement has not been approved and there are concerns that the easement proposals would not be ready by the proposed September opening of Forsythe Road. He said other concerns with the proposed easements are; they are for residential use and the property is zoned commercial and the considerable cost to Mrs. Pat Rose and Patobin Enterprises, both in property value and construction of the road. Mr. Bradford stated a recorded easement was filed in May, 1997 that provides Mrs. Rose access across the entire East boundary of her property directly onto Forsythe Road. He said Mrs. Rose wants more of a looping road without snaking with maintenance and upkeep along it and assurances of landscaping. Pat Rose, 152 Forsythe Road stated there is a recorded easement that gives her legal access onto a city road and now that road has been destroyed. She said she has a right to go to a city road without having to spend millions of her own money to get access to her property. Mrs. Rose stated it has been a very inconvenient situation for eight months and she is losing patience. She said the proposed easements her attorney has been given are conceptual since no one can tell her what is going to be there. Randy Winsky, 4303 Middleton Road, Dallas, Texas, a partner of the TanStone Group said they have been working with Mrs. Rose trying to provide access to her property for some time. He said they have offered one easement that will go right out of her driveway onto Forsythe Road, two more additional easements to make the value of the property what it should be and the gated temporary access that goes down an asphalt road to her home. He said that it is not what she had but they are trying to work with her and he believes they will be able to work something out. Mayor Presley asked for any other questions or comments. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried.

BILL NO. 3547**Approving an Amended Final Subdivision Plat for Branson Hills Development Phase 7 for properties located at 100 Augusta Drive.**

Public hearing and first reading of Bill No. 3547, an ordinance approving an Amended Final Subdivision Plat for Branson Hills Development Phase 7 for properties located at 100 Augusta Drive, Branson, Missouri was read by title by City Clerk Westfall and the staff report was presented by Don Stephens. Mayor Presley opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Hearing none, Mayor Presley closed the public hearing and asked for a motion approving the first reading of Bill No. 3547. Alderman Barker moved to approve, seconded by Alderwoman Bohinc. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried.

BILL NO. 3548**Zoning un-zoned property, located at 1693 Shepherd of the Hills Expressway to "C Commercial" District.**

First reading of Bill No. 3548, an ordinance zoning un-zoned property, located at 1693 Shepherd of the Hills Expressway Branson, Missouri, to "C Commercial" District was read by title by City Clerk Westfall and the staff report was presented by Don Stephens. Mayor Presley asked for a motion approving the first reading of Bill No. 3548. Alderwoman Bohinc so moved, seconded by Alderwoman Williams. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried.

BILL NO. 3549**Approving an agreement between the City of Branson and Hoefler Wysocki Architects, LLC for the study and design of the Police and Court Departments expansion.**

First reading of Bill No. 3549 an ordinance approving an agreement between the City of Branson and Hoefler Wysocki Architects, LLC for the study and design of the Police and Court Departments expansion 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 Presley asked for a motion approving the first reading of Bill No. 3549. Alderman Marshall so moved, seconded by Alderman Barker. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried.

**RESOLUTION NO.
2007-R005****Approving a Landlord's Estoppel Certificate for assignment of a lease interest from Hughes Entertainment, Inc. to First Community Bank of the Ozarks.**

A Resolution approving a Landlord's Estoppel Certificate for assignment of a lease interest from Hughes Entertainment, Inc. to First Community Bank of the Ozarks and authorizing the Mayor to execute the same was read by City Clerk Westfall, and a staff report was presented by Paul Link. Mayor Presley asked for a motion adopting the Resolution. Alderwoman Williams so moved, seconded by Alderman Barker. Mayor Presley asked for anyone wishing to speak regarding this matter. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried. Resolution No. 2008-R005 was adopted.

ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Marshall said he hoped everyone had a wonderful Memorial Day weekend.

Alderwoman Bohinc stated she received three calls regarding code enforcement which she reported to the appropriate city departments. She said the issues were taken care of immediately and she appreciated that. Alderwoman Bohinc asked everyone to support the Branson Arts Council.

Mayor Presley said the Lt. Governor will be in Branson on May 30, 2008 at 12:30 p.m. to unveil the official Bike Tour signs.

EXECUTIVE SESSION

Mayor Presley stated, that concluded the Regular Agenda and entertained a motion to adjourn to a closed Executive Session. Alderwoman Williams moved to go into Closed Executive Session pursuant to 610.021.1 for RSMo for litigation and 610.021.3 RSMo for personnel, seconded by Alderman Marshall. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried.

ADJOURN

At this time Mayor Presley asked for a motion to adjourn. Alderman Barker moved to adjourn, seconded by Alderwoman Williams. Voting aye: Barker, Williams, Marshall and Bohinc. Nays: none. Absent: Davis and McDowell. Motion carried. Meeting adjourned at 8:39 p.m.

Raeanne Presley
Mayor

Lisa K Westfall
City Clerk