

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI February 11, 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 February 11, 2008 at 7:00 p.m. with the following members present:

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

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 Computer Information Services D.J. Cline, Director of Engineering David Miller, Director of Finance Ferris Brown, Fire Chief Carl Sparks, Director of Planning and Zoning Don Stephens, Police Chief Carroll McCullough and Director of Public Works Larry VanGilder.

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 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. Stephen Bradford, 301 W. Pacific, Branson, Missouri, asked that Item 4, final reading of Bill No. 3504, be moved to the Regular Agenda for further comment. Alderman Barker made the request. Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda for further discussion. Alderman Barker asked that Item No. 7 be removed from the Consent Agenda and placed as the first item on the Regular Agenda. 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:

January 22, 2008 special meeting.
January 28, 2008 regular meeting.
February 5, 2008 special meeting.

Acknowledge receipt of minutes:

Health Integration Task Force meeting of January 7, 2008.

Acknowledge receipt of Annexation Petition filed by Robert M. Doyle located at 439 Timberlane Drive, Branson, Missouri.

BILL NO. 3505

Ord. No. 2008-015

Approving an agreement between the City of Branson and Burns and McDonnell Engineering Company, Inc. for the development of the Water Facilities Master Plan.

Final reading of Bill No. 3505, an ordinance approving an agreement between the City of Branson and Burns and McDonnell Engineering Company, Inc. for the development of the Water Facilities Master Plan and authorizing the Mayor to enter into the agreement. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Ordinance No. 2008-015 was duly enacted.

BILL NO. 3506

Ord. No. 2008-016

Approving a Municipal Code amendment to Chapter 1 by adding definition of Developer and Chapter 78 by adding Section 78-68 to the Branson Municipal Code pertaining to required minimum improvements regarding development of existing property.

Final reading of Bill No. 3506, an ordinance approving a Municipal Code amendment to Chapter 1 by adding definition of Developer and Chapter 78 by adding Section 78-68 to the Branson Municipal Code pertaining to required minimum improvements regarding development of existing property was read by title by City Clerk Westfall. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Ordinance No. 2008-16 was duly enacted.

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

REGULAR AGENDA

BILL NO. 3507

Ord. No. 2008-015

Awarding the bid for signs to Newman Signs, Inc. and J & A Traffic Products for the Colored Route System.

Final reading of Bill No. 3507, an ordinance awarding the bid for signs to Newman Signs, Inc. and J & A Traffic Products for the Colored Route System for the City of Branson and authorizing the Mayor to execute the contracts 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 final reading of Bill No. 3507. 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. Alderman Purvis moved to amend Bill No. 3507 by accepting the J & A Board of Aldermen

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Traffic Products bid and remove Section 1 which is the sign/arrows and bolts proposal of Newman Signs. Seconded by Alderman Marshall. Mayor Presley asked for anyone in the audience wishing to speak regarding the amendment. Hearing none, Mayor Presley asked for comments from the Board. Mayor Presley called for a vote on the amendment. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried. Mayor Presley asked for a motion approving Bill No. 3507 as amended. Alderman Purvis so moved, seconded by Alderman Marshall. Mayor Presley asked for anyone wishing to speak regarding the bill as amended. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Ordinance No. 2008-015 as amended was duly enacted.

BILL NO. 3504

Ord. No. 2008-014

Approving an assignment of the agreement between the City of Branson and William E. Forsythe for design of improvements to Forsythe Street.

Final reading of Bill No. 3504, an ordinance approving an assignment of the agreement between the City of Branson and William E. Forsythe for design of improvements to Forsythe Street was read by title by Mayor Presley. Mayor Presley asked for a motion approving the final reading of Bill No. 3504. Alderman Purvis so moved, seconded by Alderman Barker. Mayor Presley then asked for anyone wishing to speak regarding this matter. Stephen Bradford, 301 West Pacific Street, Branson, Missouri, representing Patobin Enterprises, stated that on July 15, 1996 the City sent a letter with the Mayor's signature to Patobin Enterprises in which it acknowledged an easement and maintenance of Forsythe Road. He requests the City step back and have the developers of TanStone make sure the rights of all property owners are taken care of. Chris DeJohn, TanStone Group, stated several attempts have been made with Dr. Rose regarding easement access onto Forsythe Road and staff continues to work toward a resolution. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Ordinance No. 2008-014 was duly enacted.

PRESENTATION BY COCHRAN, HEAD, VICK AND COMPANY

A presentation by Cochran, Head, Vick and Company regarding the city's annual independent audit was given by David Cochran and David Keenan. 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. Mayor Presley asked for a motion accepting the report. Alderman Purvis so moved, seconded by Alderman Marshall. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass.

BILL NO. 3508

Approving the petition for and establishing the Forsythe Road Community Improvement District and containing a severability clause.

Public hearing and first reading of Bill No. 3508, an ordinance approving the petition for and establishing the Forsythe Road Community Improvement District and containing a severability clause was read by title by City Clerk Westfall, and the staff report was presented by Paul Link. Mayor Presley opened the public hearing and asked for anyone wishing to speak in favor of this matter. Hearing none, Mayor Presley asked for anyone wishing to speak in opposition of this matter. Stephen Bradford, 301 West Pacific, Branson, Missouri, representing Patobin Enterprises, expressed his opposition to the petition as written and asked the Board to consider a requirement that the CID and the five year plan recognize the easement with access from the Patobin property, 152 Forsythe Road, to Forsythe Road. Mayor Presley closed the public hearing and asked for a motion approving the first reading of Bill No. 3508. Alderman Barker 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. Chris DeJohn, TanStone Group, stated the material issue

seems to be the location of the easement and what the easement will look like. He said those matters should bear no issue on the CID. Stephen Bradford, 301 West Pacific, Branson, Missouri said he believes this is a City issue because the City is contemplating establishing a CID for public improvements to this district and it would be appropriate for those public improvements to include access as part of the five year plan. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried.

BILL NO. 3509 **Approving a planned development for the Welk Resort and adopting Land Use Regulations PD-07-010 for properties located at 1984 S. Highway 165.**

Public hearing and first reading of Bill No. 3509, an ordinance approving a planned development for the Welk Resort and adopting Land Use Regulations PD-07-010 for properties located at 1984 S. Highway 165, 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. 3509. Alderman Barker moved to approve, 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, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried.

RESOLUTION NO.
2008-R004 **Approving a Preliminary Subdivision Plat for Branson Hills Development Phase 9 for properties located at 200 Pebble Beach Drive.**

A Resolution approving a Preliminary Subdivision Plat for Branson Hills Development Phase 9 for properties located at 200 Pebble Beach 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 adopting the Resolution. 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 asked for comments from the Board. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried. Resolution No. 2008-R004 was adopted.

BILL NO. 3510 **Approving a Final Subdivision Plat for Branson Hills Development Phase 9 for properties located at 200 Pebble Beach Drive.**

Public hearing and first reading of Bill No. 3510, an ordinance approving a Final Subdivision Plat for Branson Hills Development Phase 9 for properties located at 200 Pebble Beach 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. 3510. 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, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried.

BILL NO. 3511 **Awarding the bid to furnish gas chlorination equipment for the Compton Drive Wastewater Treatment Plant.**

First reading of Bill No. 3511, an ordinance awarding the bid to furnish gas chlorination equipment for the Compton Drive Wastewater Treatment Plant for the City of Branson and authorizing

the Mayor to execute the contract 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. 3511. Alderman Barker moved to approve, seconded by Alderman Marshall. Mayor Presley then 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, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried.

BILL NO. 3512 **Accepting the proposal of Hilton Hotels Corporation for the purchase of municipal insurance for the City of Branson Convention Center and Parking Garage.**

First reading of Bill No. 3512, an ordinance accepting the proposal of Hilton Hotels Corporation for the purchase of municipal insurance for the City of Branson Convention Center and Parking Garage and authorizing the Mayor to execute the same 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. 3512. Alderman Barker moved to approve, seconded by Alderman Purvis. Mayor Presley then 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, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried.

BILL NO. 3513 **Approving a contract with R.J. Scherr & Associates for State Lobbying Services.**

First reading of Bill No. 3513, an ordinance approving a contract with R.J. Scherr & Associates for State Lobbying Services 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. Mayor Presley asked for a motion approving the first reading of Bill No. 3513. Alderman Marshall so moved, seconded by Alderman Barker. Mayor Presley then 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, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried.

DISBURSEMENTS

Mayor Presley stated the next item was review of disbursements for November 29, 2007 through January 10, 2008, and asked if there were any questions regarding the disbursements. [See Master File for copies of disbursements.] Mayor Presley asked for a motion acknowledging the receipt of disbursements. Alderman Purvis moved to recognize the disbursements, seconded by Alderman Marshall. Discussion. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Purvis said he was pleased with the financial report. He thanked current and previous staff and Board for their outstanding work.

Alderman Barker expressed his sympathy to City employee Linda Sewell on the loss of her husband. He also thanked City employees for their hard work during the recent storms.

Alderman McDowell said he attended the Capital Improvements Committee meeting and thought it was important to recognize the magnitude of the financial obligations of the City and the efforts being made to make it more transparent to the public. He said he appreciates all of the work of City staff and feels the city is moving in the right direction.

Alderman Marshall expressed his condolences to the City of Kirkwood, Missouri.

Administrator Schoneboom said David Miller, Alderman McDowell, Alderman Barker and himself had the opportunity to address the Lakes Area Leadership Academy and felt they received a good response and were very interested in what is happening in municipal government.

Mayor Presley congratulated Brandon Cone and his wife on the birth of their baby boy and wished him well on his move to Harrison, Arkansas. She welcomed Mindy Honey who is replacing him at Branson Daily News.

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 610.021.1 RSMo for litigation and 610.021.3 RSMo for personnel, seconded by Alderman Purvis. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried.

ADJOURN

At this time Mayor Presley asked for a motion to adjourn the Board of Aldermen meeting. Alderman Purvis so moved, seconded by Alderman Marshall. Voting aye: Purvis, Barker, McDowell and Marshall. Nays: none. Absent: Williams and Gass. Motion carried. Meeting adjourned at 8:20 p.m.

Raeanne Presley
Mayor

Lisa K Westfall
City Clerk