

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI
March 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 March 10, 2009 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 Attorney William Duston, Deputy City Clerk Hillary Bargman, Director of Communications Jerry Adams, Director of Computer Information Services D.J. Cline, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Police Chief Carol McCullough, Parks Director Cindy Shook 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.

Administrator Kruithof announced receiving an e-mail from David Miller, Director of Engineering, who attended the Missouri Department of Transportation news conference regarding the Taneycomo Bridge. He read the following: Kurt Juranas, District 8 Director for MoDot, has stated there are two projects in our area receiving stimulus money. The Taneycomo Bridge project will be getting \$11,039,000.00 and an asphalt overlay of Hwy. 265 from Hwy. 76 to Hwy. 165 and that project is getting \$340,000.00. The Highway Commission will approve the new list a week from Thursday. The official list and a PowerPoint presentation shown at the news conference will be posted on the MoDot website, www.modot.org. He expressed confidence that the list will be approved. Mr. Juranas said the \$1.0 million for Hwy. 76 ADA ramps is still on the list and proceeding. Administrator Kruithof expressed gratitude to MoDot for listening to the community's needs and considering them.

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 Deputy City Clerk Bargman to read the items on the Consent Agenda. Deputy City Clerk Bargman read the following Consent Agenda items by title.

Approval of the Board of Aldermen Minutes:

February 19, 2009 study session
February 24, 2009 regular meeting
March 2, 2009 special meeting

Acknowledge Receipt of Minutes:

Park Board meeting of January 20, 2009
Community Pride Committee meeting of February 3, 2009
Planning and Zoning Commission meeting of February 3, 2009
Outside Agency Funding Committee meeting of January 22, 2009
Outside Agency Funding Committee meeting of February 13, 2009

BILL NO. 3625

Ord. No. 2009-014

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.

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2009-014 was duly enacted.

BILL NO. 3626

Ord. No. 2009-015

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.

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2009-015 was duly enacted.

BILL NO. 3620

Ord. No. 2009-016

Approving a Planned Development amendment to the Woods Land Use Regulations PD-00-001 for properties located at 2201 Roark Valley Road.

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2009-016 was duly enacted.

BILL NO. 3627

Ord. No. 2009-017

Approving a Municipal Code amendment to Sections 400.040 and 405.050 of the Branson Municipal Code pertaining to Manufactured Structures.

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2009-017 was duly enacted.

BILL NO. 3628
Ord. No. 2009-018

Accepting the proposal of Hoggatt Excavating, Inc. pertaining to the Cahill Drive walking path project.

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2009-018 was duly enacted.

BILL NO. 3629
Ord. No. 2009-019

Awarding the bid to Collins & Hermann, Inc. to provide materials and installation of iron fencing at the City Cemetery.

Final 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 Deputy City Clerk Bargman. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Ordinance No. 2009-019 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 Barker. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried.

REGULAR AGENDA

PRESENTATION BY TANEY COUNTY PRESIDING COMMISSIONER CHUCK PENNEL

Taney County Presiding Commissioner Chuck Pennel provided an update regarding the tax issue on the April 6, 2009 ballot. Mayor Presley asked for questions from the audience. Hearing none, Mayor Presley asked for questions or comments from the Board. Discussion.

PRESENTATION REGARDING THE APPROVAL OF THE BOND PURCHASE AGREEMENT FOR TOURISM TAX REFUNDING BOND SERIES 2009

Administrator Kruthof introduced Kevin Vought who provided information regarding the approval of the Bond Purchase Agreement for Tourism Tax Refunding Bond Series 2009. Mayor Presley asked for questions from the audience. Hearing none, Mayor Presley asked for questions or comments from the Board. Discussion.

MONTHLY FINANCIAL UPDATE

Director of Finance Lori Helle presented the first quarter of FY 2009 monthly financial statement which goes through December, 2008. Mayor Presley asked for questions or comments from the audience. Hearing none, Mayor Presley asked for comments from the Board. Discussion.

BILL NO. 3630 **Approving the renewal of the contract with Don Grant for golf course maintenance.**

First reading of Bill No. 3630 an ordinance approving the renewal of the contract with Don Grant for golf course maintenance was read by title by Deputy City Clerk Bargman and a staff report was presented by Cindy Shook. Mayor Presley asked for a motion approving the first reading of Bill No. 3630. 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 and Bohinc. Nays: none. Absent: McDowell. Motion carried.

BILL NO. 3631 **Awarding the bid to BWI Companies Inc. for the purchase of agriculture supplies used in park facilities for the Parks and Recreation Department.**

First reading of Bill No. 3631 an ordinance awarding the bid to BWI Companies Inc. for the purchase of agriculture supplies used in park facilities for the Parks and Recreation Department and authorizing the Mayor to execute the same was read by title by Deputy City Clerk Bargman and a staff report was presented by Cindy Shook. Mayor Presley asked for a motion approving the first reading of Bill No. 3631. 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. Discussion. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried.

BILL NO. 3632 **Accepting a proposal for the provision of services between the City of Branson and Christian Action Ministry (CAM).**

First reading of Bill No. 3632 an ordinance accepting a proposal for the provision of services between the City of Branson and Christian Action Ministry (CAM) and authorizing the Mayor to execute a contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruihof. Mayor Presley asked for a motion approving the first reading of Bill No. 3632. 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 and Bohinc. Nays: none. Absent: McDowell. Motion carried.

BILL NO. 3633 **Accepting a proposal for the provision of services between the City of Branson and The Salvation Army.**

First reading of Bill No. 3633 an ordinance accepting a proposal for the provision of services between the City of Branson and The Salvation Army and authorizing the Mayor to execute a contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruihof. Mayor Presley asked for a motion approving the first reading of Bill No. 3633. Alderman Davis 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 and Bohinc. Nays: none. Absent: McDowell. Motion carried.

BILL NO. 3634 **Accepting a proposal for the provision of services between the City of Branson and the Women's Crisis Center.**

First reading of Bill No. 3634 an ordinance accepting a proposal for the provision of services between the City of Branson and the Women's Crisis Center and authorizing the Mayor to execute a contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruihof. Mayor Presley asked for a motion approving the first reading of Bill No. 3634.

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

BILL NO. 3635 **Accepting a proposal for the provision of services between the City of Branson and Church Army Branson.**

First reading of Bill No. 3635 an ordinance accepting a proposal for the provision of services between the City of Branson and Church Army Branson and authorizing the Mayor to execute a contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion approving the first reading of Bill No. 3635. 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 and Bohinc. Nays: none. Absent: McDowell. Motion carried.

BILL NO. 3636 **Accepting a proposal for the provision of services between the City of Branson and Branson Arts Council.**

First reading of Bill No. 3636 an ordinance accepting a proposal for the provision of services between the City of Branson and Branson Arts Council and authorizing the Mayor to execute a contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion approving the first reading of Bill No. 3636. 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. Robert Cohn, 89 Westwood Dr., Branson, Missouri stated he recently took over as the Chief Financial Officer of the Arts Council and apologized that some of the figures submitted for last year are not accurate. He said there are no salary items in the figures because there is a salary item charged against every project for the Executive Director's time as well as rent for use of the facility rented from the City. He stated over the years the Arts Council has taken the position that as long as the City is willing to finance the Arts Council, so they could go out and do their job, the Arts Council would not solicit funds for any reason other than the Fashion Show. He said now they will have to solicit funds by going to the theaters and theater owners. Alderwoman Williams moved to postpone action on this for two weeks. Discussion. Alderwoman Williams withdrew her motion. Mr. Cohn addressed cutting salaries and office hours until more money is raised for the programs. He said the programs that are cut will begin again when funding is available. Discussion. Alderwoman Williams moved to postpone this for two week until the next meeting, seconded by Alderwoman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding the motion to postpone. Hearing none, Mayor Presley asked for any comments from the Board. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried.

RESOLUTION NO.
2009-R003 **Approving the renewal of the Municipal Electric Service Agreement with Empire District Electric Company.**

A Resolution approving the renewal of the Municipal Electric Service Agreement with Empire District Electric Company was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof and William Duston. Mayor Presley asked for a motion adopting the resolution. 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. Discussion. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Resolution No. 2009-R003 was adopted.

APPOINTMENTS

Mayor Presley requested the following appointment be made:

Tommy Nix to the Housing Authority Board with a term expiring October, 2012.

Mayor Presley asked for a motion approving the appointment. Alderman Marshall so moved, seconded by Alderman Davis. Mayor Presley asked for questions or comments. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried.

DISBURSEMENTS

Mayor Presley stated the next item was review of disbursements for January 29, 2009 through February 19, 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. Alderwoman Williams so moved, seconded by Alderman Marshall. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Marshall said he was privileged to go to some exciting well played Branson High School basketball games. He congratulated the players and coaches for being the 4th best high school team in the State.

Alderwoman Bohinc introduced the Director of the Branson Senior Center, Christine Thompson. She said that on March 21 there is a pancake fundraiser for the Meals on Wheels program and asked everyone to attend. She said it was uncomfortable earlier because the history and intent of the Branson Arts Council is a wonderful thing and it is something she supports but there were questions that had to be asked.

Alderman Barker thanked the county for the good job they do with the former College of the Ozarks Airport. He said it is a vital part of the community to have a general aviation airport here and the County Commissioners have supported it in the right way. He added they have chosen some great individuals that know aviation to be on that Board and great management. He said they are hanging steel for new hanger space so it is growing and doing a fine job.

Alderman Davis stated he appreciated Lori Helle's report and said he looks forward to seeing the trending that will be identified from her ongoing presentations. He said as he was looking at revenues and Lisa Westfall's reports of Municipal Court activity, how busy the Court is and how difficult it is to operate under cramped circumstances, he wanted to remind everyone of the continued need of the Court. He questioned if some federal stimulus money could be applied to cities for the purpose of funding this type of facility.

Alderwoman Williams thanked Dean Kruithof and Lori Helle for the report.

Administrator Kruithof asked everyone planning on playing basketball to please let him know in order to get t-shirts.

Mayor Presley said the calendar she gave everyone last week showing a study session on April 2nd is wrong and the correct date of that study session is April 9th. She reminded everyone the Branson Airport is making an announcement at 10:00 a.m. on Wednesday, March 11th.

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

ADJOURN

At this time Mayor Presley asked for a motion to adjourn. Alderwoman Bohinc so moved, seconded by Alderwoman Williams. Voting aye: Barker, Davis, Williams, Marshall and Bohinc. Nays: none. Absent: McDowell. Motion carried. Meeting adjourned at 8:44 p.m.

Raeanne Presley
Mayor

Lisa K Westfall
City Clerk