

# **MINUTES**

**THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
September 8, 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 September 8, 2008 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Dean Kruithof, Assistant City Administrator Frank Schoneboom, Assistant City Attorney William Duston, Deputy City Clerk Hillary Bargman, 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 Carroll 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. Alderwoman Bohinc recused herself from the reading of the Consent Agenda. Alderman Marshall asked that Item 6, Bill No. 3582 be removed from the Consent Agenda and placed as the first item on the Regular Agenda for further discussion. Alderwoman Williams asked that Item 3, Annexation Petition filed by Robert and Shelby Bussing and Brenda Petersen, located at 265 Walker Road, Branson, Missouri be removed from the Consent Agenda at the request of the petitioner. Mayor Presley asked Deputy City Clerk Bargman to read the items on the Consent Agenda as amended. Deputy City Clerk Bargman read the following Consent Agenda items by title.

Alderwoman Bohinc left the meeting at 6:59 p.m.

Approval of the Board of Aldermen Minutes:

August 21, 2008 study session  
August 25, 2008 regular meeting

Acknowledge Receipt of Minutes:

Capital Improvements Committee meeting of June 9, 2008  
Park Board meeting of July 15, 2008.  
Planning and Zoning Commission meeting of August 5, 2008

Acknowledge receipt of Annexation Petition filed by:

Table Rock Investments, LLC located at 2389 Highway 248, Branson, Missouri.  
Tom Boyce Excavating, Inc. located at 175 Dawn Road, Branson, Missouri.

**Bill No. 3580**

**Ord. No. 2008-085**     **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*.**

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams and Marshall. Nays: none. Absent: Bohinc and McDowell. Motion carried. Ordinance No. 2008-085 was duly enacted.

**Bill No. 3581**

**Ord. No. 2008-086**     **Approving a Municipal Code amendment to Chapter 2, Article III, Section 2-54 of the Branson Municipal Code pertaining to regular meetings.**

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams and Marshall. Nays: none. Absent: Bohinc and McDowell. Motion carried. Ordinance No. 2008-086 was duly enacted.

**Bill No. 3583**

**Ord. No. 2008-088**     **Approving a street vacation for a fifteen (15) foot wide alley located in Block 15 of the Thompson's Addition Subdivision.**

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams and Marshall. Nays: none. Absent: Bohinc and McDowell. Motion carried. Ordinance No. 2008-088 was duly enacted.

**Bill No. 3584**

**Ord. No. 2008-089**     **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.**

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams and Marshall. Nays: none. Absent: Bohinc and McDowell. Motion carried. Ordinance No. 2008-089 was duly enacted.

**Bill No. 3586**

**Ord. No. 2008-090**     **Appointing Mike Merrell as Special Municipal Judge.**

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams and Marshall. Nays: none. Absent: Bohinc and McDowell. Motion carried. Ordinance No. 2008-090 was duly enacted.

**Bill No. 3587**

**Ord. No. 2008-091**     **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.**

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams and Marshall. Nays: none. Absent: Bohinc and McDowell. Motion carried. Ordinance No. 2008-091 was duly enacted.

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

Alderwoman Bohinc rejoined the meeting at 7:03 p.m.

## **REGULAR AGENDA**

**Bill No. 3582**

**Ord. No. 2008-087**     **Amending Section 86-621 of the Branson Municipal Code: Schedule I: Stop Signs.**

Final 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 Deputy City Clerk Bargman. Mayor Presley asked for a motion approving the final reading of Bill No. 3582. Alderman Barker so moved, seconded by Alderwoman Williams. Mayor Presley asked for comments from the Board. Discussion. Mayor Presley

asked for questions from the audience. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2008-087 was duly enacted.

**Bill No. 3588**                    **Ordering a portion of the Branson Commerce Park Neighborhood Improvement District improvements to be made.**

Public hearing and first reading of Bill No. 3588, an ordinance ordering a portion of the Branson Commerce Park Neighborhood Improvement District improvements to be made was read by title by Deputy City Clerk Bargman and a staff report was presented by Dean Kruithof and Rick McConnell. 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. 3588. Alderwoman Williams so moved, seconded by Alderman Davis. Mayor Presley asked for anyone wishing to speak regarding this matter. Discussion. Michael Duncan, Managing Member of Branson Commerce Park LLC., 6656 Oak Ridge, Shawnee, Kansas stated the market forces are going to dictate the uses of the park but they are providing the technology platform for the commercial side by designing, developing and master planning it for market needs both locally, regionally and nationally. He said the original NID contemplated two projects which were the offsite sewer and the offsite road improvements being done at the same time with the most urgent being the offsite sewer which makes the land serviceable. He said there is an agreement with the County to open the Park and not finish the highway improvements immediately so they are able to get the higher priority offsite sewer funding in place which is the purpose of this ordinance. He stated the road improvements should be complete by spring/summer 2009. Rick McConnell stated there are advantages and disadvantages because a CID is a great tool for financing infrastructure but problematic for sewer or road projects. Mr. Duncan said there were four individual partners and one LLC partner originally. He said the history of this project goes back five to seven years and Mike Rankin was very involved in the concept. He stated to the best of his knowledge there were no exceptions or variances made for this project. Mr. Duncan said he had a copy of the original submission, prepared by Bill Jung on September 14, 2006 for the zoning, annexation and approval of the site plan and as indicated all elements of the original plan are still in place. Mr. McConnell said he anticipates the Development Agreement would be amended before or at the same time they come back to the City for an approval for the Industrial Development Authority (IDA) to do the financing. He said the assessments that re-pay the bonds are levied by the City and collected at the same time as property taxes and channeled to the IDA for repayment of the bonds. Mr. McConnell stated the bonds will be reflected on the City's financial statement and the auditors may have some concerns. He said in previous ordinances certain parameters were set forth in terms of interest rates and principal amounts and they are no longer relevant and he will have to come back to the Board with that. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried.

**Bill No. 3589**                    **Approving the placement of a housecar for temporary class space for properties located at 2527 Highway 248.**

Public hearing and first reading of Bill No. 3589, a special ordinance approving the placement of a housecar for temporary class space for properties located at 2527 Highway 248, Branson, Missouri was read by title by Deputy City Clerk Bargman and a staff report was presented by Dean Kruithof and Don Stephens. (Powerpoint) Mayor Presley opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Mark Shorly, Pastor of Tri-Lakes Church, 161 South Drive, Branson, Missouri asked if the two year time frame is not accurate could he submit a request for more time. Mayor Presley closed the public hearing and asked for a motion approving the first reading of Bill No. 3589. Alderman Barker moved to approve, seconded by Alderman Marshall. Mayor Presley asked for anyone wishing to speak regarding this matter. Discussion. Mr. Shorly stated there are temporary classrooms inside the facility at this time. Voting aye: Barker, Davis, Marshall and Bohinc. Nays: Williams. Absent: McDowell. 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. [Postponed from the August 25, 2008 Board of Aldermen meeting]**

Deputy City Clerk Bargman said this Bill was postponed from the August 25<sup>th</sup> meeting. Alderwoman Williams moved to amend Section 1.18 of the Surrey Grand Crown Resort Condominium Land Use Regulations PD-98-02, so that Section 1.18 shall hereinafter read as follows:

“1.18 Off-Street Parking. The off-street parking requirements for this development shall be at the rate of one (1) space for each bedroom, plus employee parking of one hundred (100) spaces. All employee spaces and current parking space deficiency shall be pro-rated as each of the next five (5) buildings are constructed. At build-out, the total parking requirements for the entire development shall be one thousand four hundred and sixty-six (1466) spaces.

The developer shall reserve a minimum of 4.5 acres of green space, to be labeled on the land use map as ‘Reserved Green Space’. This area shall not be used for any future development, and shall remain undisturbed, with the exception of minimal disturbance, subject to review and approval by the City Forester, for underground utility infrastructure installation”.

Seconded by Alderwoman Bohinc. Mayor Presley then asked for anyone in the audience with comments or questions on the amendment. Hearing none, Mayor Presley asked for comments from the Board on the amendment. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Mayor Presley asked for questions from the audience on the bill as amended. Hearing none, Mayor Presley asked for comments from the Board on the bill as amended. Discussion. David Akers, 430 C State Highway 165, Branson, Missouri stated the Board accepted the amendment and asked the Board to pass it. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried.

**Bill No. 3590**

**Approving a zoning change for property currently zoned R-3 Multi-family to be rezoned C Commercial located at 1120 West Highway 76.**

First reading of Bill No. 3590, an ordinance approving a zoning change for property currently zoned R-3 Multi-family to be rezoned C Commercial located at 1120 West Highway 76, Branson, Missouri was read by title by Deputy City Clerk Bargman and a staff report was presented by Dean Kruithof and Don Stephens. Mayor Presley asked for a motion approving the first reading of Bill No. 3590. Alderman Barker moved to approve, 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. Mark Weisz, 386 Dalton Road, Branson, Missouri stated he was unaware of any easement on Old County Road, there has been no discussion and no need for access of Old County Road. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried.

**Bill No. 3591**

**Approving a Municipal Code amendment to Chapter 62, Article 1, Section 62-11 of the Branson Municipal Code pertaining to park user fees.**

First reading of Bill No. 3591, an ordinance approving a Municipal Code amendment to Chapter 62, Article 1, Section 62-11 of the Branson Municipal Code pertaining to park user fees was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof and Cindy Shook. Mayor Presley asked for a motion approving the first reading of Bill No. 3591. 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.

Alderman McDowell joined the meeting at 8:25 p.m.

Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Abstain: McDowell. Motion carried.

**Bill No. 3592**                    **Awarding the bid to Anchor Fence for the purpose of fence supplies to repair fences at Stockstill Park.**

First reading of Bill No. 3592, an ordinance awarding the bid to Anchor Fence for the purpose of fence supplies to repair fences at Stockstill Park and authorizing the Mayor to execute the same was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof and Cindy Shook. Mayor Presley asked for a motion approving the first reading of Bill No. 3592. Alderman Marshall 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.

**Bill No. 3593**                    **Awarding the bid to Miller's Excavating and Trucking, LLC. for the purchase of infield mix and installation to repair infields at Stockstill Park.**

First reading of Bill No. 3593, an ordinance awarding the bid to Millers Excavating and Trucking, LLC. for the purchase of infield mix and installation to repair infields at Stockstill Park and authorizing the Mayor to execute the same was read by title by City Clerk Westfall and a staff report was presented by Cindy Shook. Mayor Presley asked for a motion approving the first reading of Bill No. 3593. Alderwoman Bohinc moved to approve, 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.

**Bill No. 3594**                    **Accepting the proposal of Emery Sapp and Sons, Inc. D/B/A/ Kennedy Ess Contractors pertaining to the Fall Creek Road Extension Project for the City of Branson.**

First reading of Bill No. 3594, an ordinance accepting the proposal of Emery Sapp and Sons, Inc. D/B/A/ Kennedy Ess Contractors pertaining to the Fall Creek Road Extension Project for the City of Branson and authorizing the Mayor to execute a contract was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof. Mayor Presley asked for a motion approving the first reading of Bill No. 3594. Alderman McDowell so moved, seconded by Alderman Davis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Mark Weisz 386 Dalton Drive, Branson, Missouri, stated he understands there are issues with financing and budget but this road has been promised to citizens of Branson for a very long time. He said it needs to be finished in a way the City can afford and he thinks it is smart to take the time to look at it and do what is right. Mayor Presley asked for comments from the Board. Discussion. Alderman Davis moved to postpone this item to a date no later than October 28, 2008, seconded by Alderman Barker. Mayor Presley asked for comments or questions regarding this motion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

# RESOLUTIONS

RESOLUTION NO.  
2008-R010

**Consenting to and approving a financing of the Industrial Development Authority of the County of Taney, Missouri for the Skaggs Community Hospital Association, a Missouri nonprofit Corporation, by providing for the issuance of Qualified Section 501 (C) (3) Revenue Bonds in an approximate amount of \$550,000 to pay the costs of refinancing certain debt with Regions Bank.**

Resolution consenting to and approving a financing of the Industrial Development Authority of the County of Taney, Missouri for the Skaggs Community Hospital Association, a Missouri Nonprofit Corporation, by providing for the issuance of Qualified Section 501 (C) (3) Revenue Bonds in an approximate amount of \$550,000 to pay the costs of refinancing certain debt with Regions Bank 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. Alderwoman Williams so moved to, seconded by Alderman Davis. Mayor Presley asked for questions or comments. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Resolution No. 2008-R010 was adopted.

# DISBURSEMENTS

Mayor Presley stated the next item was review of disbursements for July 31, 2008 through August 28, 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. 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

Alderwoman Bohinc stated several Board members attended the Missouri Municipal League conference and it was very informative. She said she is happy Branson is a host city for the Tour of Missouri and encouraged everyone to attend.

Alderwoman Williams thanked John and Janice for their hard work and she felt the meeting on September 6, 2008 went well and was very informative. She thanked Dean Kruithof and Frank Schoneboom and staff for their hard work on the project.

Mayor Presley read the six month goals provided by Dean Kruithof. She commented on the note from Green County on Chief McCullough's commitment, with the Board's approval in this budget year, to have Branson participate in the crime lab. Chief McCullough stated that in a letter under signature of the City Administrator the City has agreed to participate in funding of the Lab for Southwest Missouri which will benefit the Police Department. He said it was a ten year commitment for a total of approximately \$12,000.00 and it is a good investment for the city and the area. Mayor Presley thanked staff for the landscaping around City Hall. She said there are several Board appointments opening up for the Park Board, Public Building Corporation and the IDA and encouraged the public to come forward if they are interested in serving on those citizen Boards. She also encouraged everyone to come out for the Tour of Missouri.

## **EXECUTIVE SESSION**

Mayor Presley stated, that concluded the Regular Agenda and entertained a motion to adjourn to a closed Executive Session. Alderman Marshall moved to go into Closed Executive Session pursuant to 610.021.2 RSMo for real estate and 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. Alderwoman Williams so moved, seconded by Alderman Marshall. Meeting adjourned at 8:58 p.m. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

---

Raeanne Presley  
Mayor

---

Lisa K Westfall  
City Clerk