

# **MINUTES**

## **THE REGULAR MEETING OF THE BOARD OF ALDERMEN**

### **CITY OF BRANSON, MISSOURI**

**January 13, 2009**

## **INTRODUCTORY**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on January 13, 2009 at 7:00 p.m. with the following members present:

Mayor Presley presiding, Rick Davis, Sandra Williams, Stephen Marshall and Cris Bohinc.  
Absent: Stan Barker and 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, Police Chief Carroll 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. Dan Ruda, 103 Galewood, Branson, Missouri asked that Bill No. 3611 be moved to Regular Agenda for further discussion. Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Alderwoman Williams requested the final reading of Bill No. 3611 be moved to 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:

December 9, 2008 special meeting  
December 9, 2008 regular meeting

Acknowledge Receipt of Minutes:

Health Integration Task Force meeting of August 13, 2008  
Capital Improvement Committee meeting of October 13, 2008  
City Attorney Interview Committee meeting of October 24, 2008  
Planning & Zoning Commission meeting of November 4, 2008  
Board of Adjustment meeting of November 20, 2008

**Bill No. 3610**  
**Ord. No. 2009-001**

**Approving a Municipal Code amendment to Chapter 38, Article III, Section 38-62 of the Branson Municipal Code pertaining to Fire Prevention and Protection.**

Final 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. Voting aye: Davis, Williams, Marshall and Bohinc. Absent: Barker and McDowell. Nays: none. Motion carried. Ordinance No. 2009-001 was duly enacted.

**Bill No. 3612**  
**Ord. No. 2009-003**

**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.**

Final 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. Voting aye: Davis, Williams, Marshall and Bohinc. Nays: none. Absent: Barker and McDowell. Motion carried. Ordinance No. 2009-003 was duly enacted.

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

## **REGULAR AGENDA**

**Bill No. 3611**

**Approving a sewer services, facilities and annexation agreement with Tuscany on the Lake, LLC**

Final 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. Mayor Presley asked for a motion approving the bill. Alderman Davis so moved, seconded by Alderwoman Williams. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Paul Link, 3027 Highway 76, Branson, Missouri requested the matter be postponed to no later than March 31, 2009. Dan Ruda, 103 Galewood, Branson, Missouri stated Majestic at Table Rock went through a laborious city sewer process to get it extended and annexed. He said Majestic at Table Rock was the first development and had the option to put in a package plant. They did not do that because they were given assurances that there would be no problem to extend the City line however there were problems. Mr. Ruda said in this process the developer entered into an agreement with the City for a reimbursement provision. Majestic at Table Rock incurred all of the initial cost and any additional developers that hook on use a complicated formula for reimbursement. He said he does not think it is equitable or good for development and thinks there may be a better solution. He said Majestic at Table Rock spent about half a million dollars to extend the line when the permit was finally issued. The agreement with the City said if future developers hook on the City will recoup Majestic at Table Rock approximately \$50,000 to \$75,000 dollars. He said equity needs to be looked at and adding capacity is a very costly endeavor. Mayor Presley asked for comments from the Board. Discussion. Alderwoman Williams moved to postpone the final reading of Bill No. 3611 not to exceed March 31, 2009, seconded by Alderman Davis. Mayor Presley asked for any questions or comments from the audience regarding the motion to postpone. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Davis, Williams and Bohinc. Absent: Barker and McDowell. Nays: none. Abstain: Marshall. Motion carried.

## **PRESENTATION REGARDING THE IMPLEMENTATION OF THE LIQUOR ORDINANCE**

Carl Garrett, Finance Department, Supervisor of Licensing and Tax Compliance and Chief Caroll McCullough provided a presentation regarding the implementation of the Liquor Ordinance. Discussion.

### **Bill No. 3613                    Amending Section 86-622 of the Branson Municipal Code: Schedule II: Speed Limits.**

First reading of Bill No. 3613, an ordinance amending Section 86-622 of the Branson Municipal Code: Schedule II: Speed Limits was read by title by City Clerk Westfall and a staff report was presented by David Miller. Mayor Presley asked for a motion approving the first reading of Bill No. 3613. Alderwoman Bohinc moved to approve the bill, seconded by Alderwoman Williams. 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: Davis, Williams, Marshall and Bohinc. Nays: none. Absent: Barker and McDowell. Motion carried.

### **Bill No. 3614                    Amending Section 86-623 of the Branson Municipal Code: Schedule III: Restricted or Prohibited Parking.**

First reading of Bill No. 3614, an ordinance amending Section 86-623 of the Branson Municipal Code: Schedule III: Restricted or Prohibited Parking was read by title by City Clerk Westfall and a staff report was presented by David Miller. Mayor Presley asked for a motion approving the first reading of Bill No. 3614. Alderman Marshall so moved, seconded by Alderwoman Williams. 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: Davis, Williams, Marshall and Bohinc. Nays: none. Absent: Barker and McDowell. Motion carried.

### **Bill No. 3615                    Approving the renewal of the contract with R.J. Scherr & Associates for State Lobbying Services.**

First reading of Bill No. 3615, an ordinance approving the renewal of the contract with R.J. Scherr & Associates for State Lobbying Services was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof who noted for the record that in preparation of the 2009 budget it was discovered that \$28,000 for this contract has not been put into the budget. He stated that this will require a budget amendment and other funding has been identified that could be reduced in order to pay for this. He said the bottom line of the budget will not change. He recommended doing a budget amendment at a later time when any further amendments can be made at once rather than a series of smaller amendments. Mayor Presley asked for a motion approving the first reading of Bill No. 3615. Alderman Davis 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: Davis, Williams, Marshall and Bohinc. Nays: none. Absent: Barker and McDowell. Motion carried.

### **RESOLUTION NO.                    Approving the City of Branson's Legislative Agenda for the year 2009.** **2009-R001**

A Resolution adopting the City of Branson's Legislative Agenda for the year 2009 was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof. Mayor Presley asked for a motion adopting the resolution. Alderman Marshall moved to adopt the resolution, 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:

Davis, Williams, Marshall and Bohinc. Nays: none. Absent: Barker and McDowell. Motion carried. Resolution No. 2009-R001 was adopted.

## **APPOINTMENTS**

Mayor Presley requested the following appointments be made:

Glenda Justus to the Housing Authority Board to fill the unexpired term of Bob Sutherland expiring October, 2010.

Mayor Presley requested the establishment of the Special Committee called the Outside Agency Funding Committee. The purpose of this committee will be to review proposals submitted for Community Arts and Temporary Emergency Help and make recommendations to the Board. The Mayor requested the following appointments be made to the committee: Dean Kruithof, Carl Sparks, Steve Dalton, Bob McDowell, Peggy Miller and Raeanne Presley. The committee will be dissolved upon completion of its purpose.

Mayor Presley asked for a motion approving the appointments and the establishment of the Outside Agency Funding Committee. Alderman Davis so moved, seconded by Alderwoman Bohinc. Mayor Presley asked for questions or comments. Voting aye: Davis, Williams, Marshall and Bohinc. Nays: none. Absent: Barker and McDowell. Motion carried.

## **DISBURSEMENTS**

Mayor Presley stated the next item was review of disbursements for November 26, 2008 through December 31, 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 so moved, seconded by Alderman Marshall. Voting aye: Davis, Williams, Marshall and Bohinc. Nays: none. Absent: Barker and McDowell. Motion carried.

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

Alderman Davis said he was looking forward to the luncheon with Hollister's Councilmen and requested the East/West corridor issue be put on the agenda for discussion at the luncheon. He questioned the progress of the county transportation study and if projects like this fall under such a study. He thanked the City for the opportunity to come to the Christmas party, he thanked Cheryl Jordan and her team for the wonderful job they did. He said he will be going to Jefferson City to talk to the area legislators and he would like to discuss the use of city owned land adjacent to Lakeside Forest Wilderness area. He asked if the Board is inclined to take a preliminary look into possible interest from any State level department that may be interested in helping to use this land. The Board encouraged him to inquire while he is in Jefferson City. He complimented David Miller and others who have been involved in having public infrastructure projects in line that may qualify as government stimulus projects.

Alderwoman Williams thanked everyone for their work on the Christmas party. She commented on the report that Larry VanGilder provided at the study session on Biosolids. She was enthused about the possibility of available federal funding. She said it has been worked on for many years and hopefully will come to fruition.

Alderman Marshall commented on the new monitors installed in the chambers.

Alderwoman Bohinc said she appreciated Dan Ruda's comments and a recapture agreement will be looked into. She thanked D.J. Cline for having everything online and available to the public, she encouraged people to bring comments and concerns to the Board.

Administrator Kruithof stated that new monitors were installed for better viewing by the audience. He said D. J. Cline did a lot of research, acquired and installed the monitors very economically. He thanked him for the hard work. He also reminded everyone about the joint meeting with Hollister's Board. Administrator Kruithof introduced Jamie Roush, Assistant Finance Director and Lori Helle, Director of Finance said Ms. Roush was an internal auditor for Herschend Family Entertainment who has a great deal of auditing experience and she is thrilled to have her on board.

Mayor Presley recognized Bret Niles from Scout Troup 290 who observed the Board of Aldermen meeting in preparation of his Eagle project. Mayor Presley stated that she, Dean Kruithof, Jerry Adams and Lisa Westfall attended a presentation by a representative from the Department of Economic Development on tax incentives at the Branson Airport and hosted by the Industrial Development Authority (IDA) Board. She reminded everyone that Friday, January 16, 2009 is the Convention and Visitors Bureau (CVB) presentation of the Ozark Mountain Spring event at the Branson Convention Center.

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

## **ADJOURN**

At this time Mayor Presley asked for a motion to adjourn. Alderman Davis moved to adjourn, seconded by Alderwoman Williams. Voting aye: Davis, Williams, Marshall and Bohinc. Nays: none. Absent: Barker and McDowell. Motion carried. Meeting adjourned at 8:15 p.m.

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Raeanne Presley  
Mayor

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Lisa K Westfall  
City Clerk