

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN

CITY OF BRANSON, MISSOURI

February 10, 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 February 10, 2009 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 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, Assistant Director of Planning and Zoning Ruth Denham, Police Chief Carol 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 the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

John Logan, 2277 Lakeshore Drive, Branson, Missouri said he came asking for money for a ten foot memorial statue to honor a great citizen of Branson, Harold Bell Wright. He said he spoke with the County Commission regarding funding of \$4,000.00 and he is asking for \$4,000.00 from the Board of Aldermen. He stated \$1,000.00 of private money has been raised and the total cost of the bronze casting is \$11,000.00. He stated that Harold Bell Wright deserves a tribute because he was a great man and asked the Board to please consider it. He said he would like to announce the statue at the May festival.

Nancy Nish passed.

Michael Pinkley, 159 Turtle Creek Drive, Branson, Missouri wanted to recognize Chief McCullough, Investigator Sean Barnwell and the entire Branson Police Department. He stated he recently experienced a burglary at Turtle Creek Apartments, 911 was called and within minutes the Police were there and a report was completed. He said within 72 hours he had a call to identify his property and he wanted to personally thank the Police Department.

Jim Lekander, 602 Kingsway, Branson, Missouri asked that the appointments to the Contingency Fund Committee be brought down with the reason being to widen the scope. He proposed reducing the number of representatives from the Chamber and include a private citizen and a representative from a non-profit agency. He said by broadening this group it will benefit everyone to bring the business community and citizens together to get a better picture of Branson and provide an opportunity for others to feel like they are involved.

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. 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:

January 8, 2009 special meeting
January 8, 2009 study session
January 13, 2009 regular meeting
January 15, 2009 special meeting
January 22, 2009 study session

Acknowledge Receipt of Minutes:

Park Board meeting of November 18, 2008
Board of Adjustment meeting of December 18, 2008
Community Pride Committee meeting of January 6, 2009
City Attorney Interview Committee meeting of January 9, 2009

Bill No. 3613

Ord. No. 2009-004 **Amending Section 86-622 of the Branson Municipal Code: Schedule II: Speed Limits.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-004 was duly enacted.

Bill No. 3614

Ord. No. 2009-005 **Amending Section 86-623 of the Branson Municipal Code: Schedule III: Restricted or Prohibited Parking.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-005 was duly enacted.

Bill No. 3615

Ord. No. 2009-006 **Approving the renewal of the contract with R.J. Scherr & Associates for State Lobbying Services.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-006 was duly enacted.

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

REGULAR AGENDA

PRESENTATION OF QUARTERLY REPORT ON THE CONVENTION CENTER

Bill Derbins, 200 E. Main Street, Branson, Missouri provided an introduction and Bill Tirone provided the quarterly report on the Convention Center as required by contract. Discussion. Mayor Presley asked for a motion accepting the report. Alderwoman Williams 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.

PRESENTATION BY THE MEETING DEPARTMENT OF THE CONVENTION & VISITORS BUREAU

Vienna Bowling, Director of Meeting and Convention Sales, provided a presentation regarding the meeting department of the Convention & Visitors Bureau. Discussion. Mayor Presley asked for a motion accepting the report. Alderman Barker moved to approve, seconded by Alderman Marshall. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Bill Skains, 805 Mockingbird, Branson, Missouri representing the Branson Lakes Area Tourism Enhancement District stated the Convention and Visitors Bureau does a great job and this shows the community what happens when everyone works together. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

APPROVAL OF THE 2009 MARKETING BUDGET OF THE BRANSON/LAKES AREA CHAMBER OF COMMERCE AND CONVENTION & VISITORS BUREAU AS PRESENTED DECEMBER 9, 2008

Mayor Presley stated on December 9, 2008 the Board heard a presentation on the 2009 marketing budget of the Branson/Lakes Area Chamber of Commerce and Convention & Visitors Bureau by Dan Lennon. As required by contract Mayor Presley asked for a motion approving the 2009 marketing budget. 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.

Mayor Presley called for a break 8:44 p.m. and the meeting resumed at 8:56 p.m.

BILL NO. 3616

Approving a Municipal Code amendment to Section 70-4 of the Branson Municipal Code pertaining to Sign & Banner Exemptions.

First reading of Bill No. 3616 an ordinance approving a Municipal Code amendment to Section 70-4 of the Branson Municipal Code pertaining to Sign and Banner Exemptions was read by title by City Clerk Westfall and a staff report was presented by Dean Kruthof. Mayor Presley asked for a motion approving the first reading of Bill No. 3616. Alderwoman Bohinc moved to approve the bill, 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. 3617 **Approving a zoning change for property currently zoned R-1 One-Family Dwelling District to be rezoned R-3 Multiple-Family Dwelling District located at 797 Ford Street.**

First reading of Bill No. 3617 an ordinance approving a zoning change for property currently zoned R-1 One-Family Dwelling District to be rezoned R-3 Multiple-Family Dwelling District located at 797 Ford Street, Branson, Missouri was read by title by City Clerk Westfall and a staff report was presented by Ruth Denham. Discussion. Mayor Presley asked for a motion approving the first reading of Bill No. 3617. Alderman Davis so moved, seconded by Alderwoman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for additional comments from the Board. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

BILL NO. 3618 **Approving a Final Subdivision Plat for Siena Subdivision Phase 1 for properties located at 531 Prairie Dunes Drive.**

First reading of Bill No. 3618 an ordinance approving a Final Subdivision Plat for Siena Subdivision Phase 1 for properties located at 531 Prairie Dunes Drive, Branson, Missouri was read by title by City Clerk Westfall and a staff report was presented by Ruth Denham. Mayor Presley asked for a motion approving the first reading of Bill No. 3618. Alderman Barker moved to approve, 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

BILL NO. 3619 **Approving a Planned Development amendment to the Branson Pointe Land Use Regulations PD-92-82 for properties located at 311 Roark Valley Road.**

First reading of Bill No. 3619 an ordinance approving a Planned Development amendment to the Branson Pointe Land Use Regulations PD-92-82 for properties located at 311 Roark Valley Road, Branson, Missouri was read by title by City Clerk Westfall and a staff report was presented by Dean Kruthof. Mayor Presley asked for a motion approving the first reading of Bill No. 3619. Alderwoman Williams moved to approved Bill No. 3619 on its first reading, seconded by Alderman Marshall. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Lowell Miller, 215 Tyler Street, Branson, Missouri stated his concern was exclusively for public safety because entry and exit from the site will be onto Roark Valley Road where there is a sharp turn to the left. He said any traffic coming up the road to the proposed entry would be blindsided and is particularly bad for traffic exiting. He said because Roark Valley Road is a relief route for Highway 76, several hundred vehicles exiting a dinner theater will either cause traffic backups or accidents. Nancy Nish, 205 Tyler Street, Branson, Missouri said she concurs with Lowell Miller and she asked the Board to disapprove this bill. She said Roark Valley Road needs to be kept open to provide traffic relief for Highway 76. Mayor Presley asked for comments from the Board. Discussion. Voting aye: None. Nays: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Motion failed.

BILL NO. 3620 **Approving a Planned Development amendment to the Woods Land Use Regulations PD-00-001 for properties located at 2201 Roark Valley Road.**

First reading of Bill No. 3620 an ordinance approving a Planned Development amendment to the Woods Land Use Regulations PD-00-001 for properties located at 2201 Roark Valley Road, Branson Missouri was read by title by City Clerk Westfall and a staff report was presented by Ruth Denham. Mayor Presley asked for a motion approving the first reading of Bill No. 3620. Alderman Barker moved to approve, seconded by Alderman Davis. Mayor Presley asked for anyone in the

audience wishing to speak regarding this matter. Bill Yung, Yung Design Group, Inc. 110 W. Adams, Branson, Missouri stated the changes that are being requested are on Division Two and everything in the original PD stays the same for Division One. He said the primary change is in the parking requirements. Mr. Yung said he talked with a number of the neighbors and there was concern about a road left off due to a drafting error which now shows on the current map and also the 100 feet height which, after negotiations with neighbors and Westgate, has been lowered to 65 feet. He said this was discussed at the Planning and Zoning Commission meeting and no action was taken. He asked for the changes to be made during this Board meeting. Paul Link, 3027 Highway 76, Branson, Missouri stated the two issues were discussed at Planning and Zoning. Mr. Yung was agreeable to the changes but unable to commit until he had spoken to the owners and architects. He said Brent Butler cast the one descending vote. David Hughes, 2201 Roark Valley Road, Branson, Missouri said the tallest building in Division 1 is 88 feet. Mr. Yung stated they worked with neighbors and came to a compromise and asked if reducing standards doesn't make a difference to the Board. Paul Link suggested if the City is going to start a process of sending all changes back to the Planning and Zoning Commission for review then possibly P & Z should meet more than once a month. Mark Mose, 2201 Roark Valley Road, Branson, Missouri said the initial height limitation was 55 feet around his property with 15 to 20 very small buildings similar to his. He said after a poll of the property owners some agree to the 65 feet and others want it to remain at the original 55 feet height limitation. He said his personal preference would be the original 55 feet. Mayor Presley asked for comments from the Board. Discussion. Alderman Davis moved to postpone to the next meeting so Mr. Yung can submit the proposed amendments for staff review, seconded by Alderwoman Bohinc. Mayor Presley asked for comments from the audience. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Davis, Williams, Marshall, Bohinc and McDowell. Nays: Barker. Motion carried.

BILL NO. 3621 **Approving a Municipal Code amendment to Chapter 46, Article III, Section 46-61 pertaining to Health Permit Fees and Article IV, Division 6 of the Branson Municipal Code pertaining to Animal Control.**

First reading of Bill No. 3621 an ordinance approving a Municipal Code amendment to Chapter 46, Article III, Section 46-61 pertaining to Health Permit Fees and Article IV, Division 6 of the Branson Municipal Code pertaining to Animal Control 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. 3621. Alderwoman Bohinc moved to approve the bill, 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. Linda Randolph, 771 Elm Shade Road, Branson, Missouri representing the Taney County Health Department stated that Taney County has an ordinance that is very similar to the Branson Ordinance and the State also has a requirement for dogs and cats to be vaccinated for rabies. Taney County doesn't require the ferrets to have rabies shots. She stated a local store is selling ferrets and have been giving the vaccination before the ferrets are sold. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

BILL NO. 3622 **Approving a Municipal Code amendment to Chapter 46, Article IV, Division 3, of the Branson Municipal Code pertaining to Swimming Pools.**

First reading of Bill No. 3622 an ordinance approving a Municipal Code amendment to Chapter 46, Article IV, Division 3, of the Branson Municipal Code pertaining to Swimming Pools 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. 3622. Alderwoman Williams 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

BILL NO. 3623**Approving a Municipal Code amendment to Chapter 46, Article IV, Division 5, Subdivision I of the Branson Municipal Code pertaining to Body Art Establishments.**

First reading of Bill No. 3623 an ordinance approving a Municipal Code amendment to Chapter 46, Article IV, Division 5, Subdivision I of the Branson Municipal Code pertaining to Body Art Establishments was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof. Linda Randolph, 771 Elm Shade Road, Branson, Missouri representing the Taney County Health Department stated they have received several complaints from people who have had henna tattoos and have scarred. She said she contacted the FDA and learned there is Federal Law prohibiting black and blue henna. Mayor Presley asked for a motion approving the first reading of Bill No. 3623. Alderman Barker 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. 3624**Awarding the bid to Letts, Van Kirk & Associates to pull, rebuild, and reinstall a vertical turbine pump at the Meadows Water Plant Intake Pump Station.**

First reading of Bill No. 3624 an ordinance awarding the bid to Letts, Van Kirk & Associates to pull, rebuild, and reinstall a vertical turbine pump at the Meadows Water Plant Intake Pump Station for the Public Works Department of 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 Larry VanGilder. Mayor Presley asked for a motion approving the first reading of Bill No. 3624. Alderman Barker moved to approve, seconded by Alderman McDowell. 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.

**RESOLUTION NO.
2009-R002****Authorizing the disposition of surplus property.**

A Resolution authorizing the disposition of surplus property was read by title by City Clerk Westfall and a staff report was presented by Larry VanGilder. Mayor Presley asked for a motion adopting the resolution. 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. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Resolution No. 2009-R002 was adopted.

APPOINTMENTS

Mayor Presley requested the establishment of a Special Committee called the Contingency Fund Committee. The purpose of this committee will be to accept, review, evaluate and recommend to the Board of Aldermen special attractions and events that fit into the use of the 2% Tourism Tax Contingency Fund. The members of this committee will be comprised of: one representative of the City of Branson, one member of the Branson Lakes Area Chamber of Commerce & Convention and Visitors Bureau Public Relations Committee, the chair of the District Marketing Council and three staff members of the Branson Lakes Area Chamber of Commerce & Convention and Visitors Bureau. The committee will be dissolved September 2009. Mayor Presley asked for a motion approving the appointments and the establishment of the Contingency Fund Committee. Alderman McDowell so moved, seconded by Alderman Marshall. Mayor Presley asked for questions or comments. Discussion. Dan Lennon questioned if 75% goes to infrastructure and 25% to marketing does the 2% contingency come from the entire amount or only the marketing percentage. He said he believes the 2% comes from the entire

amount. Voting aye: None. Nays: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Motion failed.

DISBURSEMENTS

Mayor Presley stated the next item was review of disbursements for January 8, 2009 through January 22, 2009 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 McDowell so moved, seconded by Alderman Marshall. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman McDowell said he was impressed with the firemen's banquet and recognized the heart and passion of the firemen who work to protect everyone.

Alderman Barker thanked the public works department, the police and fire departments and all staff who worked tirelessly during the ice storm.

Alderman Davis said the memo regarding the Branson Landing Transportation Development District (TDD) includes administrative fees and he questioned if that fee could be conserved if it was done internally. He said on March 20, 2009 will be an hour long program held regarding a nature center effort.

Alderman Williams concurred with Alderman Barker regarding efforts by staff during the ice storm. She also said several people went to Jefferson City and met with legislators and lobbyists to discuss issues concerning Branson.

Alderman Marshall commended Public Works for a job well done. He also stated he sits on the CVB Board and approval has been given and money has been provided for improving the Welcome Center at the CVB.

Alderman Bohinc said she was fortunate to be in attendance at the Change of Command Ceremony for area resident Brigadier General Stephen L. Danner and she congratulated him. She stated Taney County animal control officers are starting a fundraising group to help raise funds for animals in the community and anyone interested in joining can contact her.

Administrator Kruithof expressed his thanks to City staff for their hard work during the ice storm. He complimented White River Electric for keeping the media continuously informed as to power outages. He also said residents in need of limb removal should contact the Public Works Department between February 17 - 20. He reminded everyone the community cleanup will be in April. He mentioned going to the Firefighter banquet and said he enjoyed it greatly.

Mayor Presley reminded everyone about the Census meeting at City Hall on February 10, 2009.

EXECUTIVE SESSION

Mayor Presley stated, that concluded the Regular Agenda and entertained a motion to adjourn to a closed Executive Session. Alderman 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

McDowell. 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 moved to adjourn, seconded by Alderman Davis. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Meeting adjourned at 11:26 p.m.

Raeanne Presley
Mayor

Lisa K Westfall
City Clerk