

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI March 24, 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 March 24, 2008 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 Computer Information Services D.J. Cline, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Director of Planning and Zoning Don Stephens, Police Chief Caroll McCullough and Parks Director Cindy Shook.

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. 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:

March 10, 2008 regular meeting.

March 18, 2008 special meeting.

Acknowledge receipt of minutes:

Planning & Zoning Commission meeting of February 5, 2008.

BILL NO. 3524
Ord. No. 2008-034

Awarding the bid to Reavis Water Well to furnish and install new submersible pumping equipment at ground water well #11.

Final reading of Bill No. 3524, an ordinance awarding the bid to Reavis Water Well to furnish and install new submersible pumping equipment at ground water well #11 and authorizing the Mayor to execute a contract was read by title by City Clerk Westfall. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried. Ordinance No. 2008-034 was duly enacted.

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

REGULAR AGENDA

PRESENTATION OF THE BRANSON/LAKES AREA CHAMBER OF COMMERCE FOURTH QUARTER MARKETING REPORT FOR 2007

Ross Summers, President of the Branson/Lakes Area Chamber of Commerce and Dan Lennon, Vice President of Marketing and Public Relations presented the Fourth Quarter Marketing Report for 2007 as required by contract. 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. Mayor Presley asked for a motion to accept the Branson/Lakes Area Chamber of Commerce Fourth Quarter Marketing Report for 2007 as required by contract. Alderman Gass so moved, seconded by Alderman Purvis. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

Bill No. 3525 **Approving a Municipal Code amendment to Chapter 70, Section 70-4 (7) of the Branson Municipal Code pertaining to vehicle sign projections.**

Public hearing and first reading of Bill No. 3525, an ordinance approving a Municipal Code amendment to Chapter 70, Section 70-4 (7) of the Branson Municipal Code pertaining to vehicle sign projections 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. 3525. Alderman Gass 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, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

Bill No. 3526 **Zoning property located at 4633 Fall Creek Road to "R-3" Multi-Family Dwelling District.**

Public hearing and first reading of Bill No. 3526, an ordinance zoning property located at 4633 Fall Creek Road, Branson, Missouri, to "R-3" Multi-Family Dwelling District 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 of this matter. Richard Matto, 246 Hunter Board of Aldermen

Avenue, Branson, Missouri said he is part owner of the land and it is surrounded by commercial property. He said Hunter Avenue is not a highly used road now and feels an R-3 Multi-Family zoning will not cause much more traffic. What is planned will be an improvement to what is there now. He has been trying to get the area cleaned up for the last five years. Joseph Keiper, 246 Hunter Avenue, Branson, Missouri, said he has owned the land for five years and has lived there for twelve years. He said he and his partner Richard Matto have worked to improve the area and will continue to do so. Mayor Presley asked for anyone wishing to speak in opposition of this matter. Rick Beasley, 153 Shady Drive, Branson, Missouri, said a petition with approximately 60 signatures from residents in the Rainbow Shoals subdivision and a petition with 12 signatures of residents that live within 200 feet of 4633 Fall Creek Road opposing the requested zoning change were filed with the City Clerk. He stated the neighborhood is concerned with the apartment complex being planned and asked the Board to consider the impact to their neighborhood when looking at this request. He asked for a more effective procedure of public notice when zoning changes are requested. Monte Baker, 133 Shady Drive, Branson, Missouri, said he feels his property will be impacted the most because the lots are next to each other. He said if the plans for this project become a reality the view from his backyard will be a parking lot. He stated there are low rent apartments in the area now and he is afraid these will also become low rent apartments. Mayor Presley closed the public hearing and asked for a motion approving the first reading of Bill No. 3526. Alderman Marshall so moved, seconded by Alderman McDowell. Mayor Presley asked for anyone wishing to speak regarding this matter. Hank Griffin, 316 Woodland Drive South, Branson, Missouri, asked if it is an issue where an area is rezoned that has Codes, Covenants and Restrictions (CCR). Debbie Keiper, 246 Hunter Avenue, Branson, Missouri, stated this is where her home is and there are no plans to put in something that would be detrimental to the neighborhood. She said they are trying to clean up the neighborhood and she would prefer to have houses and families then what is there now. Voting aye: Purvis, Williams, Barker, McDowell and Marshall. Nays: Gass. Motion carried.

Bill No. 3527 **Zoning property located at 1000 Schaefer Drive to “R-1” One-Family Dwelling District.**

Public hearing and first reading of Bill No. 3527, an ordinance zoning property located at 1000 Schaefer, Branson, Missouri, to “R-1” One-Family Dwelling District 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. 3527. Alderman Purvis so moved, 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. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

Bill No. 3528 **Zoning property located at 202, 209, 212, 217 and 220 Hunter Avenue to “R-1” One-Family Dwelling District.**

Public hearing and first reading of Bill No. 3528, an ordinance zoning property located at 202, 209, 212, 217 and 220 Hunter Avenue, Branson, Missouri, to “R-1” One-Family Dwelling District 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. 3528. Alderman Barker moved to approve, seconded by Alderman Gass. 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, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

The meeting recessed at 9:01 p.m. and reconvened at 9:09 p.m.

Bill No. 3529 **Approving a Final Subdivision Replat for the Branson Ridge Winery for properties located at 648 Sunrise Drive.**

Public hearing and first reading of Bill No. 3529, an ordinance approving a Final Subdivision Replat for the Branson Ridge Winery for properties located at 648 Sunrise 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. 3529. Alderman Gass so moved, 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, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

BILL NO. 3530 **Authorizing the Mayor to execute a Consent and Agreement related to an existing development agreement between the City, Branson Shoppes Development Company and Ozark Diversified Development Company.**

First reading of Bill No. 3530, an ordinance authorizing the Mayor to execute a Consent and Agreement related to an existing development agreement between the City, Branson Shoppes Development Company and Ozark Diversified Development Company and authorizing actions related thereto was read by title by City Clerk Westfall and the staff report was presented by Paul Link. Mayor Presley asked for a motion approving the first reading of Bill No. 3530. Alderman Gass 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, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

BILL NO. 3531 **Appointing Thomas Motley as Municipal Court Judge.**

First reading of Bill No. 3531, an ordinance appointing Thomas Motley as Municipal Court Judge and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and the staff report was presented by Paul Link. Mayor Presley asked for a motion approving the first reading of Bill No. 3531. Alderman Purvis so moved, seconded by Alderman Gass. 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, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

BILL NO. 3532 **Authorizing the Mayor to execute an amendment to the Professional Architectural Services Agreement with Treat Associates P.C. pertaining to architectural design services on the Fire Station #4 Project.**

First reading of Bill No. 3532, an ordinance authorizing the Mayor to execute an amendment to the Professional Architectural Services Agreement with Treat Associates P.C. pertaining to architectural design services on the Fire Station #4 Project 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. 3532. 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. Discussion. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

BILL NO. 3533**Approving a Municipal Code amendment to Chapter 90, Article II, Section 90-38 of the Branson Municipal Code pertaining to account adjustments.**

First reading of Bill No. 3533, an ordinance approving a Municipal Code amendment to Chapter 90, Article II, Section 90-38 of the Branson Municipal Code pertaining to account adjustments 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. 3533. Alderwoman Williams so moved, 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, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

BILL NO. 3534**Approving a Municipal Code amendment to Chapter 90, Article II, Section 90-51 of the Branson Municipal Code pertaining to drilling or use of water wells.**

First reading of Bill No. 3534, an ordinance approving a Municipal Code amendment to Chapter 90, Article II, Section 90-51 of the Branson Municipal Code pertaining to drilling or use of water wells 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. 3534. 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. David Stewart, 6354 160 Highway, Walnut Shade West, Missouri, Representative of Water District #3, said he was concerned with the wording of the ordinance because this is not about drilling individual water wells but a well that is within their District. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

BILL NO. 3535**Awarding the bid to Springfield Freightliner Sales for the purchase of two dump trucks for the Public Works Department.**

First reading of Bill No. 3535, an ordinance awarding the bid to Springfield Freightliner Sales for the purchase of two dump trucks for the Public Works Department of the City of Branson 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. 3535. Alderman Purvis so moved, seconded by Alderwoman Williams. 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, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

BILL NO. 3536**Awarding the bids to BWI Companies Inc., Pennington Seed and Hummart International for the purchase of agriculture supplies used in park facilities.**

First reading of Bill No. 3536, an ordinance awarding the bids to BWI Companies Inc., Pennington Seed and Hummart International for the purchase of agriculture supplies used in park facilities for the 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. 3536. 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, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman McDowell said the surveys are out and asked the media to encourage everybody to fill them out. He said the survey is also available on the City of Branson web site for anyone interested in filling one out.

Alderman Barker expressed his sympathy to the Eiserman family for the passing of Lorraine Eiserman.

Alderwoman Williams thanked the Branson School Board for the educational seminar on TIF's.

Alderman Purvis said he attended the Water Quality Seminar and was very proud of Larry VanGilder for his participation.

Alderman Marshall said he had an uneventful week vacationing.

Alderman Gass was thanked by Mayor Presley for his service. Alderman Gass said he has enjoyed his three terms of service, there has been a lot accomplished and he appreciated working with Councilmen past and present. He thanked Larry VanGilder for the outstanding job he did at the Water Quality Seminar. He said he was honored to attend an event recognizing John Kalita for his service in World War II and awarding him a bronze star. He announced the upcoming Branson High School Bands Sweet Jazz Fundraiser on April 6, 2008 and encouraged people to attend and support the Jazz Band.

Administrator Schoneboom commended the efforts and work done by the Police, Fire and Rescue and Public Works Department during the recent rain event.

Mayor Presley reminded everyone there would be three weeks between meetings. She said there would be a Liquor Taskforce meeting on March 31, 2008 and the recruiters from Slavin will be here on April 2 for a meeting. She stated Mr. Slavin reported receiving 38 applications and 13 of those are being look into at more depth. She asked the Board to contact Jerry Adams if they are planning to attend the Legislative meetings on May 13th and 14th, 2008. Mayor Presley said due to many calls of concern about the Tri-State Water System she asked staff to provide a brief report on how the process works with the Public Service Commission and the City of Branson's role, if any, in that issue.

ADJOURN

At this time Mayor Presley asked for a motion to adjourn the Board of Aldermen meeting. Alderman Purvis so moved, seconded by Alderman Gass. Voting aye: Purvis, Williams, Barker, McDowell, Gass and Marshall. Nays: none. Motion carried. Meeting adjourned at 9:48 p.m.

Raeanne Presley
Mayor

Lisa Westfall
City Clerk