

# MINUTES

## THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI November 13, 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 November 13, 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, Assistant City Attorney William Duston, City Clerk Lisa Westfall, Director of Communications Jerry Adams, City Engineer David Miller, Director of Planning and Zoning Don Stephens, Director of Public Works Larry VanGilder, Police Chief Caroll McCullough, Fire Chief Carl Sparks, Director of Health Linn Smith, Director of Computer Information Services D.J. Cline and Parks Director Cindy Shook.

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

### SPECIAL RECOGNITION

Mayor Presley presented a plaque to Wes Stoner and Mitch Holmes for their service on the City of Branson Park Board.

### 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.

The speakers for the evening were:

Ron Herschend, 1211 Highway F, Branson, Missouri stated he applauds the job that the Aldermen are doing.

### 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. Hearing none, 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:

October 22, 2007 regular meeting.  
November 6, 2007 special meeting.

Acknowledge receipt of minutes:

September 27, 2007 Health Department Service Integration Task Force meeting.  
October 8, 2007 Capital Improvement Committee meeting.  
July 3, 2007 Planning and Zoning Commission work session.  
October 2, 2007 Planning and Zoning Commission meeting.

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

**ACKNOWLEDGEMENT RECEIPT OF PETITION**

Receipt of petition filed by Aaron & Joy Penrod for property located at 130 Brookside Court, Branson, Missouri was acknowledged within the Consent Agenda. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3470**

**Ord. No. 2007-115**

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

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-115 was duly enacted.

**BILL NO. 3471**

**Ord. No. 2007-116**

**Approving the extension of the placement of a manufactured building on property located at 100 Lakehills Drive.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-116 was duly enacted.

**BILL NO. 3473**

**Ord. No. 2007-117**

**Amending the Branson Municipal Code Chapter 26 Businesses; Article V Vehicles for Hire; Division 2 Taxicabs, Courtesy Cars and Limousines.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-117 was duly enacted.

**BILL NO. 3474**  
**Ord. No. 2007-118**

**Amending Chapter 2 of the Branson Municipal Code Administration, Article III Board of Aldermen, Sections 2-54 Regular Meetings.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-118 was duly enacted.

**BILL NO. 3475**  
**Ord. No. 2007-119**

**Accepting the proposal of Cochran Head Vick & Co. P.C., for auditing services for the City of Branson.**

Final reading of Bill No. 3475, an ordinance accepting the proposal of Cochran Head Vick & Co., P.C., 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-119 was duly enacted.

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

## **REGULAR AGENDA**

### **DISCUSSION ON THE INSTALLATION OF HOLIDAY DECORATIONS**

Ross Summers, President of Branson Lakes Area Chamber of Commerce and Convention & Visitors Bureau requested from the Tourism Tax Contingency Fund, \$30,000.00 for repair, installation and maintenance of the holiday stars. This was a result of discussion from the Board of Aldermen's work session. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Ron Herschend, 1211 Highway F, Branson, Missouri said that he supports tax dollars being spent on the installation and maintenance of the stars. He said that he is prepared to assist in raising funds privately if need be and stated that his wife would like to commit \$1,000.00 towards this issue. He also said he would present this to the Taney County Commissioners at the next meeting. Bill Skains, 1335 W. Highway 76, Engler Block, expressed his support of the project. He said that midtown Branson is starting to look a little ragged and he would like to see long range plans made for all of Highway 76. Discussion.

### **REQUEST FOR FUNDS**

Ross Summers, President of Branson Lakes Area Chamber of Commerce and Convention & Visitors Bureau presented a request for funds from the Tourism Tax Contingency Fund in the amount of \$25,000.00 to assist with the cost of the Branson Area Festival of Lights (BAFOL). He added that if BAFOL shows a profit those moneys would be returned to the City up to the \$25,000.00. He would also like to make a separate request of \$30,000.00 for the installation, maintenance and removal of the holiday stars. Alderwoman Williams moved to direct staff to bring forth an ordinance approving a contract for the expenditure of Tourism Tax Contingency Funds in the amount of \$25,000.00 for the Board of Aldermen

Festival of Lights and \$30,000.00 for the decorations of Christmas stars. This contract is to be negotiated with the Branson Lakes Area Chamber of Commerce for the installation and weekly maintenance of the Christmas decorations and for the Festival of Lights, 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. Alderman Gass moved to amend the motion to direct staff to bring forth an ordinance approving a contract for the expenditure of Tourism Tax Contingency Funds in the amount of \$25,000.00 for the Festival of Lights and \$29,000.00 for the decorations of Christmas stars, seconded by Alderman Barker. Mayor Presley called for a vote on the amendment. Voting aye: Purvis, Barker, McDowell, Gass and Marshall. Nays: Williams. Mayor Presley then called for a vote on the motion as amended. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

## **PRESENTATION OF THE BRANSON/LAKES AREA CHAMBER OF COMMERCE THIRD QUARTER MARKETING REPORT FOR 2007**

Dan Lennon, Vice President of Marketing and Public Relations presented the Third Quarter Marketing Report for 2007 as required by contract. Mayor Presley asked if anyone in the audience had questions or comments. Bill Skains, 1330 W. Highway 76, Branson, Missouri, member of the Branson Lakes Area Tourism Community Enhancement District Board (TCED) informed the Board that a Finance Director has been hired for the TCED to canvass businesses in this tourism district who are not paying the tourism tax, and he hopes to see an increase in the numbers in the fourth quarter. Mayor Presley asked for comments or questions from the Board. Discussion. Mayor Presley asked for a motion to accept the Branson/Lakes Area Chamber of Commerce Third Quarter Marketing Report for 2007 as required by contract. Alderman Gass so moved, seconded by Alderman Barker. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

Alderman Purvis departed the meeting at 8:05 p.m. and returned at 8:08 p.m.

## **DISCUSSION OF CITY BEAUTIFICATION**

Alderman McDowell discussed a plan for developing a long term Branson Beautification strategy. Mayor Presley asked if anyone in the audience had questions or comments. Jim Lekander, 602 Kings Way, Branson, Missouri applauded Alderman McDowell for his ideas regarding city beautification. He said he would like to see a Welcome to Branson sign on the highway. He also suggested keeping Branson beautiful by requiring as little tree removal as possible. Ron Herschend, 1211 Highway F, Branson, Missouri also applauded Alderman McDowell. He said this beautification initiative could play in bringing visitors back to the area several times throughout the seasons. Mayor Presley asked for comments from the Board. Discussion.

### **BILL NO. 3476**

#### **Authorizing the Mayor to execute a signing agreement with the Missouri Highways and Transportation Commission pertaining to the Branson Area Festival of Lights.**

First reading of Bill No. 3476, an ordinance authorizing the Mayor to execute a signing agreement with the Missouri Highway and Transportation Commission pertaining to the Branson Area Festival of Lights was read by title by City Clerk Westfall, and the staff report was presented by Jerry Adams. Mayor Presley asked for a motion approving the first reading of Bill No. 3476. Alderman Purvis so moved, seconded by Alderman Marshall. Mayor Presley asked for anyone wishing to speak regarding this matter. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3477**                    **Vacating a drainage, utility and sanitary sewer easement in Branson Hills Plaza Subdivision.**

First reading of Bill No. 3477, an ordinance vacating a drainage, utility and sanitary sewer easement in Branson Hills Plaza Subdivision, Branson, Missouri 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. 3477. Alderman Marshall so moved, seconded by Alderman Barker. Mayor Presley asked for anyone wishing to speak regarding this matter. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3478**                    **Approving a Microsoft Enterprise Agreement with Software Spectrum and Microsoft Corporation.**

First reading of Bill No. 3478, an ordinance approving a Microsoft Enterprise Agreement with Software Spectrum and Microsoft Corporation and authorizing the Mayor to execute the agreement was read by title by City Clerk Westfall, and the staff report was presented by D. J. Cline. Mayor Presley asked for a motion approving the first reading of Bill No. 3478. Alderman Barker moved to approve, seconded by Alderwoman Williams. Mayor Presley 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: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3479**                    **Approving the placement of a Housecar on properties located at 6 Branson Landing Boulevard.**

First reading of Bill No. 3479, an ordinance approving the placement of a Housecar on properties located at 6 Branson Landing Boulevard, 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. 3479. Alderman Gass so moved, seconded by Alderman Barker. Mayor Presley 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: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3480**                    **Approving a lease agreement between Manuel Solis, Jr. and the City of Branson.**

First reading of Bill No. 3480, an ordinance approving a lease agreement between Manuel Solis, Jr. and the City of Branson, and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall, and the staff report was presented by William Duston. Mayor Presley asked for a motion approving the first reading of Bill No. 3480. 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 asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3481**                    **Awarding of bid to Graybar Electric, Automated Control Solutions and Factorymation for lift station electrical equipment upgrade for the Public Works Department.**

First reading of Bill No. 3481, an ordinance awarding the bid to Graybar Electric, Automated Control Solutions and Factorymation for lift station electrical equipment upgrade for the Public Works Department and authorizing the Mayor to execute the same was read by title by City Clerk Westfall, and

the staff report was presented by Larry VanGilder. Mayor Presley asked for a motion approving the first reading of Bill No. 3481. Alderman Marshall so moved, seconded by Alderman Purvis. Mayor Presley 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: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**RESOLUTION NO.  
2007-R021**

**Stating the continued opposition of the Board of Aldermen of the City of Branson to the establishment of any casino gaming enterprise in the Tri-Lakes Area.**

A Resolution stating the continued opposition of the Board of Aldermen of the City of Branson to the establishment of any casino gaming enterprise in the Tri-Lakes Area was read by title by City Clerk Westfall and a staff report was presented by Alderman Purvis and William Duston. Mayor Presley asked for a motion adopting the Resolution. Alderman Marshall so moved, seconded by Alderman Purvis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Jory Rolf, 1392 Skyview Drive, Branson, Missouri thanked the Board for their proactive leadership and persistence in taking this stand right now for the future generations in keeping the friendly family values alive and well in the community. Mayor Presley then asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Resolution No. 2007-R021 was adopted.

Alderman Purvis departed the meeting at 9:17 p.m. and returned at 9:23 p.m.

## **APPOINTMENTS**

Mayor Presley made the following Board and Committee appointment:

Linn Windle - re-appointment to the Branson Housing Authority Board term expiring October 2011.

Mayor Presley asked for a motion approving this appointment. Alderman Marshall so moved, seconded by Alderman Purvis. 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 McDowell so moved, seconded by Alderman Purvis. Mayor Presley asked for any questions. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

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

Alderman McDowell thanked Frank Schoneboom for the Administrator's report. He asked for additional detail on the Roark Valley Road project. He also thanked Jerry Adams for supplying the citizen service requests. He mentioned he was very humbled by the character of people he met during Veterans' Day events. He requested the audio recording of the Planning and Zoning meetings be made available on the web as soon as possible after the meetings. He also said he enjoyed the Board of Aldermen

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Forester's report at the Planning and Zoning meeting and requested the report be made at a Board meeting.

Alderman Gass complimented everyone in the city of Branson for the great job they do for the Veterans.

Alderman Marshall said Veterans' week made an impact on him because it was about ordinary people doing extraordinary things. He stated we enjoy freedom today because there are people who have given their lives for us and people who continue to do so.

Alderman Purvis encouraged everyone to remember Thanksgiving. He said he and all of Branson have many things to be thankful for.

Alderwoman Williams applauded everyone involved with the various Veterans' celebrations.

Alderman Barker said he was honored to be able to welcome the Veterans to Branson where they are always honored and recognized. He thanked D.J. Cline and Lisa Westfall for the upgraded sound system. He also welcomed William Duston.

Frank Schoneboom said he attended various Veterans' events, and he was told by numerous individuals how much they enjoy and look forward to coming to Branson because they are always welcomed.

Mayor Presley commented on the great Veterans' Day parade and the other successful events. She thanked everyone who attended her birthday party and donated 219 toys. She reminded everyone the Taney County/City of Branson luncheon will be November 26, 2007. She also said the Board has been invited to tour the new Branson school scheduled to open in January.

## **EXECUTIVE SESSION**

Mayor Presley then stated, that concluded the Regular Agenda and entertained a motion to adjourn to a closed Executive Session. Alderman Gass moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation, 610.021.2 RSMo for real estate and 610.021.3 RSMo for personnel, seconded by Alderman Purvis. 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 Barker so moved, seconded by Alderman Purvis. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried. Meeting adjourned at 9:24 p.m.