

MINUTES

**THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI
August 25, 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 August 25, 2008 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Dean Kruithof, Assistant 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 and Police Chief Carroll McCullough.

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

A tribute to Mayor Wade Meadows was given by Larry VanGilder.

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.

Greg Walker, declined to speak.

Gary Groman, 350 S. Wildwood Dr., Branson, Missouri said he heard the Fall Creek Road project is in jeopardy because of lack of funds. Now the tax payers of Branson will be told their property taxes and water and sewer rates will be going up and may have to be raised again in 2009. He said the City is putting money out for the benefit of private developers while hitting the tax payers with increased taxes and simultaneously saying there might not be enough money left to complete the Fall Creek Road project. He stated the City of Branson is heavily invested in the project and asked the Board to do everything possible to complete the Fall Creek Road extension and give the citizens of Branson as well as businesses the benefits of a new north south route.

David Akers, declined to speak.

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:

August 11, 2008 regular meeting
August 11, 2008 special meeting

Acknowledge Receipt of Minutes:

Planning & Zoning Commission meeting of July 1, 2008.

Bill No. 3574

Ord. No. 2008-081 **Annexing property petitioned by Richard Huffman located at 1725 Branson Hills Parkway.**

Final reading of Bill No. 3574, an ordinance annexing property petitioned by Richard Huffman located at 1725 Branson Hills Parkway, Branson, Missouri was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-081 was duly enacted.

Bill No. 3576

Ord. No. 2008-082 **Establishing an ICMA Retirement Corporation Governmental Money Purchase Plan & Trust and authorizing the Mayor to execute the same.**

Final reading of Bill No. 3576, an ordinance establishing an ICMA Retirement Corporation Governmental Money Purchase Plan & Trust and authorizing the Mayor to execute the same was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-082 was duly enacted.

Bill No. 3577

Ord. No. 2008-083 **Approving the renewal of the contract with Ozark Mountain Bank for banking and investment services and authorizing the Mayor to execute the letter of engagement.**

Final reading of Bill No. 3577, an ordinance approving the renewal of the contract with Ozark Mountain Bank for banking and investment services and authorizing the Mayor to execute the letter of engagement was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-083 was duly enacted.

Bill No. 3578

Ord. No. 2008-084 **Accepting the proposal of Alliance Pump and Mechanical Services, Inc. to rebuild and install submersible pump at Lift Station #17 and authorizing the Mayor to execute a contract.**

Final reading of Bill No. 3578, an ordinance accepting the proposal of Alliance Pump and Mechanical Services, Inc. to rebuild and install submersible pump at Lift Station #17 and authorizing the Mayor to execute a contract was read by title by City Clerk Westfall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2008-084 was duly enacted.

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

REGULAR AGENDA

Bill No. 3579

Ord. No. 2008-084

Establishing the annual levy of a property tax for general revenue in the City of Branson, Missouri, a City of the Fourth Class.

Public Hearing and first reading of Bill No. 3579, an ordinance establishing the annual levy of a property tax for general revenue in the City of Branson, Missouri, a City of the Fourth Class was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof and Frank Schoneboom. Discussion. 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. 3579. Alderwoman Williams 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: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Mayor Presley asked for a motion approving the final reading of Bill No. 3579. Alderwoman Williams moved to put Bill No. 3579 up for consideration for its final reading, 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. City Clerk Westfall read Bill No. 3579 by title for the final reading. Mayor Presley asked for a motion approving the bill. Alderman Marshall so moved, seconded by Alderman Davis. 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. Ordinance No. 2008-084 was duly enacted.

Bill No. 3580

Amending Chapter 90 of the Branson Municipal Code *Utilities*, Article II *Combined Waterworks and Sewage System* by amending Section 90-41 *Monthly Water Rates* and Section 90-42 *Monthly Sewer Rates*.

Public Hearing and first reading of Bill No. 3580, an ordinance amending Chapter 90 of the Branson Municipal Code *Utilities*, Article II *Combined Waterworks and Sewage System* by amending Section 90-41 *Monthly Water Rates* and Section 90-42 *Monthly Sewer Rates* was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof and Larry VanGilder. Discussion. Mayor Presley opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Gail Myer, 365 Whisper Ridge, Branson, Missouri said the five year plan shows a 5% increase on residential and when this was discussed last year the difference between residential and commercial increases was substantially different with the percentage being much greater for commercial. He said the question asked at the time was how did those numbers come about and said he does not believe that question was ever answered. He stated the rate study is a great idea and asked that someone answer that question. He said people have a tendency to think water is cheap because we have lots of water in the area but reality is water is not cheap. He asked the Board to explore conservation and have an expert come to help the community conserve that resource. He said as an example of conservation the City could replace every showerhead and aerator in all hotel rooms in Branson for a lot less than a treatment plant. Discussion. Mayor Presley closed the public hearing and asked for a motion approving the first reading of Bill No. 3580. Alderman McDowell so moved, seconded by Alderman Marshall. Mayor Presley asked for anyone in the audience wishing to speak

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regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3581 **Approving a Municipal Code amendment to Chapter 2, Article III, Section 2-54 of the Branson Municipal Code pertaining to regular meetings.**

First reading of Bill No. 3581, an ordinance approving a Municipal Code amendment to Chapter 2, Article III, Section 2-54 of the Branson Municipal Code pertaining to regular meetings was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof. Mayor Presley asked for a motion approving the first reading of Bill No. 3581. Alderwoman Bohinc moved to approve, 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: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3582 **Amending Section 86-621 of the Branson Municipal Code: Schedule I: Stop Signs.**

First reading of Bill No. 3582, an ordinance amending Section 86-621 of the Branson Municipal Code: Schedule I: Stop Signs was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof and David Miller. Mayor Presley asked for a motion approving the first reading of Bill No. 3582. Alderman Barker moved to approve, seconded by Alderman Davis. 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: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3583 **Approving a street vacation for a fifteen (15) foot wide alley located in Block 15 of the Thompson's Addition Subdivision.**

First reading of Bill No. 3583, an ordinance approving a street vacation for a fifteen (15) foot wide alley located in Block 15 of the Thompson's Addition Subdivision was read by title by City Clerk Westfall.

Alderwoman Bohinc recused herself and left the meeting at 7:59 p.m.

The staff report was presented by Dean Kruithof and David Miller. Mayor Presley asked for a motion approving the first reading of Bill No. 3583. Alderwoman Williams so moved, seconded by Alderman Davis. 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: Barker, Davis, Williams, Marshall and McDowell. Nays: none. Absent: Bohinc. Motion carried.

Alderwoman Bohinc rejoined the meeting at 8:02 p.m.

Bill No. 3584 **Approving a final subdivision replat for Lots 48, 49 and 61 of the amended plat of Branson Hills Development Phase 2 for properties located at 200 South Payne Stewart Drive.**

First reading of Bill No. 3584, an ordinance approving a final subdivision replat for Lots 48, 49 and 61 of the amended plat of Branson Hills Development Phase 2 for properties located at 200 South Payne Stewart Drive, Branson, Missouri was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof and Don Stephens. Mayor Presley asked for a motion approving the first

reading of Bill No. 3584. Alderman Davis 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: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3585 **Approving a Planned Development amendment to the Surrey Grand Crown Resort Condominium Land Use Regulations PD-98-02 pertaining to off-street parking for properties located at 300 Golf View Drive.**

First reading of Bill No. 3585, an ordinance approving a Planned Development amendment to the Surrey Grand Crown Resort Condominium Land Use Regulations PD-98-02 pertaining to off-street parking for properties located at 300 Golf View Drive, Branson, Missouri was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof and Don Stephens. Mayor Presley asked for a motion approving the first reading of Bill No. 3585. Alderman Barker moved to approve, seconded by Alderman McDowell. Mayor Presley then asked for anyone in the audience wishing to speak regarding this matter. David Akers, General Counsel for Grand Crown Resort, stated they are a planned development and as such code allows a request for a reduction in parking spaces. He said in the 10 years the planned development has been going there has never been a problem with parking issues. They have been operating with a ½ parking space per unit and part of the reason is because of the use since they are more like a motel. He said about fifty percent of the owners own more than one unit. He explained the proposal is doubling that so they will have empty space at a ratio of 1 to 1 plus 100 spaces for employee parking. He said the 1.5 spaces does not make sense in this planned development and it does not make sense to pave almost five acres to sit empty. Mr. Akers stated the density has been set and green space designated. He said they can't get a certificate of occupancy until the parking is approved. Mr. Akers stated accommodations have been made for trailer and boat parking. Greg Walker, WCI Inc. General Contactors, 503 State Hwy. K, Kirbyville, Missouri said the area being talked about would be problematic to pave because of the terrain and it is natural for green space. Mayor Presley asked for comments from the Board. Discussion. Alderwoman Williams moved to postpone Bill No. 3585 on its first reading until the September 8, 2008 meeting, seconded by Alderman Davis. Mayor Presley asked for additional questions or comments. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3586 **Appointing Mike Merrell as Special Municipal Judge.**

First reading of Bill No. 3586, an ordinance appointing Mike Merrell as Special Municipal Judge and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof. Mayor Presley asked for a motion approving the first reading of Bill No. 3586. Alderman Barker moved to approve, 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Bill No. 3587 **Approving the renewal of the contract with Automated Control Solutions, LLC. for a programmable logic controller maintenance contract for monitoring system computers and radios in the City's water and wastewater treatment facilities.**

First reading of Bill No. 3587, an ordinance approving the renewal of the contract with Automated Control Solutions, LLC. for a programmable logic controller maintenance contract for monitoring system computers and radios in the City's water and wastewater treatment facilities was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof and Larry VanGilder. Mayor Presley asked for a motion approving the first reading of Bill No. 3587. Alderman

Barker moved to approve, seconded by Alderwoman Bohinc. 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: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

RESOLUTIONS

RESOLUTION NO. 2008-R008

Approving a Preliminary Subdivision Plat for Coverdell Estates for properties located at 1168 Sunset Road.

Resolution approving a Preliminary Subdivision Plat for Coverdell Estates for properties located at 1168 Sunset Road, Branson Missouri was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof and Don Stephens. Discussion. Bob Huels, 500 W. Main Street, Branson, Missouri stated they are not attempting to count any property in the water in this plat. He said the road is a simple easement going through the property and this is allowed in the ordinance. He also said the road was moved so they do not have to blast. He stated Lot 14 was not very buildable and they are not talking about blasting anything depending on what you want to build on the lots. Mayor Presley asked for a motion adopting the resolution. Alderman Barker moved to approve, seconded by Alderman Marshall. Mayor Presley asked for questions or comments from the audience. Jack Herschend, 1144 Lakeside, Branson, Missouri said this is a special piece of property not only because of the lake but also because of the bluff and this is a dangerous piece of property because large pieces of rock have fallen off the bluff. He said the job of Planning and Zoning is to look at the issues and make recommendations to the Board as to what should be done and they have denied it. He asked the Board to send this back to Planning and Zoning and leave it there until they approve and recommend it to the Board. He said the City is being asked to provide an easement for a road to this development but the developer refuses to do the same thing for them. He said this is an unfair situation. Steven Bradford, 500 W. Main, Branson, Missouri, Attorney for Jack and Sherry Herschend, said City ordinance states the Planning and Zoning Commission will recommend action on preliminary plats before the Board takes action and it has been acknowledged by the developer and City staff that this preliminary plat is not the same plat considered by Planning and Zoning. He said the ordinance also refers to topography descriptions and specifically requires identifying special features with a professional analysis of these conditions provided by the applicant. He asked if the Board had reviewed the analysis. Mr. Bradford also addressed the road as drawn and said Ordinance 78-64 states the standards for a private street and says it is subject to all the requirements of a public street except for width. He said for the stated reasons the Board should not consider this Resolution. Mayor Presley asked for comments from the Board. Discussion.

Alderman Barker departed the meeting at 9:55 p.m. and returned at 9:57 p.m.

Mr. Huels said the road is a platted recorded road the City does not own, therefore the City is not giving the owner anything except the access to the road. He said he can't fix other people's problems and still meet the City's requirements and codes. Gail Myer, 365 Whisper Ridge, Branson, Missouri suggested forgetting this project because the Board should never deal with a plat Planning and Zoning has not looked at. He recommended sending it back for review. Mr. Huels said the plat in the packet to the Board had to have an easement on it and according to the comprehensive trail guidelines there must be an agreement with the City of Branson on where to put the trail. He said he can't go back to Planning and Zoning because they have no authority on the location of the easement only the Board does. He said the Board could require him to put a four foot easement along the north boundary of the road and put a stipulation stating the developer agrees to that. Discussion. Steven Bradford, 500 W. Main, Branson, Missouri said he had the preliminary plat handed out at Planning and Zoning and he has the preliminary plat included as part of the packet set out for this meeting and they are not one in the same.

He said this does not meet the minimum requirements of the ordinance. Discussion. Alderman Marshall moved to amend this resolution to exchange Exhibit B for the new exhibit which is dated August 21, 2008, seconded by Alderwoman Williams. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Mayor Presley asked for comments regarding the resolution as amended. Discussion. Mayor Presley called for a vote on the resolution as amended. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Resolution No. 2008-R008 was adopted.

The meeting recessed at 10:16 p.m. and reconvened at 10:24 p.m.

**RESOLUTION NO.
2008-R009**

Support for the affordable housing project to include 12.5 acres on the northeast corner of Arlene and Schaefer Drive.

Resolution of support for the affordable housing project to include 12.5 acres on the northeast corner of Arlene and Schaefer Drive, Branson, Missouri was read by title by City Clerk Westfall and the staff report was presented by Dean Kruithof. Mayor Presley asked for a motion adopting the resolution. Alderman Barker so moved to, seconded by Alderman Davis. Kent Wolven, Branson Housing Authority, 320 W. Main, Branson, Missouri said they were asking the Board for this resolution of support for tax credit applications. He said the Housing Authority is an agency under the City of Branson auspices and was formed in 1966 as a committee to explore housing for the elderly and disabled. He said they are trying to get additional housing to meet the work force housing need. He stated this is not just rental housing but single family homes people can buy back from the Housing Authority and own with the money going into the Housing Authority coffers and used to build another project. He said his job is to convince Missouri Housing Development Corporation that Branson needs more than one grant per year. Jack Moody, 6012 W. 158th Street, Overland Park, Kansas stated his company would act as the developer and sole guarantor of the project. He said once the project is running, stabilized with 90 to 95 percent occupancy and the property sustaining itself the note will be transferred to the Branson Housing Authority. He stated the project will be done in two phases with a total of 80 units and after that the Branson Housing Authority should have enough money and experience to be able to do it on their own. He said they hire a company to do the paperwork and in three years or so the Branson Housing Authority will take over. Mr. Moody said there would be about 6 homes per acre. He stated it is important for Branson to work with MHDC. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Resolution No. 2008-R009 was adopted.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Marshall talked about the tragedy on Fall Creek Road and said something needs to be done with the road.

Alderman McDowell commended Don Stephens for getting together the customer surveys for the Planning and Zoning Department and asked him to keep it as objective as possible. He said it is important to learn all they can through the surveys in order for Planning and Zoning to be as good as possible.

Dean Kruithof noted the responses from the Planning and Zoning survey will go to Jerry Adams who will compile the information and a report with the feedback will be generated and provided to P & Z. He said this will result in a very objective analysis.

Alderman Barker complimented the Public Works Department for their hard work keeping up with the weeds and grass on city streets.

Mayor Presley noted the Grand Opening of the Taney County Judicial Complex on August 28, 2008. She said the date for the Finance Committee Budget Rollout will need to be changed due to conflicting schedules.

EXECUTIVE SESSION

Mayor Presley stated, that concluded the Regular Agenda and entertained a motion to adjourn to a closed Executive Session. Alderwoman Williams moved to go into Closed Executive Session pursuant to 610.021.3 for RSMo for personnel, seconded by Alderwoman Bohinc. 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 Barker so moved, seconded by Alderman Marshall. Meeting adjourned at 10:49 p.m. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

Raeanne Presley
Mayor

Lisa K Westfall
City Clerk