

# MINUTES

## THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI August 25, 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 August 25, 2009 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Dean Kruithof, City Clerk Lisa Westfall, Assistant City Attorney William Duston, Director of Computer Information Services D.J. Cline, Director of Engineering David Miller, Fire Chief Carl Sparks, Economic Development Director Garrett Anderson, Director of Planning and Zoning Jim Lawson, Assistant Police Chief Steve Dalton and Finance & Personnel Director Lori Helle.

City Clerk Lisa Westfall called the meeting to order with the "Pledge of Allegiance" and Carl Sparks gave the invocation.

City Clerk Westfall asked for a nomination for a temporary Chairperson due to the absence of Mayor Presley and Mayor Pro tem Stan Barker. Alderman Bohinc moved to nominate Alderman Sandra Williams as the temporary Chairperson, seconded by Alderman Marshall. Voting aye: Marshall, Williams, Bohinc and Simmons. Nays: none. Absent: Presley, Davis and Barker. Motion carried.

### PUBLIC COMMENT

Alderman Williams 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.

Gary Groman, 350 S. Wildwood, Branson, Missouri stated he came to discuss what he believes is the arbitrary, capricious and subjective actions of the City's Planning & Development Department regarding compliance with the mandatory provisions of the City of Branson's Directional Signs Ordinance. He said he believes it is the responsibility of those who write laws, to write them so that those who are to follow them know exactly what it is they have to do and not written so they are left up to the interpretation of bureaucrats. He read the Little Rock, Arkansas Directional Sign Ordinance which he said is written so it is easy to read, understand and apply. Mr. Groman then read the Branson Directional Sign Ordinance which he said may not read the way some would like but is also easy to read, understand and apply. He compared the Branson Ordinance to the Casino Day Trips sign and said he did not believe it was in violation of any of the provisions of 70-10(10). He said in a letter dated August 21, 2009, despite the clear and mandatory language of the Ordinance, Mr. Jim Lawson, Director of Planning and Development, failed to allow a sign citing as the reason "the term Day Casino

Trips is not the logo of the business but an example of the product provided". Mr. Groman said he feels the letter clearly documents arbitrary, capricious and subjective actions. He said his purpose in coming before the Board is to request a change in the Directional Sign Ordinance by deleting the word "logo" from the definition section and adopt verbiage similar to Little Rocks Ordinance. Discussion. Mr. Groman asked for the Boards support in encouraging the enforcement staff of Planning and Development, in cases where safety is not an issue, to give the benefit of the doubt to the citizens and businesses in whose situations could be interpreted differently. He asked for appropriate action be taken to ensure the City's Planning and Development Director and staff be required to follow the law, as written, as other citizens and businesses are required to do. Discussion.

## CONSENT AGENDA

Alderman Williams asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Alderman Williams asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Alderman Marshall asked that Item No. 3, Bill No. 3669 be removed from the Consent Agenda and placed after Item No. 7 on the Regular Agenda. Alderman Williams 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:

August 5, 2009 special meeting  
August 11, 2009 regular meeting  
August 12, 2009 special meeting  
August 13, 2009 special meeting

### Acknowledge Receipt of Minutes:

Personnel Committee meeting of July 16, 2009  
Park Board meeting of July 21, 2009

### **BILL NO. 3670**

**Ord. No. 2009-060**

**Approving a Municipal Code amendment to Chapter 2 and Chapter 90 of the Branson Municipal Code pertaining to the fiscal year and contingency fund.**

Final reading of Bill No. 3670, an ordinance approving a Municipal Code amendment to Chapter 2 and Chapter 90 of the Branson Municipal Code pertaining to the fiscal year and contingency fund was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried. Ordinance No. 2009-060 was duly enacted.

### **BILL NO. 3671**

**Ord. No. 2009-061**

**Approving an agreement with HTE/Sungard to provide for the City's financial software applications for a term of four months.**

Final reading of Bill No. 3671, an ordinance approving an agreement with HTE/Sungard to provide for the City's financial software applications for a term of four months and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall. Voting aye:

Marshall, Williams, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried. Ordinance No. 2009-061.

**BILL NO. 3672**

**Ord. No. 2009-062**

**Regarding State requirements for financial interest disclosure for Municipal Officials.**

Final reading of Bill No. 3672, an ordinance regarding State requirements for financial interest disclosure for Municipal Officials was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried. Ordinance No. 2009-062.

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

## **REGULAR AGENDA**

### **PUBLIC HEARING ESTABLISHING THE ANNUAL LEVY OF A PROPERTY TAX FOR GENERAL REVENUE IN THE CITY OF BRANSON, MISSOURI, A CITY OF THE FOURTH CLASS.**

Alderman Williams asked Dean Kruithof for a report on the Public Hearing establishing the annual levy of a property tax for general revenue in the City of Branson, Missouri, a City of the Fourth Class. He stated the levy would be \$0.5116. Alderman Williams opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Discussion by the Board. Alderman Williams closed the public hearing.

**BILL NO. 3669**

**Ord. No. 2009-059**

**Establishing the annual levy of a property tax for general revenue in the City of Branson, Missouri, a City of the Fourth Class.**

Final reading of Bill No. 3669, an ordinance establishing the annual levy of a property tax for general revenue in the City of Branson, Missouri, a City of the Fourth Class was read by title by City Clerk Westfall. Alderman Williams asked for a motion approving the final reading of Bill No. 3669. Alderman Marshall so moved, seconded by Alderman Simmons. Alderman Williams then asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Alderman Williams asked for comments from the Board. Discussion. Alderman Bohinc moved to amend Bill No, 3669 by replacing the levy amount of \$0.4909 with \$0.5116. Seconded by Alderman Marshall. Alderman Williams asked for anyone wishing to speak regarding the amendment. Hearing none, Alderman Williams called for a vote on the amendment. Voting aye: Marshall, Williams, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried. Alderman Williams asked for anyone wishing to speak regarding Bill 3669 as amended. Hearing none, Alderman Williams called for a vote on Bill 3669 as amended. Voting aye: Marshall, Williams, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried. Ordinance No. 2009-059 was duly enacted.

**PRESENTATION BY ETC REGARDING THE EMPLOYEE SURVEY**

Administrator Kruithof introduced Michael Ashcraft of ETC, Institute who provided a presentation regarding the employee survey. Alderman Williams asked if anyone in the audience had questions or comments. Hearing none, Alderman Williams asked for comments or questions from the Board. Discussion.

Mayor Presley joined the meeting at 7:50 p.m.

**PRESENTATION BY ROBERT NIEZGODA OF THE TANEY COUNTY HEALTH DEPARTMENT REGARDING THE H1N1 VIRUS**

Presentation by Robert Niezgoda of the Taney County Health Department regarding the H1N1 Virus. 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. 3673 Authorizing the Mayor to execute a Cost Apportionment Agreement with the Missouri Highways and Transportation Commission pertaining to sidewalk and curb ramp improvements to Highway 76 from Roark Valley Road to Sixth Street.**

First reading of Bill No. 3673, an ordinance authorizing the Mayor to execute a Cost Apportionment Agreement with the Missouri Highways and Transportation Commission pertaining to sidewalk and curb ramp improvements to Highway 76 from Roark Valley Road to Sixth Street 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. 3674. Alderman Bohinc moved to approve, seconded by Alderman Williams. Mayor Presley then 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, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried.

**RESOLUTION NO. 2009-R008 Approving a Preliminary Subdivision Plat for the Woods for property located at 2201 Roark Valley Road.**

A Resolution approving a Preliminary Subdivision Plat for the Woods for property located at 2201 Roark Valley Road, 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 adopting the resolution. Alderman Williams so moved, seconded by Alderman Simmons. 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: Marshall, Williams, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried. Resolution No. 2009-R008 was adopted.

**BILL NO. 3675 Approving a Final Subdivision Plat for the Woods for property located at 2201 Roark Valley Road.**

First reading of Bill No. 3675, an ordinance approving a Final Subdivision Plat for the Woods for property located at 2201 Roark Valley Road, 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. 3675. Alderman Bohinc so moved, seconded by Alderman Simmons. Mayor Presley then 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, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried.

**BILL NO. 3676**                    **Amending the Land Use Regulations regarding Section 1.20, signage regulations, tenant signs, for the Planned Development PD-2003-003 known as Branson Landing for properties located at 100 Branson Landing Boulevard.**

First reading of Bill No. 3676, an ordinance amending the Land Use Regulations, regarding Section 1.20, signage regulations, tenant signs, for the Planned Development PD-2003-003 known as Branson Landing for properties located at 100 Branson Landing Boulevard, 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. 3676. Alderman Marshall so moved, seconded by Alderman Simmons. Mayor Presley then 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, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried.

The meeting recessed at 8:55 p.m. and reconvened at 9:00 p.m.

**REVIEW OF THE AGREEMENT WITH THE BRANSON LAKES AREA CHAMBER OF COMMERCE PERTAINING TO TOURISM MARKETING**

Administrator Kruithof began by stating this is a continuation of the discussion at the August 20, 2009 Board of Aldermen Study Session. Mayor Presley asked for questions or comments from the Board. Discussion. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Ross Summers, Chamber of Commerce, said having a set amount for the Contingency Fund would eliminate a lot of the confusion over the previous percent amount. He said \$125,000.00 is a great figure to start with. Steve Presley, 404 Judy, stated the Contingency Fund was never the dollars the Chamber and CVB asked for because they never had a picture of what the Contingency Fund was. He said if there were any other left over tax dollars then they could come and request it for advertisement and that money had to be used before the year was out. Gail Myer, 365 Whisper Ridge, Branson, Missouri, said the cost of Christmas lights is not something that can be taken out of the Contingency Fund because the ordinance states the money is to be used for marketing and promotion. He said it is the right project but the wrong fund. He stated he has asked for a definition of marketing and promotion that because it would protect the integrity of the funds. He said there is a mural in the community that was painted using these funds, which is product development and the integrity of the funds need to be protected. Dan Lennon, 364 Hummingbird Lane, said good points have been made regarding the definition of the uses of the Contingency Fund but it is unrelated to this discussion regarding holding out \$125,000.00. Discussion. He said it would affect the amount of the fund if the cost of the Christmas lights will come out year after year. Discussion. Dan Lennon said there will have to be some adjustments made because of the fiscal year change and the Chamber will make a point to check with the City periodically regarding any declines. Gail Myer questioned the ordinance process and said the Lodging Association has gone over the contract and feel they have some suggestions to make it better, and they will get together with Dean Kruithof. Ross Summers said the Convention Center Management is responsible for the Convention Center and the CVB is responsible for all businesses, lodging, restaurants and attractions. There is a major difference in focus. He said the suggested Opportunity Fund would be for all businesses not exclusively for the Convention Center. Discussion. Vienna Bowling, Director of Meetings and Convention Sales, 190 Potential Drive, Branson, Missouri said the one exception is the sports market. She said the Shriner's are using the Convention Center and its services. They have booked 12 rooms in the hotel and have booked rooms in 24 other hotels. Discussion. Dan Lennon said the current issue is there are

line items in the budget and they do not want it specific to two organizations which has been corrected in the contract

## **DISCUSSION REGARDING FUNDS FOR THE MAINTENANCE OF FOUNTAINS AT BRANSON LANDING**

Administrator Kruithof began by stating this is a continuation of the discussion at the August 28, 2009 Finance Committee meeting. Mayor Presley asked for questions or comments from the Board. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter.

## **APPOINTMENTS**

Mayor Presley requested the following appointments be made:

Pat Rose, re-appointment to the Public Building Corporation with a term expiring June, 2015.

Rod Romine, appointment to the Public Building Corporation with a term expiring June, 2015.

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

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

Alderman Marshall said it was a good day at City Hall.

Alderman Williams said the joint Board of Aldermen and Budget and Finance meeting was very interesting but there is still a way to go in preparing a Budget and there will be another meeting on Thursday, August 27<sup>th</sup> to continue. She said the Budget will be very conservative again this year.

Alderman Bohinc said she attended the Plug Into Missouri's Mainstreet Downtown Conference in Kansas City along with Alderman Williams. She stated it was a good reminder of how a vital downtown is important to the entire community and she looks forward to sharing the information.

Alderman Williams added she would like to see Garrett Anderson provide a report on the conference at a Work Session.

Alderman Simmons said the budget sessions are challenging but he is encouraged by the steps being taken this year.

Administrator Kruithof stated there are good targets in the budget and noted challenges ahead. He said one bright spot was the targeted \$6 million in the General Fund is estimated to be \$7.6 million at the end of the year. This is a testament to all City departments, directors and employees who have worked hard to save money where possible. He asked Jim Lawson to please introduce Joel Hornickel, Planning and Zonings newest employee.

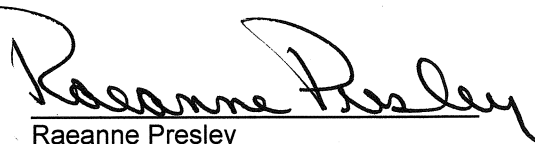
Jim Lawson introduced Joel Hornickel, Senior Planner for the Planning and Zoning Department. He said he is an extremely good writer and will be helping with agenda items, comp code, comp plan and some other changes he is looking forward to starting. He said Joel has a background in urban design which will help tremendously with some of the older neighborhoods, downtown, the 76 strip and park work. He stated one of the best and maybe most important of Joel's skills is he's a people person, which will be very beneficial when working with neighborhood residents and business owners.

Joel Hornickel said he is excited to be here and Jim Lawson's passion for the City of Branson and the community is contagious. He is ready to take off running.

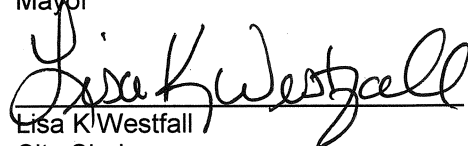
Mayor Presley reminded everyone about the Fiddle Festival this weekend and the Police and Fire Department's fund raising fishing tournament on Saturday.

## ADJOURN

At this time Mayor Presley asked for a motion to adjourn. Alderman Bohinc moved to adjourn, seconded by Alderman Williams. Voting aye: Marshall, Williams, Bohinc and Simmons. Nays: none. Absent: Davis and Barker. Motion carried. Meeting adjourned at 10:22 p.m.



Raeanne Presley  
Mayor



Lisa K Westfall  
City Clerk