

# MINUTES

## THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI December 10, 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 December 10, 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, Police Chief Caroll McCullough, Director of Computer Information Services D.J. Cline, Parks Director Cindy Shook, Director of Engineering David Miller and Fire Chief Carl Sparks.

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

Mayor Presley asked the Board to consider moving Item No. 17 forward, and placing it directly after the Public Comment Section. Alderwoman Williams moved to move Item No. 17 and place it as Item No. 1 and renumber the remaining items. Seconded by Alderman Purvis. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

### 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, waited until resolution.

John Logan, 2277 Lakeshore Drive, Branson, Missouri, said he feels Branson has one of the finest Boards and he admires what it has done. He said in November the people of Branson, Hollister and all of the communities in Taney County voted no to parks, White River Valley Electric [White River Valley Historical Society] and a bridge across Lake Taneycomo. He said it is wrong for the elected people of this County to usurp the voters. He suggested a resolution from each community to the Governor and Missouri Department of Transportation to tell them it should be the State's responsibility.

Dave Edie, 129 Stoneridge Drive, Branson, Missouri, requested Ordinance No. 2006-171 be revisited and the paragraph that removed the 300 foot limitation be restored to the original building height limit of 100 feet. There is no sign of this building being built, but if built it wouldn't be in harmony with this city.

**RESOLUTION NO.  
2007-R022**

**Stating the support of the Board of Aldermen of the City of Branson to the celebration of Christmas as part of Ozark Mountain Christmas.**

A Resolution stating the support of the Board of Aldermen of the City of Branson to the celebration of Christmas in Branson as part of Ozark Mountain Christmas was read by title by City Clerk Westfall and was introduced by Alderman Marshall. Mayor Presley asked for a motion adopting the Resolution. Alderman Marshall so moved, seconded by Alderwoman Williams. Mayor Presley asked for any proposed amendments. Hearing none, Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. John Logan, 2277 Lakeshore Drive, Branson, Missouri, stated he supports the Resolution. John Freed, 220 Eagle Point Drive, Branson, Missouri thanked Alderman Marshall and said he should be commended. Darin Codon, P.O. Box 2065, Branson, Missouri asked the Board to consider adding "We the Board of Aldermen affirm the right of Citizens, the God given ability to express their beliefs, no matter what they are". He said it would be a positive addition to the proposed language regarding the Christmas Resolution. Bill Skains, 1335 West Highway 76, Branson, Missouri stated he had no objections to the Resolution. Jory Rolf, 1392 Skyview Drive, Branson, Missouri thanked Aldermen Marshall and Williams for their proactive leadership. He said he fully supports the Resolution. Bob Simmons, 918 Valley View, Branson, Missouri thanked Alderman Marshall for bringing forth the Resolution and said it reaffirms what the city of Branson's position is on Christmas and the season. Mayor Presley then asked for comments from the Board. Discussion. Alderman Marshall moved to amend Resolution No. 2007-R022 by removing Section 1 and Section 2, seconded by Alderman Gass. Mayor Presley asked for comments from the audience. John Logan, 2277 Lakeshore Drive, Branson, Missouri, objected to the amendment. He asked the Board to not deny Christmas in Branson. Darin Codon, P.O. Box 2065, Branson, Missouri, stated "if we are not killing people on Christmas, maybe we are coming a long way". Gail Myer, 365 Whisper Ridge, Branson, Missouri, asked the Board to consider amending the Resolution by leaving Section 1 as is, strike Section 3, and changing Section 2 to read "In furtherance of that support, the Board hereby urges Branson businesses to foster the history and heritage of Ozark Mountain Christmas in Branson Missouri". Gary Groman, 230 Riverpoint Road, Hollister, Missouri, suggested the title of the Resolution be "Support of the celebration of Christmas in Branson as part of Ozark Mountain Christmas". He said Ozark Mountain Christmas means different things to different people. John Freed, 220 Eagle Point Drive, Branson, Missouri, urged the Board to support the Resolution as originally presented. Russ Hoeflicker, 1736 Graham Clark Drive, Hollister, Missouri, said let us be judged not by a Resolution but by our actions. Mayor Presley asked for comments from the Board. Discussion. Mayor Presley asked for a vote on the amendment. Voting aye: Purvis, Barker, McDowell, Gass and Marshall. Nays: Williams. Motion carried. Mayor Presley then asked for a vote on the Resolution as amended. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Resolution No. 2007-R022 was adopted.

## **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 20, 2007 special meeting.  
November 26, 2007 special meeting.

November 26, 2007 regular meeting.  
December 4, 2007 special meeting.

Acknowledge receipt of minutes:

Planning & Zoning Commission work session of July 31, 2007.  
Planning & Zoning Commission meeting of November 6, 2007.

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

**BILL NO. 3482**

**Ord. No. 2007-126**     **Approving a Planned Development for the Eoff Planned Development and adopting Land Use Regulations PD-07-009 for properties located at 100 Woodleigh Road.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-126 was duly enacted.

**BILL NO. 3483**

**Ord. No. 2007-127**     **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.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-127 was duly enacted.

**BILL NO. 3484**

**Ord. No. 2007-128**     **Authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-128 was duly enacted.

**BILL NO. 3485**

**Ord. No. 2007-129**     **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.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-129 was duly enacted.

**BILL NO. 3486**  
**Ord. No. 2007-130**

**Awarding the bid to APAC-Missouri, Inc. for overlaying asphalt on two streets located in the City of Branson for the Public Works Department.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-130 was duly enacted.

**BILL NO. 3487**  
**Ord. No. 2007-131**

**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.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-131 was duly enacted.

**BILL NO. 3488**  
**Ord. No. 2007-132**

**Accepting the proposal of ETC Institute pertaining to Citizens Survey.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-132 was duly enacted.

**BILL NO. 3489**  
**Ord. No. 2007-133**

**Accepting the proposal of services from Slavin Management Consultants pertaining to the City Administrator position.**

Final 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Ordinance No. 2007-133 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**

**BILL NO. 3490**                    **Approving annexation of property petitioned by Richard Matto located at 202, 209, 212 & 220 Hunter Avenue.**

Public hearing and first reading of Bill No. 3490, an ordinance approving annexation of property petitioned by Richard Matto located at 202, 209, 212 & 220 Hunter Avenue, 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 Board of Aldermen

reading of Bill No. 3490. Alderman Marshall so moved, seconded by Alderman Purvis. Mayor Presley then asked for anyone wishing to speak regarding this matter. Richard Matto, 246 Hunter Avenue, Branson, Missouri, stated all of the lots are residential except for the lot on Fall Creek which he expects to be commercial. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3491**                    **Approving annexation of property petitioned by Aaron & Joy Penrod located at 130 Brookside Court.**

Public hearing and first reading of Bill No. 3491, an ordinance approving annexation of property petitioned by Aaron & Joy Penrod located at 130 Brookside Court, 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. 3491. Alderman Gass so moved, seconded by Alderman Barker. 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. 3492**                    **Authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce to be used for marketing for the Billboard World Song Contest Awards Show.**

First reading of Bill No. 3492, an ordinance authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce to be used for marketing for the Billboard World Song Contest Awards Show and authorizing the Mayor to execute the agreement was read by title by City Clerk Westfall, and the introduction was presented by Ross Summers. Mr. Summers stated the information requested by the Board from the sponsor of the event has not been received. He asked that this item be postponed. Mayor Presley asked for a motion. Alderman Gass moved to postpone to the first meeting in January, seconded by Alderman Purvis. Mayor Presley then asked for any comments or questions. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3493**                    **Amending the Branson Municipal Code, Section 62-11 to increase certain park user fees.**

First reading of Bill No. 3493, an ordinance amending the Branson Municipal Code, Section 62-11 to increase certain park user fees was read by title by City Clerk Westfall, and the staff report was presented by Cindy Shook. Mayor Presley asked for a motion approving the first reading of Bill No. 3493. 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 asked for comments from the Board. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3494**                    **Awarding the bid to Van Wall Equipment and Turf Professionals for purchase of mowers for the City of Branson Parks and Recreation Department.**

First reading of Bill No. 3494, an ordinance awarding the bid to Van Wall Equipment and Turf Professionals for purchase of mowers for the City of Branson Parks and Recreation Department and

authorizing the Mayor to execute the same was read by title by City Clerk Westfall, and the staff report was presented by Cindy Shook. Mayor Presley asked for a motion approving the first reading of Bill No. 3494. 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. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

**BILL NO. 3495**

**Awarding the bid to Thomas Brothers Office Furnishings for the purchase of materials, equipment and labor for the reconfiguration of the Planning and Development Office.**

First reading of Bill No. 3495, an ordinance awarding the bid to Thomas Brothers Office Furnishings for the purchase of materials, equipment and labor for the reconfiguration of the Planning and Development Office and authorizing the Mayor to execute the same 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. 3495. 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. Alderwoman Williams requested the record reflect that an effort was made to get bidders. This is not a sole source bid. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

## **DISBURSEMENTS**

Mayor Presley stated the disbursements came after the Finance Committee meeting and suggested they be reviewed at the January Finance Committee meeting and be brought to the February Board of Aldermen meeting. Discussion.

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

Alderman Gass gave a report on the Red Kettle Community Challenge Day. He said there were nine participants for the challenge. The Branson Hollister Noon Rotary Club, two-time winner, brought in \$4,397.00 and the Branson City Council brought in \$1,734.00 and came in third place. A grand total of \$11,850.00 was collected. He thanked all of the Aldermen and the Mayor for coming out and ringing the bell in support of the Salvation Army.

Alderman Marshall said Merry Christmas.

Alderman Purvis expressed his gratitude to the many people who participated in the bell ringing day for the Salvation Army. He also said he expects some negative connotations regarding tonight's meeting but he does not stand in judgment by the media but by an almighty God. He wished all a Merry Christmas and a Blessed Happy New Year.

Alderwoman Williams thanked Alderman Marshall for stepping forward with tonight's resolution. She also thanked staff and the City Clerk for the bulletin board outside the North door on the second level. She said the Adoration Parade was wonderful and thanked everyone who worked so hard to put it on. She wished everyone a Merry Christmas.

Alderman Barker said he also thought the Adoration Parade was great. He pointed out next year will be the sixtieth anniversary of the Adoration Parade. He encouraged everyone to get involved with the Salvation Army Red Kettle Drive. He wished everyone a Merry Christmas.

Alderman McDowell commented on the city employee Christmas party and said it was a great event. He said he appreciates the unifying effort that is coming together to allow the Board to do things that may not have been considered before. He wished everyone happy holidays.

Frank Schoneboom said ETC would like to schedule a pre-survey meeting with the Mayor, Alderman McDowell and himself. On behalf of staff he thanked the Aldermen who attended the holiday party. He wished everyone a Merry Christmas and Happy New Year.

Mayor Presley added her Merry Christmas and said even though the evening was difficult due to the resolution the system worked just the way it is meant to. Any Aldermen has the ability to bring forward a proposal, have open discussion and allow the community to participate.

## **ADJOURN**

At this time Mayor Presley asked for a motion to adjourn the Board of Aldermen meeting. Alderman McDowell so moved, seconded by Alderwoman Williams. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried. Meeting adjourned at 8:43 p.m.

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Raeanne Presley  
Mayor

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Lisa K Westfall  
City Clerk