

# **MINUTES**

**THE REGULAR MEETING OF THE BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
February 24, 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 24, 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 Kruthof, 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.

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. Alderwoman Williams asked that Item No. 3 be removed from the Consent Agenda and placed as 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:

February 5, 2009 study session  
February 10, 2009 regular session

Acknowledge Receipt of Minutes:

Planning & Zoning Commission meeting of January 6, 2009  
Budget & Finance Committee meeting of January 6, 2009  
Personnel Committee meeting of January 22, 2009

**BILL NO. 3617**

**Ord. No. 2009-008**     **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.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-008 was duly enacted.

**BILL NO. 3618**

**Ord. No. 2009-009**     **Approving a Final Subdivision Plat for Siena Subdivision Phase 1 for properties located at 531 Prairie Dunes Drive.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-009 was duly enacted.

**BILL NO. 3621**

**Ord. No. 2009-010**     **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.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-010 was duly enacted.

**BILL NO. 3622**

**Ord. No. 2009-011**     **Approving a Municipal Code amendment to Chapter 46, Article IV, Division 3, of the Branson Municipal Code pertaining to Swimming Pools.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-011 was duly enacted.

**BILL NO. 3623**

**Ord. No. 2009-012**     **Approving a Municipal Code amendment to Chapter 46, Article IV, Division 5, Subdivision I of the Branson Municipal Code pertaining to Body Art Establishments.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-012 was duly enacted.

**BILL NO. 3624**

**Ord. No. 2009-013**

**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.**

Final 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-013 was duly enacted.

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

## **REGULAR AGENDA**

**BILL NO. 3616**

**Ord. No 2009-007**

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

Final 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 Kruithof. Mayor Presley asked for a motion approving the final reading of Bill No. 3616. 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. Alderwoman Williams moved to amend Section 70-4, item number 11 of the Branson Municipal Code by changing the last line to read, "banners face inward to the arena, city park, recreational complex or athletic field" and the second line should start with "city park", seconded by Alderman McDowell. Mayor Presley asked for questions from the audience regarding the amendment. Hearing none, Mayor Presley asked for comments from the board. Mayor Presley called for a vote on the amendment. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Mayor Presley asked for question from the audience on the bill as amended. Hearing none, Mayor Presley asked for questions from the Board. Mayor Presley called for a vote on the bill as amended. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Ordinance No. 2009-007 was duly enacted.

**BILL NO. 3625**

**Approving a zoning change for property currently zoned R-1 One-family Dwelling District to be re-zoned R-2 Two-family Dwelling District located at 101 Makaylie Lane.**

First reading of Bill No. 3625 an ordinance approving a zoning change for property currently zoned R-1 One-family Dwelling District to be re-zoned R-2 Two-family Dwelling District located at 101 Makaylie Lane, 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. 3625. Alderman Davis so moved, seconded by Alderman Barker. Mayor Presley asked for anyone in

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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. 3626**                    **Approving a zoning change for property currently zoned R-1 One-family Dwelling District to be re-zoned R-3 Multiple-family Dwelling District located at 101 Nona Lane.**

First reading of Bill No. 3626 an ordinance approving a zoning change for property currently zoned R-1 One-family Dwelling District to be re-zoned R-3 Multiple-family Dwelling District located at 101 Nona Lane, 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. 3626. 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. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

**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.**

City Clerk Westfall stated 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 postponed at the February 10 meeting. At that meeting it had a first reading, motion to approve and second. Mayor Presley stated the Board was now ready to have additional discussion and called on Dean Kruithof to provide an update on this item. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Frew Kleypas, 2748 Shepherd of the Hills Expressway, Branson, Missouri stated she wanted to make sure it was on public record, when the Woods is approved for this project she will have an easement to the sewer that will go through their property. Mayor Presley asked for comments from the Board. Alderman Davis moved to amend Bill No. 3620 Exhibit "1" the Woods Land Use Regulation PD-00-001 revised December 30, 2008 as follows:

Section 1.08, Parcels: First bullet – which is in the line with parcels 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32 and 33, change 100 to 65 feet for condominiums, apartments, timeshare, fractional share and other forms of multi-family housing.

Third bullet – parcel 19, change 75 to 65 feet for recreational buildings including water park structures.

Item 12 replace Exhibit "L", showing stub street, with revised Exhibit "L" dated February 10, 2009 and replace Exhibit "N", height map, with revised Exhibit "N" dated February 10, 2009 to reflect the above changes.

Seconded by Alderwoman Williams. Mayor Presley asked for questions from the audience regarding this amendment. 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 asked for questions from the audience regarding the bill as amended. 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. 3627****Approving a Municipal Code amendment to Sections 400.040 and 405.050 of the Branson Municipal Code pertaining to Manufactured Structures.**

First reading of Bill No. 3627 an ordinance approving a Municipal Code amendment to Sections 400.040 and 405.050 of the Branson Municipal Code pertaining to Manufactured Structures was read by title by City Clerk Westfall and a staff report was presented by William Duston. Mayor Presley asked for a motion approving the first reading of Bill No. 3627. Alderwoman Bohinc 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: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

**BILL NO. 3628****Accepting the proposal of Hoggatt Excavating, Inc. pertaining to the Cahill Drive walking path project.**

First reading of Bill No. 3628 an ordinance accepting the proposal of Hoggatt Excavating, Inc. pertaining to the Cahill Drive walking path 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 and David Miller. Mayor Presley asked for a motion approving the first reading of Bill No. 3628. 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. 3629****Awarding the bid to Collins & Hermann, Inc. to provide materials and installation of iron fencing at the City Cemetery.**

First reading of Bill No. 3629 an ordinance awarding the bid to Collins & Hermann, Inc. to provide materials and installation of iron fencing at the City Cemetery 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 Dean Kruithof and Larry VanGilder. Mayor Presley asked for a motion approving the first reading of Bill No. 3629. 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. Discussion. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried.

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

Alderwoman Williams said she attended the Chamber Black Tie Awards Ceremony and she congratulated Ted Martin of the Branson Fire Department and Captain Ron and Laura Keys from the Salvation Army for their awards.

Alderman Marshall asked how long the temporary traffic light will be on Fall Creek Road. David Miller stated with good weather approximately two weeks.

Alderwoman Bohinc said she was at the Branson Senior Center where they serve lunch at 11:30 and encouraged people to go there whether they are seniors or not. She said they are having a fundraising pancake dinner next month to benefit meals on wheels and invited everyone to attend.

Alderman McDowell commented on the reverse 911 presentation and encouraged continued public awareness because it is a good program. He said it is internet based and asked people to get online or come in and provide contact information. He congratulated Ted Martin and Captain Ron and Laura Keys on their awards. Mayor Presley stated there was discussion about the reverse 911 at the

legislative committee meeting and Commissioner Pennell showed interest in a county wide reverse 911. Alderman McDowell said it would be good for Hollister to participate because of their proximity.

Alderman Barker sent kudos to Ted Martin and said he was proud he is a member of the City of Branson Fire Department. He also congratulated Captain and Mrs. Keys.

Alderman Davis thanked the Finance Department for the liquor training classes. He said they were well attended and thanked the media for their coverage. He asked if there was any new information regarding the HUD funding for affordable housing. Mayor Presley stated the last round of projects awarded were to single family housing by Celebration City and two of Mr. Huffman's projects on Bird Road. She said the Communications Director from MHDC was in Branson and met with several people to gather information about Branson housing issues in particular. She said Pete Ramsel, Director of MHDC will take this information to Washington on March 1 to seek income limits be changed so more people can qualify for available units. Alderwoman Williams said the 2010 census accuracy is very important because HUD and others will use the information to apply for grant money.

Administrator Kruithof congratulated Ted Martin. He said on Friday, February 27<sup>th</sup> at 2:00 p.m. there will be a reception for Corporal Matt Gregory who is the Employee of the Year. He also said on March 6<sup>th</sup> at 2:00 p.m. there will be a retirement party for Joe Beckenridge. He stated Bob Slaven has given him the short list for both the Planning and Zoning and Economic Development Directors. He expects interviews to start soon.

Mayor Presley said the Finance Committee now has more expanded minutes and they are available online.

## **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, 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 moved to adjourn, seconded by Alderman Davis. Voting aye: Barker, Davis, Williams, Marshall, Bohinc and McDowell. Nays: none. Motion carried. Meeting adjourned at 7:54 p.m.

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Raeanne Presley  
Mayor

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Hillary Bargman  
Deputy City Clerk