

# MINUTES

## THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI April 28, 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 April 28, 2009 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Dean Kruithof, City Attorney Tim Davis, 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, Director of Planning and Zoning Jim Lawson, Police Chief Caroll 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.

There were no speakers for the evening.

### PRESENTATION BY TANEY COUNTY HEALTH DEPARTMENT

Taney County Health Department Director Jim Berry and Robert Niezgoda, Regional Epidemiology Specialist/Planner for the Taney County Health Department provided information on Swine Flu. Discussion.

Alderman Simmons recused himself and left the meeting at 7:25 p.m.

### 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:

April 9, 2009 study session  
April 14, 2009 regular meeting  
April 16, 2009 special meeting

Acknowledge Receipt of Minutes:

City Attorney Interview Committee meeting of February 24, 2009  
City Attorney Interview Committee meeting of March 2, 2009  
Community Pride Committee meeting of April 3, 2009

**BILL NO. 3645**

**Ord. No. 2009-036     Granting a gas pipeline and communication equipment easement.**

Final reading of Bill No. 3645 an ordinance granting a gas pipeline and communication equipment easement was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Davis, Bohinc and Barker. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2009-036 was duly enacted.

**BILL NO. 3646**

**Ord. No. 2009-037     Approving an amendment to the agreement between the City of Branson and Olsson Associates for the final design of the Compton Wastewater Treatment Plant improvements.**

Final reading of Bill No. 3646 an ordinance approving an amendment to the agreement between the City of Branson and Olsson Associates for the final design of the Compton Wastewater Treatment Plant improvements and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Davis, Bohinc and Barker. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2009-037 was duly enacted.

**BILL NO. 3647**

**Ord. No. 2009-038     Approving an amendment to the agreement between the City of Branson and Crawford, Murphy & Tilly, Inc. for the final design of the Lift Station 30 Capacity Upgrade and Force Main Project.**

Final reading of Bill No. 3647 an ordinance approving an amendment to the agreement between the City of Branson and Crawford, Murphy & Tilly, Inc. for the final design of the Lift Station 30 Capacity Upgrade and Force Main Project and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Davis, Bohinc and Barker. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2009-038 was duly enacted.

**BILL NO. 3648**

**Ord. No. 2009-039     Approving a Sidewalk Improvements Agreement between the City of Branson and the Missouri Highways and Transportation Commission.**

Final reading of Bill No. 3648 an ordinance approving a Sidewalk Improvements Agreement between the City of Branson and the Missouri Highways and Transportation Commission and authorizing the Mayor to execute the agreement was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Davis, Bohinc and Barker. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2009-039 was duly enacted.

**BILL NO. 3649**  
**Ord. No. 2009-040**

**Awarding the bid to APAC-Missouri, Inc. for the purchase of materials, preparation and application of asphalt overlays to various City of Branson streets.**

Final reading of Bill No. 3649 an ordinance awarding the bid to APAC-Missouri, Inc. for the purchase of materials, preparation and application of asphalt overlays to various City of Branson streets and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Davis, Bohinc and Barker. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2009-040 was duly enacted.

**BILL NO. 3650**  
**Ord. No. 2009-041**

**Awarding the bid to Baler Service Co., Inc. for the purchase of a used baler for the recycle center for the Public Works Department of the City of Branson.**

Final reading of Bill No. 3650 an ordinance awarding the bid to Baler Service Co., Inc. for the purchase of a used baler for the recycle center for the Public Works Department of the City of Branson and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Davis, Bohinc and Barker. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2009-041 was duly enacted.

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

Alderman Simmons rejoined the meeting at 7:28 p.m.

## **REGULAR AGENDA**

### **PRESENTATION BY COCHRAN HEAD VICK & COMPANY**

Dave Cochran, Managing Partner, Cochran Head Vick & Company, provided a presentation regarding the 2008 Comprehensive Annual Finance Report (CAFR). Mayor Presley asked if anyone in the audience had questions or comments. Hearing none, Mayor Presley asked for comments or questions from the Board. Discussion.

### **PRESENTATION BY SOUTHERN MISSOURI NATURAL GAS**

Michael Lumby, General Manager, Southern Missouri Natural Gas, provided an update on the provision of natural gas to Branson, Missouri. Mayor Presley asked if anyone in the audience had questions or comments. Hearing none, Mayor Presley asked for comments or questions from the Board. Discussion.

**BILL NO. 3651****Authorizing the Mayor to execute a Transportation Enhancement Funds Supplemental Agreement with the Missouri Highways and Transportation Commission pertaining to trail construction.**

First reading of Bill No. 3651 an ordinance authorizing the Mayor to execute a Transportation Enhancement Funds Supplemental Agreement with the Missouri Highways and Transportation Commission pertaining to trail construction 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. 3651. 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: Marshall, Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Motion carried.

**BILL NO. 3652****Approving zoning for property currently un-zoned to now be zoned C Commercial located at 2389 Highway 248.**

First reading of Bill No. 3652 an ordinance approving zoning for property currently un-zoned to now be zoned C Commercial located at 2389 Highway 248, Branson, Missouri was read by title by City Clerk Westfall and a staff report was presented by Jim Lawson. Mayor Presley asked for a motion approving the first reading of Bill No. 3652. Alderwoman Bohinc 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: Marshall, Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Motion carried.

**BILL NO. 3654****Awarding the bid to Webster County Excavating, LLC for sewer system project improvements.**

First reading of Bill No. 3654 an ordinance awarding the bid to Webster County Excavating, LLC for sewer system project improvements for the Public Works Department of the City of Branson and authorizing the Mayor to execute the 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. 3654. 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: Marshall, Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Motion carried.

## **APPOINTMENTS**

Mayor Presley requested the following appointments be made:

Stan Barker to the Advisory Park Board with a term expiring April 2010.

Sandra Bruns, Bob Simmons and Stephen Marshall to the Budget & Finance Committee with terms expiring April 2010.

Michael Pinkley, Bob McDowell, Cris Bohinc and Stan Barker to the Capital Improvements Committee with terms expiring April 2010.

Stephen Marshall as the Chamber of Commerce Representative with a term expiring April 2010.

Rick Davis and Sandra Williams to the Personnel Committee with terms expiring April 2010.

William Stark and Royce Allen re-appointment to the Personnel Committee with terms expiring April 2010.

Karen Best and Dave Woolery to the Planning & Zoning Commission with a term expiring April 2013.

Clark Harris re-appointment to the Planning & Zoning Commission with a term expiring April 2013.

Rick Davis appointment to the Planning & Zoning Commission with a term expiring April 2010.

Raeanne Presley to the Skaggs Community Health Center Board with a term expiring April 2010.

Stan Barker to the Taney County Airport Board with a term expiring April 2010.

Mayor Presley asked for a motion approving the appointments. Alderwoman Bohinc moved to approve the Mayor's appointments, seconded by Alderman Barker. Mayor Presley asked for questions or comments. Voting aye: Marshall, Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Motion carried.

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

Alderman Davis stated he received a letter from a neighbor on Cliff Drive regarding concerns she has and said he would share those with staff. He thanked Mayor Presley and Administrator Kruithof for allowing Mona Menezes and himself to attend the conference in Portland, Oregon. He asked Larry VanGilder to introduce Ms. Menezes.

Larry VanGilder introduced Mona Menezes, Environmental Specialist for the Public Works Department. Ms. Menezes thanked the Mayor and Administrator Kruithof for sending her and Alderman Davis to Portland, Oregon. She said they were among 750 community leaders and public workers from around the Nation to attend. They were able to learn a lot of practical steps other communities have taken towards becoming sustainable communities and she is pleased to be part of the "Green Team" for Branson, Missouri.

Alderwoman Bohinc said she wants to continue discussions regarding sidewalks, crosswalks and handicapped accessible pedestrian ways in the Downtown and Highway 76 areas. She thanked those who have served on the Planning & Zoning Commission.

Alderman Barker said the Downtown Main Street Association was funded to do a study on the downtown streetscapes and it could be looked at again because it goes along with the theme of a walkable community. He said the fence at the Branson Cemetery looks good, brings dignity to it and thanked Larry VanGilder.

Alderman Simmons commented on the professional presentation by the Police Department at the Study Session and said he appreciated it.

Alderman Marshall talked about the Great American Pie Show at the Branson Convention Center and noted of the 1000 pie contest entries a City of Branson Employee won first place and he hopes this can become an annual event for Branson. He said the exposure Branson received from Board of Aldermen

Al Roker of the Today Show doing 14 minutes of live breakaways from the Branson Landing would have cost \$14 million and Branson got it free of charge.

Administrator Kruthof thanked Chief McCullough and staff for filling in for him at the Study Session. He said the Retreat is scheduled for June 13. He said he is glad Mona Menezes is here and he looks forward to working with her.

Mayor Presley stated the upcoming events were: retirement celebration for Public Works employee Ray Hamilton and Hollister's Founder Day celebration on May 2, 2009. She said the Capital Improvements Committee is moving ahead on the water and sewer rate study. Arbor Day was celebrated at the Branson Landing and awards were distributed. Mayor Presley proclaimed May 3 - 9 as Municipal Clerks Week and recognized City Clerk Lisa Westfall and former City Clerk Sandra Williams.

## **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 Alderman Barker. Voting aye: Marshall, Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Motion carried.

## **ADJOURN**

At this time Mayor Presley asked for a motion to adjourn. Alderwoman Bohinc so moved, seconded by Alderman Barker. Voting aye: Marshall, Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Motion carried. Meeting adjourned at 8:36 p.m.

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Raeanne Presley  
Mayor

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Lisa K Westfall  
City Clerk