

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI November 26, 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 26, 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, Director of Planning and Zoning Don Stephens, Director of Public Works Larry VanGilder, Director of Finance Ferris Brown, Police Chief Carol McCullough, 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 introduced Brenda Cirtin, Springfield, Missouri City Clerk and Chairperson of the Public Relations Committee of the Missouri City Clerks and Finance Officers Association who presented City Clerk Lisa Westfall with two certifications. One names City Clerk Westfall a Missouri Registered Clerk by the Missouri City Clerks and Finance Officers Association and the other names her a Certified Municipal Clerk from the International Institute of Municipal Clerks.

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:

Darin Codon, General Delivery, Branson, Missouri, said he is the most ethical one out of everyone and other reporters don't like him because he tells the truth and challenges people. He is lobbying to raise money at Branson Landing. He has a special religion called "Love your Daddy", and what he's talking about is raising money for charities in town. He also said someone in the room made fun of his name and said he was lying. Mr. Codon stated if he has something to criticize you for he will do his best to let you know ahead of time, but he can't always do that since what is said is on public record. He explained that the Board are benevolent fascists and are here for a common defense. They control an army and are extremely powerful. Not only because they are elected by the people but

because they are sons and daughters of a creator that has given them incredible power. He told the Board he studies two things, church and state. He added that he brought some experts with him to the meeting to verify the things he is saying. At that time he called for anyone Jewish to come forward. He then discussed the origin of his Grandmother's name. He stated he does investigative reporting and asked why investigative reporting is not done by the city. He asked Jerry Adams to address the Council and a discussion pursued with the City Attorney concerning staff answering questions. Mr. Codon said the reason why the city doesn't do investigative reporting is that it is too expensive.

Gary Groman, 230 River Point Road, Hollister, Missouri read a statement concerning taking "Christmas" out of Christmas, and the substitution of "holiday" for Christmas. But he stated not us; we proudly celebrate Ozark Mountain Christmas. He added despite public surveys showing most do celebrate the Federal holiday, the traditional American Christmas is still under attack. He drove around town and did not see the word "Christmas" displayed except on two businesses. Although Christmas means different things to different people, here as he is stating, it is being used as defined in Federal code. If it is of a religious significance depends on what is in the hearts of those hearing and saying it. Mr. Groman stated that we promote Ozark Mountain Christmas. With other festivals we encourage people to get with the spirit of the occasion being promoted. He asked the Board to consider adopting a resolution supporting Ozark Mountain Christmas, and a policy of keeping the word and spirit of Christmas in Christmas and foster the history and heritage of the traditional American Christmas in Branson, Missouri.

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:

- November 13, 2007 special meeting search firms.
- November 13, 2007 regular meeting.
- November 14, 2007 appreciation luncheon.
- November 16, 2007 coffee with the Mayor.
- November 19, 2007 Personal Rapid Transit presentation.

Acknowledge receipt of minutes:

- September 18, 2007 Park Board meeting.

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

ACKNOWLEDGEMENT RECEIPT OF PETITION

Receipt of petition filed by Richard Matto, for property located at 202, 209, 212, and 220 Hunter Avenue, Branson, Missouri was acknowledged within the Consent Agenda. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

BILL NO. 3476A

Ord. No. 2007-120 **Authorizing the Mayor to execute a signing agreement with the Missouri Highways and Transportation Commission pertaining to the Branson Area Festival of Lights.**

Final reading of Bill No. 3476A, an ordinance authorizing the Mayor to execute a signing agreement with the Missouri Highways and Transportation Commission pertaining to the Branson Area Festival of Lights was read by title by City Clerk Westfall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-120 was duly enacted.

BILL NO. 3477

Ord. No. 2007-121 **Vacating a drainage, utility and sanitary sewer easement in Branson Hills Plaza Subdivision.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-121 was duly enacted.

BILL NO. 3478

Ord. No. 2007-122 **Approving a Microsoft Enterprise Agreement with Software Spectrum and Microsoft Corporation.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-122 was duly enacted.

BILL NO. 3479

Ord. No. 2007-123 **Approving the placement of a Housecar on properties located at 6 Branson Landing Boulevard.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-123 was duly enacted.

BILL NO. 3480

Ord. No. 2007-124 **Approving a lease agreement between Manuel Solis, Jr. and the City of Branson.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-124 was duly enacted.

BILL NO. 3481

Ord. No. 2007-125 **Awarding of bid to Graybar Electric, Automated Control Solutions and Factorymation for lift station electrical equipment upgrade for the Public Works Department.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-125 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

REQUEST FOR FUNDS

Stormy Snow, 602 Kingsway, Branson, Missouri presented a request by the American Presidents Museum for \$50,000.00 in funds from the Tourism Tax Contingency Fund in support of the The National Center for Presidential Studies, dba American Presidents Museum and the planned exhibition, *American Presidents*, scheduled for March 4 through April 30, 2008. Mayor Presley asked for comments or questions from the audience. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Mayor Presley asked for a motion from the Board. Hearing none, Mayor Presley proceeded to the next item.

REQUEST FOR FUNDS

Ross Summers, President, Branson Lakes Area Chamber of Commerce and Larry Wilhite, General Manager, Mansion Theater, 1194 Bird Road, Branson, Missouri presented a request by the Branson Lakes Area Chamber of Commerce for \$15,000.00 in funds from the Tourism Tax Contingency fund for marketing and promotion of the Billboard World Song Contest Awards Show and Presentation scheduled for March-April, 2008. Mayor Presley asked for comments or questions from the audience. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Mayor Presley asked for a motion from the Board. Alderwoman Williams moved to award this request to the Chamber of Commerce for the Billboard Magazine event for the amount of \$15,000.00, but that \$15,000.00 must totally be used for marketing, none of it being used for the prize money, seconded by Alderman Purvis. Mayor Presley asked for comments from the audience. Bob Huels, 500 West Main Street, Branson, Missouri stated that he had no objection but requested that none of the City of Branson money be used for advertising in Billboard Magazine. Discussion. Voting aye: Purvis, Williams, Barker and Gass. Nays: McDowell and Marshall. Motion carried.

PRESENTATION ON "WALK OF FAME"

Bonnie Johnson, Representative of the Historic Downtown Branson Business Owners Association, addressed the Board regarding a "Walk of Fame" in the sidewalks of Historic Downtown Branson. She explained that the Stars would be located on Main and Commercial streets and maintained by the Historic Downtown Branson Business Owners Association. She stated funding for the Stars would come from various sources with no money being requested from the City of Branson. Mayor Presley asked for comments or questions from the audience. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Mayor Presley asked for a motion from the Board. Alderwoman Williams moved to direct staff to bring forth an ordinance approving a contract with the Historic Downtown Branson Business Owners Association regarding the Walk of Fame, and within the motion direct staff to meet with Bonnie Johnson to help develop the criteria that we are trying to look for; and at that time when they present us with this ordinance that the criteria is also presented by Bonnie, seconded by Alderman Barker. Mayor Presley asked for comments from the audience. Brent Johnson, Classy Flea, 107 East Main Street, Branson, Missouri stated a lot of discussion has taken Board of Aldermen

place within the Association regarding this proposal and Bonnie has done a lot of research. He said a committee will be formed to review each application, and they will not be sold to the highest bidders or someone just wanting a little fame. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass, and Marshall. Nays: none. Motion carried.

DISCUSSION ON INCREASING CERTAIN PARK USER FEES

Parks Director Cindy Shook addressed the Board regarding increasing certain park user fees. Mayor Presley asked for questions or comments from the audience. Hearing none, Mayor Presley asked for comments from the Board. Discussion.

Mayor Presley called for a break at 8:52 p.m. and the meeting reconvened at 9:02 p.m.

PRESENTATION ON THE OPERATIONS AND RESPONSIBILITIES OF THE CITY FORESTER.

Director of Planning and Zoning Don Stephens provided a staff report on the operations and responsibilities of the City Forester and introduced the new City Forester Tara Norbick who provided a presentation. Mayor Presley asked for questions or comments from the audience. Hearing none, Mayor Presley asked for comments from the Board. Discussion.

BILL NO. 3482 **Approving a Planned Development for the Eoff Planned Development and adopting Land Use Regulations PD-07-009 for properties located at 100 Woodleigh Road.**

Public hearing and first reading of Bill No. 3482, an ordinance approving a Planned Development for the Eoff Planned Development and adopting Land Use Regulations PD-07-009 for properties located at 100 Woodleigh Road, 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. 3482. Alderman Barker moved to approve, seconded by Alderman Purvis. Mayor Presley then asked for anyone 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. 3483 **Approving a Municipal Code Amendment to Section 66-34 of the Branson Municipal Code pertaining to the use of unapproved plat in sale of land.**

Public hearing and first reading of Bill No. 3483, an ordinance approving a Municipal Code Amendment to Section 66-34 of the Branson Municipal Code pertaining to the use of unapproved plat in sale of land 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. 3483. Alderman Gass so moved, seconded by Alderman Purvis. Mayor Presley then asked for anyone 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. 3484 **Authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce.**

First reading of Bill No. 3484, an ordinance authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce, and authorizing the

Mayor to execute the agreement was read by title by City Clerk Westfall, and the staff report was presented by Frank Schoneboom. Mayor Presley asked for a motion approving the first reading of Bill No. 3484. Alderman Barker moved to approve, seconded by Alderwoman Williams. Mayor Presley asked for anyone 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. 3485 **Authorizing the Mayor to execute an amendment to the Sewer Facilities and Annexation Agreement with Myer Land Development CO./DBA Whisper Cove, Myer Land L.L.C and Riverbend Land L.L.C/DBA the Estates at Majestic Point, Charlie C. and Scottie Earls and Carolyn Ford.**

First reading of Bill No. 3485, an ordinance authorizing the Mayor to execute an amendment to the Sewer Facilities and Annexation Agreement with Myer Land Development CO./DBA Whisper Cove, Myer Land L.L.C and Riverbend Land L.L.C/DBA the Estates at Majestic Point, Charlie C. and Scottie Earls and Carolyn Ford and the City of Branson 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. 3485. Alderwoman Williams 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. 3486 **Awarding the bid to APAC-Missouri, Inc. for overlaying asphalt on two streets located in the City of Branson for the Public Works Department.**

First reading of Bill No. 3486, an ordinance awarding the bid to APAC-Missouri, Inc. for overlaying asphalt on two streets located in the City of Branson 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. 3486. Alderman Gass so moved, seconded by Alderman Marshall. 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. 3487 **Awarding the bid to Journagan Construction, Co. to furnish materials and labor to construct Cast-in-Place Concrete Curb and Guttering for the City of Branson for the Public Works Department.**

First reading of Bill No. 3487, an ordinance awarding the bid to Journagan Construction, Co. to furnish materials and labor to construct Cast-in-Place Concrete Curb and Guttering for the City of Branson 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. 3487. 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. 3488 **Accepting the proposal of ETC Institute pertaining to Citizens Survey.**

First reading of Bill No. 3488, an ordinance accepting the proposal of ETC Institute pertaining to Citizens Survey and authorizing the Mayor to execute a contract was read by title by City Clerk

Westfall, and the staff report was presented by Frank Schoneboom. Karen Faulk, Senior Project Manager, ETC Institute provided an overview of the survey process. Mayor Presley asked for a motion approving the first reading of Bill No. 3488. Alderman Purvis so moved, 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. 3489 **Accepting the proposal of services from Slavin Management Consultants pertaining to the City Administrator position.**

First reading of Bill No. 3489, an ordinance accepting the proposal of services from Slavin Management Consultants pertaining to the Executive Search Firm for the position of City Administrator and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall, and the staff report was presented by Frank Schoneboom. Mayor Presley asked for a motion approving the first reading of Bill No. 3489. 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.

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. 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 Barker said he hoped everyone had a great Thanksgiving. He recognized Lisa Westfall again for all of her hard work and professionalism.

Alderman McDowell asked that the traffic study done in the downtown area over a year ago be brought forward again in order to update it due to all the changes that have taken place. He congratulated Lisa Westfall on her accomplishments and he also thanked Jerry Adams for putting together the Information Center in the lobby. He talked about the Beautification Committee he brought forward at the work session and thanked everyone for the support he has received.

Alderman Gass reminded his fellow Alderman about the Red Kettle Community Challenge on December 8, 2007 for the Salvation Army.

Alderman Marshall asked for a review of the Tourism Tax policy and the ordinance governing the issuance of dog, cat and ferret tags for the area.

Alderman Purvis congratulated Lisa Westfall for a job well done. He thanked Public Works and the Police Department for the outstanding job they did handling the Thanksgiving traffic. He requested the city to look into installing a drive-up window for utility payments. He said it would be convenient for handicapped people and others in the community.

Alderwoman Williams congratulated Lisa Westfall. She also said the review of issuance of animal tags is a wonderful idea.

Mayor Presley thanked D.J. Cline for the smooth working voting and sound system. She said she attended the Housing Authority Board Meeting and it is a great Board that is very engaged in looking at work force and senior citizen housing. She said she would be going to Jefferson City to attend a presentation that Southern Missouri Gas will be making to the Public Service Commission and to show support for natural gas in Branson. She reminded everyone about the Finance Committee Meeting and the Adoration Parade.

EXECUTIVE SESSION

Mayor Presley stated, that concluded the Regular Agenda and entertained a motion to adjourn to a closed Executive Session. Alderman Purvis moved to go into Closed Executive Session pursuant to 610.021.2 RSMo for real estate, seconded by Alderwoman Williams. 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 Aldermen meeting. Alderman Marshall so moved, seconded by Alderman Purvis. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried. Meeting adjourned at 10:52 p.m.