

# MINUTES

## THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI October 22, 2007

### 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 22, 2007 at 7:00 p.m. with the following members present:

Mayor Presley presiding, Jack Purvis, Sandra Williams, Stan Barker, Bob McDowell, Dick Gass and Stephen Marshall present.

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

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

### PUBLIC COMMENT

Mayor Presley began the Public Comments section of the Board of Aldermen meeting by saying 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. Jim Lekander, 602 Kings Way, Branson, Missouri asked that Bill No. 3452 be removed. Mayor Presley then asked if any member of the Board had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Presley asked City Clerk Westfall to read the items on the Consent Agenda as amended. City Clerk Westfall read the following Consent Agenda items by title.

Approval of the Board of Aldermen Minutes:

October 8, 2007 regular meeting and public comments meeting.  
October 16, 2007 special meeting.

Acknowledge receipt of minutes:

April 26, 2007 Board of Adjustment meeting.  
August 28, 2007 Budget and Finance Committee meeting.  
September 25, 2007 Budget and Finance Committee meeting.  
October 9, 2007 Budget and Finance Committee meeting.  
September 21, 2007 Liquor Task Force meeting.  
October 10, 2007 Personnel Committee meeting.

**BILL NO. 3460**

**Ord. No. 2007-104**     **Annexing property petitioned by Samuel Coryell located at 1693 Shepherd of the Hills Expressway.**

Final reading of Bill No. 3460, an ordinance annexing property petitioned by Samuel Coryell located at 1693 Shepherd of the Hills Expressway, Branson, Missouri was read by title by City Clerk Westfall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-104 was duly enacted.

**BILL NO. 3461**

**Ord. No. 2007-105**     **Authorizing the Mayor to execute a Transportation Enhancement Funds Program Agreement with the Missouri Highways and Transportation Commission pertaining to Trail Construction.**

Final reading of Bill No. 3461, an ordinance authorizing the Mayor to execute a Transportation Enhancement Funds Program Agreement with the Missouri Highways and Transportation Commission pertaining to Trail Construction was read by title by City Clerk Westfall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-105 was duly enacted.

**BILL NO. 3462**

**Ord. No. 2007-106**     **Accepting the proposal for purchase of waterline construction material for the Water Distribution Division of the Public Works Department for the City of Branson.**

Final reading of Bill No. 3462, an ordinance accepting the proposal for purchase of waterline construction material for the Water Distribution Division of 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-106 was duly enacted.

**BILL NO. 3463**

**Ord. No. 2007-107**     **Accepting the proposal of bid for the purchase of tactical body armor vests for the Branson Police Department.**

Final reading of Bill No. 3463, an ordinance accepting the proposal of bid for the purchase of tactical body armor vests for the Branson Police Department and authorizing the Mayor to execute same was read by title by City Clerk Westfall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-107 was duly enacted.

**BILL NO. 3464**  
**Ord No. 2007-108**

**Accepting the proposal of bid award for the purchase of console workstations for the Branson Police Department's Communication Center.**

Final reading of Bill No. 3464, an ordinance accepting the proposal of bid award for the purchase of console workstations for the Branson Police Department's Communication Center and authorizing the Mayor to execute same was read by title by City Clerk Westfall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-108 was duly enacted.

**BILL NO. 3465**  
**Ord. No. 2007-109**

**Accepting the proposal of bid for the purchase of communications equipment for the Branson Police Department.**

Final reading of Bill No. 3465, an ordinance accepting the proposal of bid for the purchase of communications equipment for the Branson Police Department and authorizing the Mayor to execute same was read by title by City Clerk Westfall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-109 was duly enacted.

**BILL NO. 3466**  
**Ord No. 2007-110**

**Accepting the proposal of bid award to Rosetta Construction, LLC pertaining to the Lift Station #31 Upgrade Project for the City of Branson.**

Final reading of Bill No. 3466, an ordinance accepting the proposal of bid award to Rosetta Construction, LLC pertaining to the Lift Station #31 Upgrade Project for the City of Branson and authorizing the Mayor to execute a contract in accordance with the terms of the proposal for bids was read by title by City Clerk Westfall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-110 was duly enacted.

**BILL NO. 3467**  
**Ord. No. 2007-111**

**Accepting a proposal for the provision of services between the City of Branson and Branson Arts Council.**

Final reading of Bill No. 3467, 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-111 was duly enacted.

**BILL NO. 3468**  
**Ord. No. 2007-112**

**Accepting a proposal for the provision of services between the City of Branson and Christian Action Ministry (CAM).**

Final reading of Bill No. 3468, 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-112 was duly enacted.

**BILL NO. 3469**  
**Ord. No. 2007-113**

**Accepting a proposal for the provision of services between the City of Branson and the Salvation Army.**

Final reading of Bill No. 3469, 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-113 was duly enacted.

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

## **REGULAR AGENDA**

**BILL NO. 3452**  
**Ord. No. 2007-103**

**Approving a Planned Development for TanStone Plaza and adopting Land Use Regulations PD-07-006 for properties located at 284 Forsyth Boulevard.**

Final reading of Bill No. 3452, an ordinance approving a Planned Development for TanStone Plaza and adopting Land Use Regulations PD-07-006 for properties located at 284 Forsyth Boulevard, Branson, Missouri was read by title by City Clerk Westfall. Mayor Presley asked for a motion to approve the final reading of Bill No. 3452. Alderman Gass so moved, seconded by Alderman Purvis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Jim Lekander, 602 Kings Way, Branson, Missouri said he feels there needs to be a traffic impact study done in the area and he is concerned there are no consistencies for planned developments of this size. He would like to see the Master Plan updated. Mark Weisz, 386 Dalton Drive, Branson, Missouri said when the roundabout is finished it will help with the transportation problems on Forsythe Road. He added that the change made to the R-3 zoning will lead to more affordable housing. Hwon Win, 2105 W. Highway 76, Branson, Missouri said she was still not clear what this project will do with traffic on Forsythe Road. She asked to be kept informed. Mayor Presley then asked for comments from the Board. Discussion. David Miller updated the Board on the construction of Forsythe Road. Chris DeJohn, TanStone Group, P.O. Box 235, Hollister, Missouri stated he didn't know that would be done in the residential area. He also said that a number of people were working together on the Highway 76 intersection. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-103 was duly enacted.

**BILL NO. 3470**

**Approving a Planned Development for The Preserve and adopting Land Use Regulations PD-07-007 for properties located at 3401 Green Mountain Drive.**

Public hearing and first reading of Bill No. 3470, an ordinance approving a Planned Development for The Preserve and adopting Land Use Regulations PD-07-007 for properties located at 3401 Green Mountain 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. 3470. Alderman Barker moved to approve, seconded by Alderman Purvis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley then asked for comments from Board of Aldermen

Regular Meeting 10-22-07

the Board. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3471**                    **Approving the extension of the placement of a manufactured building on property located at 100 Lakehills Drive.**

First reading of Bill No. 3471, a special ordinance approving the extension of the placement of a manufactured building on property located at 100 Lakehills Drive, Branson, Missouri 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. 3471. Alderman Marshall moved to approve, seconded by Alderman Barker. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley then asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3472**                    **Approving the placement of a manufactured building on property located at 3125 Green Mountain Drive.**

First reading of Bill No. 3472, a special ordinance approving the placement of a manufactured building on property located at 3125 Green Mountain Drive, Branson, Missouri 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. 3472. Alderman Barker moved to approve, seconded by Alderman Gass. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley then asked for comments from the Board. Discussion. Gene Douglas of Pellham Phillips, 4151 E. Tanglewood, Rogersville, Missouri was asked to come forward to provide some information. He stated that it was never the owners' intent to put in the temporary trailer but felt this may be a way to spawn fourth quarter sales. He also said the tentative sales entrance would have asphalt and a separate entrance away from construction. Voting aye: Barker and McDowell. Nays: Purvis, Williams, Gass and Marshall. Motion failed.

**BILL NO. 3473**                    **Amending the Branson Municipal Code Chapter 26 Businesses; Article V Vehicles for Hire; Division 2 Taxicabs, Courtesy Cars and Limousines.**

First reading of Bill No. 3473, an ordinance amending the Branson Municipal Code Chapter 26 Businesses; Article V Vehicles for Hire; Division 2 Taxicabs, Courtesy Cars and Limousines was read by title by City Clerk Westfall and the staff report was presented by Alderman Dick Gass. Mayor Presley asked for a motion approving the first reading of Bill No. 3473. Alderman Purvis so moved, seconded by Alderman Marshall. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley then asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3474**                    **Amending Chapter 2 of the Branson Municipal Code Administration, Article III Board of Aldermen, Sections 2-54 Regular Meetings.**

First reading of Bill No. 3474, an ordinance amending Chapter 2 of the Branson Municipal Code Administration, Article III Board of Aldermen, Sections 2-54 Regular Meetings 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. 3474. Alderman Barker moved to approve, seconded by Alderman Purvis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Jim Lekander, 602 Kings Way, Branson, Missouri said it is about time. Aldermen need to be

able to sponsor legislation. Mayor Presley then asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3475**                    **Accepting the proposal of Cochran Head Vick & Co. P.C., for auditing services for the City of Branson.**

First reading of Bill No. 3475, an ordinance accepting the proposal of Cochran Head Vick & Co. Inc., for auditing services for the City of Branson and authorizing the Mayor to execute the letter of engagement was read by title by City Clerk Westfall and the staff report was presented by Ferris Brown. Mayor Presley asked for a motion approving the first reading of Bill No. 3475. Alderwoman Williams so moved, seconded by Alderman Purvis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley then asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3476**  
**Ord. No. 2007-014**                    **Accepting the proposal of bid award to Pierce Manufacturing, Inc. for the purchase of an aerial ladder fire apparatus for the City of Branson.**

First reading of Bill No. 3476, an ordinance accepting the proposal of bid award to Pierce Manufacturing, Inc. for the purchase of an aerial ladder fire apparatus 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 Carl Sparks. Mayor Presley asked for a motion approving the first reading of Bill No. 3476. Alderman Barker moved to approve, seconded by Alderman Purvis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley then asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried. City Clerk Westfall read Bill No. 3476 by title for the final reading. Alderman Barker moved to approve the final reading of Bill No. 3476, seconded by Alderman Purvis. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried. Ordinance No. 2007-014 was duly enacted.

**RESOLUTION NO.**  
**2007-R020**                    **Approving a Preliminary Subdivision Plat for The Preserve for properties located at 3401 Green Mountain Drive.**

A Resolution approving a Preliminary Subdivision Plat for The Preserve for properties located at 3401 Green Mountain Drive, Branson, Missouri was read by title by City Clerk Westfall and a staff report was presented by Don Stephens. Mayor Presley asked for a motion adopting the Resolution. Alderman Purvis so moved, seconded by Alderman Barker. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley then asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Resolution No. 2007-R020 was adopted.

## **APPOINTMENTS**

Mayor Presley made the following Board and Committee appointments:

Dr. Kenny Garrison to the Advisory Park Board filling unexpired term of Wes Stoner expiring June 2008.

Dr. Don Hoeck to the Advisory Park Board filling unexpired term of Mitch Holmes expiring June 2008.

Mayor Presley asked for a motion approving these appointments. Alderwoman Williams moved to approve the appointments as per the Mayor's request, seconded by Alderman Purvis. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

## **DISBURSEMENTS**

Mayor Presley stated the next item was review of disbursements, and asked if there were any questions regarding the disbursements. Mayor Presley asked for a motion acknowledging the receipt of disbursements. Alderman Purvis so moved, seconded by Alderman Marshall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

## **ALDERMEN/ADMINISTRATOR'S REPORTS**

Alderman McDowell stated the Citizen Survey Committee met and interviewed three firms for the community survey process. He wants to encourage everyone to participate. He said this will be a great tool to help support the Master Plan.

Alderman Gass said he attended the Commerce Park ground-breaking and he thinks this will be good for the community. He thanked Mike Rankin who did a good job getting this completed.

Alderman Marshall said the Finance Department presented a paper on the collection of tourism tax for nightly condo rentals at the last work session. He added that Tourism Tax revenue is the number two source of income for Branson and he will stay on this in the months ahead.

Alderman Purvis also acknowledged Mike Rankin for his hard work in bringing the Commerce Park to town. He said he looks forward to being allowed to bring ordinances and resolutions to the Council.

Alderwoman Williams said she wants to encourage everyone to participate in the citizen surveys. She asked the press to get involved in helping to encourage participation when the time comes. She also stated she is concerned with condominiums being built to be sold and then later used as nightly rentals. They do not have the safeguards required by the Building Department for rentals. She said there needs to be a way to track these so the safeguards can be required.

Administrator Schoneboom said that because of several questions regarding Fall Creek Road at the last work session he asked City Engineer David Miller to give an update on the project. David Miller said that Fall Creek Road, Phase Two of the project, is scheduled to be completed in early January. In the meantime he is working with the Missouri Department of Transportation to relinquish a little on their requirements for lane width so the left turn lane can be reopened.

Mayor Presley said the citizen survey discussion was very exciting and she is looking at these to go out after the first of the year. She said the Board will be meeting on November 13 to interview Executive Search Firms to assist the Board in securing a new City Administrator. She then asked City Attorney Paul Link for a report on the request to record Executive Session meetings. Paul Link said he looked into whether or not other cities engage in the practice of recording executive session discussions and he has been unable to find a Missouri city that does and the Missouri Municipal League was unaware of any cities and went on to say that they discourage it.

## **EXECUTIVE SESSION**

Mayor Presley then stated, that concluded the Regular Agenda and entertained a motion to adjourn to a closed Executive Session. Alderman Marshall moved to go into Closed Executive Session pursuant to 610.021.2 for real estate, seconded by Alderman Barker. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

## **ADJOURN**

At this time Mayor Presley asked for a motion to adjourn the Board of Alderman meeting. Alderman Purvis so moved, seconded by Alderwoman Williams. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried. Meeting adjourned at 8:55 p.m.