

# **MINUTES**

**THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
December 9, 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 December 9, 2008 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Dean Kruithof, Assistant City Attorney William Duston, City Clerk Lisa Westfall, Director of Communications Jerry Adams, Director of Computer Information Services D.J. Cline, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Director of Human Resources Debbie Durler, Police Chief Carol McCullough and Director of Finance Lori Helle.

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

## **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 the Speaker's Sheet in the order they are listed on the sheet.

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. 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, 2008 study session  
November 25, 2008 regular meeting

Acknowledge Receipt of Minutes:

Board of Adjustment meeting of August 27, 2008  
Budget & Finance Committee meeting of October 15, 2008  
Budget & Finance Committee meeting of October 28, 2008

Budget & Finance Committee meeting of November 25, 2008  
Park Board meeting of October 21, 2008  
Personnel Committee meeting of November 7, 2008

**Bill No. 3607**

**Ord. No. 2008-114**     **Authorizing the Mayor to execute an amendment to the Professional Engineering Services Agreement with Delich, Roth & Goodwillie, P.A. pertaining to the design and construction phase engineering services for the MO 248 and US 65 Interchange Improvement Project.**

Final reading of Bill No. 3607, an ordinance authorizing the Mayor to execute an amendment to the Professional Engineering Services Agreement with Delich, Roth & Goodwillie, P.A. pertaining to the design and construction phase engineering services for the MO 248 and US 65 Interchange Improvement Project was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2008-114 was duly enacted.

**Bill No. 3608**

**Ord. No. 2008-115**     **Approving a Municipal Code amendment to Section 415.010 of the Branson Municipal Code pertaining to Parking Surfaces.**

Final reading of Bill No. 3608, an ordinance approving a Municipal Code amendment to Section 415.010 of the Branson Municipal Code pertaining to Parking Surfaces was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2008-115 was duly enacted.

**Bill No. 3609**

**Ord. No. 2008-116**     **Approving a zoning change for property currently zoned R-1 One-family Dwelling District to be rezoned R-3 Multiple-family Dwelling District located at 1299, 1311, 1321, 1327, 1337, 1347, 1353, 1359 & 1377 Berry Drive.**

Final reading of Bill No. 3609, an ordinance approving a zoning change for property currently zoned R-1 One-family Dwelling District to be rezoned R-3 Multiple-family Dwelling District located at 1299, 1311, 1321, 1327, 1337, 1347, 1353, 1359 & 1377 Berry Drive, Branson, Missouri, was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2008-116 was duly enacted.

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

## **REGULAR AGENDA**

Alderman McDowell arrived at 7:33 p.m.

### **PRESENTATION OF THE BRANSON/LAKES AREA CHAMBER OF COMMERCE THIRD QUARTER MARKETING REPORT FOR 2008**

Dan Lennon, Vice President of Marketing and Public Relations of the Branson/Lakes Area Chamber of Commerce presented the Third Quarter Marketing Report for 2008 as required by contract.

Mayor Presley asked for a motion to accept the Branson/Lakes Area Chamber of Commerce Third Quarter Marketing Report for 2008 as required by contract. Alderman Barker moved to approve, seconded by Alderwoman Williams. 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

**Bill No. 3610**                    **Approving a Municipal Code amendment to Chapter 38, Article III, Section 38-62 of the Branson Municipal Code pertaining to fire prevention and protection.**

First reading of Bill No. 3610, an ordinance approving a Municipal Code amendment to Chapter 38, Article III, Section 38-62 of the Branson Municipal Code pertaining to fire prevention and protection was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof and Carl Sparks. Mayor Presley asked for a motion approving the first reading of Bill No. 3610. Alderman Marshall so moved, seconded by Alderwoman Bohinc. 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: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

**Bill No. 3611**                    **Approving a sewer services, facilities and annexation agreement with Tuscany on the Lake, LLC.**

First reading of Bill No. 3611, an ordinance approving a sewer services, facilities and annexation agreement with Tuscany on the Lake, LLC and the City of Branson and authorizing the Mayor to execute the agreement was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof and Larry VanGilder. Mayor Presley asked for a motion approving the first reading of Bill No. 3611. 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. Paul Link, 3027 Highway 76, Branson, Missouri stated the Corps take line from Tablerock Lake is the city limits and without the five feet strip, anything built on the lake would be contiguous to the city. He said the Developer is not trying to avoid being annexed into the city, but this is a boat dock issue. Russell Cook, Hollister, Missouri, stated C.J. Perme bought the property, had a Taney County Division 3 permit and cleared the land before he bought it. He said TanStone is still part owners. Mr. Cook said there was an additional nine acres cleared for a total of 26 acres. Paul Link stated plan reviews had been done by a third party company causing delays in getting plans approved but is not an issue now because they are handled in house. He said the Developer is requesting a go to person to make the process faster because the person would be familiar with the development. It was agreed upon because the Developer wants to build to City code and have city sewer. Voting aye: Barker, Davis, Williams, Bohinc and McDowell. Nays: none. Abstain: Marshall. Motion carried.

**Bill No. 3612**                    **Approving a change in the City of Branson's Missouri Local Government Employees Retirement System (LAGERS) Benefit Program to elect Rule of 80 eligibility for benefits.**

First reading of Bill No. 3612, an ordinance approving a change in the City of Branson's Missouri Local Government Employees Retirement System (LAGERS) Benefit Program to elect Rule of 80 eligibility for benefits was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof and Debbie Durler. Mayor Presley asked for a motion approving the first reading of Bill No. 3612. Alderwoman Bohinc 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: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

## **DISBURSEMENTS**

Mayor Presley stated the next item was review of disbursements for October 28, 2008 through November 20, 2008 and asked if there were any questions regarding the disbursements. [See Master File for copies of disbursements.] Discussion. Mayor Presley asked for a motion acknowledging the receipt of disbursements. Alderwoman Williams moved to recognize the disbursements, seconded by Alderman Marshall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

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

Alderman Barker said it was nice the Branson Landing won the International Design and Development award in the Annual Shopping Center Competition. He said there were sixty three entries representing twenty five countries. He reminded everyone that on Saturday, December 13, 2008 the Aldermen and City Administrator will be ringing bells for the Salvation Army and the counting party will be at Ozark Mountain Bank at 5:30 p.m. He wished everyone a safe and very Merry Christmas.

Alderman Davis said Merry Christmas and Seasons Greetings to all.

Alderwoman Williams said the 2010 census committee meeting will be held at City Hall on Monday, December 15, 2008 at 10:00 a.m. She said the census is important because grants awarding federal money are based on census information. She also reminded everyone that Municipal offices will be open on December 16, 2008 for filing if anyone wants to run for Branson Board of Aldermen.

Alderman Marshall stated the Springfield News-Leader runs a column named "Roses and Thorns" and recently there was a "thorn" article to the Springfield City Council for not moving on modifying their pet ordinance. He said he did not want to be a "thorn" but asked again if the Board would please move the pet ordinance issue up the agenda. He said he looks forward to the holiday party on Friday, December 12, 2008 and wished everyone a Merry Christmas.

Alderwoman Bohinc said she attended the Legislative Partnership Breakfast with the forty three new state legislators and felt it was a helpful head start for working with them on the needs of this community. She said she also had the opportunity to speak with MoDot concerning wheelchair access along Highway 76 in order to make it ADA compliant. There was an article in the Springfield News-Leader stating MoDot is going to allocate approximately one million dollars towards sidewalks on the Highway 76 strip. She wished everyone a Merry Christmas and thanked everyone for coming to the meeting.

Administrator Kruithof stated the City had applied for funding from HUD to be used for acquiring foreclosed property. He said Branson was one of only three cities that applied but did not receive anything. He said it was disappointing but there is an indication some secondary funding could be available and the City will be applying for those funds. He thanked Chief McCullough and the Police Department for the demonstration of the latest law enforcement technology for police vehicles. He wished everyone a Merry Christmas.

Mayor Presley stated \$70,000.00 is budgeted for social services and asked for a request for proposal be published so the Board can start considering requests from organizations that can put this money to good use. She said a committee consisting of Board members, staff and community members will be set up to evaluate the proposals and make recommendations to the Board. She

reminded everyone of the airline announcement on Thursday, December 11, 2008 at 9:30 a.m. and the December finance committee meeting is rescheduled to January 6, 2009.

## **EXECUTIVE SESSION**

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

## **ADJOURN**

At this time Mayor Presley asked for a motion to adjourn. Alderman Marshall moved to adjourn, seconded by Alderwoman Williams. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Meeting adjourned at 9:38 p.m.

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Raeanne Presley  
Mayor

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Lisa K Westfall  
City Clerk