

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI September 22, 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 September 22, 2009 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Dean Kruithof, City Clerk Lisa Westfall, Assistant City Attorney William Duston, Director of Communications Jerry Adams, Computer Information Services LAN Technician Chad Forster, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Economic Development Director Garrett Anderson, Director of Planning and Zoning Jim Lawson, Assistant Police Chief Steve Dalton and Parks Director Cindy Shook.

Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Larry VanGilder gave the invocation.

EMPLOYEE OF THE MONTH

Alderman Bohinc presented the September Employee of the Month to Roger Clark, Project Manager in the Branson Engineering Department, in recognition of his going above and beyond his normal job to enhance the appearance of the Fall Creek extension which greatly improves the appearance of the project and reflects to the traveling public the city's commitment to nature and its preservation.

PROCLAMATION

Mayor Presley presented a proclamation recognizing Gary S. Markenson for his professional achievements as executive director of the Missouri Municipal League and to convey the City's gratitude for his exceptional contributions to local governments in the State of Missouri.

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.

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:

September 3, 2009 study session
September 8, 2009 regular meeting

Acknowledge Receipt of Minutes:

Advisory Park Board meeting of August 18, 2009

BILL NO. 3678

Ord. No. 2009-065

Amending Chapter 90 of the Branson Municipal Code *Utilities*, Article II *Combined Waterworks and Sewage System* by amending Section 90-41 *Monthly Water Rates* and Section 90-42 *Monthly Sewer Rates*.

Final reading of Bill No. 3678, an ordinance amending Chapter 90 of the Branson Municipal Code *Utilities*, Article II *Combined Waterworks and Sewage System* by amending Section 90-41 *Monthly Water Rates* and Section 90-42 *Monthly Sewer Rates* was read by title by City Clerk Westfall. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Ordinance No. 2009-065 was duly enacted.

BILL NO. 3679

Ord. No. 2009-066

Adopting a budget for the City of Branson, Missouri, for October 1, 2009 through December 31, 2009.

Final reading of Bill No. 3679, an ordinance adopting a budget for the City of Branson, Missouri, for October 1, 2009 through December 31, 2009 was read by title by City Clerk Westfall. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Ordinance No. 2009-066 was duly enacted.

BILL NO. 3680

Ord. No. 2009-067

Adopting a budget for the City of Branson, Missouri, for the fiscal year January 1, 2010 through December 31, 2010.

Final reading of Bill No. 3680, an ordinance adopting a budget for the City of Branson, Missouri, for the fiscal year January 1, 2010 through December 31, 2010 was read by title by City Clerk Westfall. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Ordinance No. 2009-067 was duly enacted.

BILL NO. 3681
Or. No. 2009-068

**Amending Section 86-621 of the Branson Municipal Code:
Schedule I: Stop Signs.**

Final reading of Bill No. 3681, an ordinance amending Section 86-621 of the Branson Municipal Code: Schedule I: Stop Signs was read by title by City Clerk Westfall. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Ordinance No. 2009-068 was duly enacted.

BILL NO. 3682
Ord. No. 2009-069

**Approving the lease of city property to Jeanne Hendricks d/b/a
Branson Lock.**

Final reading of Bill No. 3682, an ordinance approving the lease of city property to Jeanne Hendricks d/b/a Branson Lock was read by title by City Clerk Westfall. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Ordinance No. 2009-069 was duly enacted.

BILL NO. 3683
Ord. No. 2009-070

**Authorizing the expenditure of funds from the City's Tourism Tax
Contingency Fund to the Branson Lakes Area Chamber of
Commerce for the Branson Area Festival of Lights (BAFOL).**

Final reading of Bill No. 3683, an ordinance authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to the Branson Lakes Area Chamber of Commerce for the Branson Area Festival of Lights (BAFOL) and authorizing the Mayor to execute the agreement was read by title by City Clerk Westfall. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Ordinance No. 2009-070 was duly enacted.

BILL NO. 3684
Ord. No. 2009-071

**Approving a Domain Name License Agreement between the
Branson Lakes Area Tourism Community Enhancement District
and the City of Branson.**

Final reading of Bill No. 3684, an ordinance approving a Domain Name License Agreement between the Branson Lakes Area Tourism Community Enhancement District and the City of Branson and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Ordinance No. 2009-071 was duly enacted.

BILL NO. 3685
Ord. No. 2009-072

**Accepting the proposal of Branson Lakes Area Chamber of
Commerce pertaining to Tourism Marketing.**

Final reading of Bill No. 3685, an ordinance accepting the proposal of Branson Lakes Area Chamber of Commerce pertaining to Tourism Marketing and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Ordinance No. 2009-072 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 Alderman Davis. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried.

REGULAR AGENDA

PRESENTATION OF QUARTERLY MARKETING REPORT ON THE CONVENTION CENTER

Bill Derbins, 200 E. Main Street, Branson, Missouri provided an introduction and Bill Tirone provided the Quarterly Marketing Report on the Convention Center as required by contract. 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.

OVERVIEW OF MISSOURI DOWNTOWN REDEVELOPMENT CONFERENCE

Garrett Anderson, Economic Development Director, provided an overview of the Missouri Downtown Redevelopment Conference. 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.

BILL NO. 3686 **Approving a Municipal Code amendment to Section 70-4 of the Branson Municipal Code pertaining to temporary sign exemptions.**

First reading of Bill No. 3686, an ordinance approving a Municipal Code amendment to Section 70-4 of the Branson Municipal Code pertaining to temporary sign exemptions 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. 3686. Alderman Davis 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: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried.

BILL NO. 3687 **Approving a Municipal Code amendment to Section 66-217 of the Branson Municipal Code pertaining to requirements for areas outside city receiving city services and voluntarily annexed areas.**

First reading of Bill No. 3687, an ordinance approving a Municipal Code amendment to Section 66-217 of the Branson Municipal Code pertaining to requirements for areas outside city receiving city services and voluntarily annexed areas 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. 3687. Alderman Bohinc so moved, 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. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried.

BILL NO. 3688 **Approving a Municipal Code amendment to Chapters 26, 22, 78 and 450 of the Branson Municipal Code pertaining to liability insurance.**

First reading of Bill No. 3688, an ordinance approving a Municipal Code amendment to Chapters 26, 22, 78 and 450 of the Branson Municipal Code pertaining to liability insurance 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. 3688. Alderman Barker 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. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried.

BILL NO. 3689 **Accepting the qualification of Akers & Arney pertaining to broker/agent services for health, life and dental insurance.**

First reading of Bill No. 3689, an ordinance accepting the qualification of Akers & Arney to broker/agent services for health, life and dental insurance and authorizing the Mayor to execute the letter of engagement 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. 3689. Alderman Williams so moved, seconded by Alderman Barker. 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. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried.

RESOLUTION NO.
2009-R009 **Approving the renewal of the letter of engagement with Cochran Head Vick & Co., P.C. for auditing services for the City of Branson.**

A Resolution approving the renewal of the letter of engagement with Cochran Head Vick & Co., P.C. for auditing services for the City of Branson and authorizing the Mayor to execute the same was read by title by City Clerk Westfall and a staff report was presented by Dean Kruithof. Mayor Presley asked for a motion adopting the resolution. Alderman Simmons so moved, seconded by Alderman 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: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Resolution No. 2009-R009 was adopted.

APPOINTMENTS

Mayor Presley requested the following appointments be made:

Larry Schmitt, appointment to the Tourism Community Enhancement District with a term to expire October, 2012.

Karen Hall, appointment to the Tourism Community Enhancement District with a term to expire October, 2012.

Mayor Presley asked for a motion approving the appointments. Alderman Barker moved to approve the Mayor's appointments, seconded by Alderman Williams. Mayor Presley asked for questions or comments. Discussion. Kathy Huebert, Vice President of Finance and Administration with Branson Chamber, 2848 E. LaMonta, Springfield, Missouri stated the TCED

line of credit is with Ozark Mountain Bank and their bank account is at First Community Bank. Edd Akers, Chairman, TCED Board, 3104 River Stone Dr., Branson, Missouri, stated the Request for Proposal for bank services is put out once a year in regard to the line of credit, and there is no vote each time money comes in or goes out of the bank. The vote is accepting the company's RFP. Any director or employee of the line of credit company would have to abstain from voting on the RFP. Bethany Thomas, Chamber of Commerce, 484 Chisholm Trail, Forsyth, Missouri, asked who the third person was that abstained from voting. Edd Akers added that Lynn Hall is on the Tourism Board and he is with First Community Bank and there has never been a vote where both parties had to abstain. He stated he has excused himself from the meeting and vote in order to avoid a conflict of interest. He said he did not view these two appointments as a problem. Voting aye: Williams, Davis and Barker. Nays: Bohinc and Simmons. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Davis thanked Jim Lawson and staff. He hopes efforts are continued in the Hiawatha Heights and Cliff Drive neighborhood following the last two meetings and he challenged the Board to find funds to do something meaningful that are based upon the outcome and recommendations of staff.

Alderman Bohinc said she would like to see more money, effort and pride put forward for the preservation and upkeep of dwindling R1 neighborhoods.

Alderman Barker stated he attended the Governor's Conference in St. Louis where HCW and the City of Branson were given an award from the Missouri Department of Economic Development for the success of the Branson Landing project.

Mayor Presley thanked Alderman Barker for attending the conference and representing the City of Branson.

Alderman Simmons stated he appreciated Alderman Bohinc for bringing up questions that need to be discussed because it helped determine his vote. It had nothing to do with the people appointed. He said he received a call complaining about the police department testing the car sirens before they leave the station. He understands why they do it but he also understands how it could startle and annoy the neighbors. Alderman Simmons said there are several areas in the downtown area where the sidewalks are unsuitable or there is no sidewalk. He asked that it be looked into in order to provide people an inviting place to walk.

Administrator Kruithof noted the Missouri Municipal League (MML) meeting in October. He said the Fall Creek Road opening party will be held on October 10th. He asked Garrett Anderson to provide information.

Garrett Anderson said there has been a press release issued with information and times. He said in the event of rain it will be held inside the Branson Auto Museum. He thanked David Miller and everyone involved in planning this event.

Administrator Kruithof said the residents at Pointe Royale requested a follow up meeting to discuss the community and take a drive around. He said the meeting is scheduled for September 24th.

Mayor Presley noted on September 24th the Housing Summit will take place and the TCED Board Annual Meeting will be held in Council Chambers of City Hall. She said Rockridge, the affordable housing development in conjunction with the Branson Housing Board of Aldermen

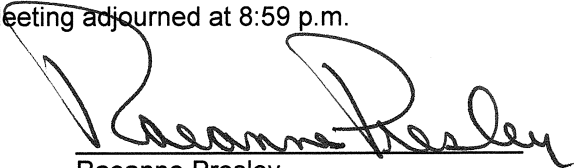
Authority, is having a groundbreaking ceremony. She reminded everyone that September 29th is the opening of the Veterans' Clinic.

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, seconded by Alderman Bohinc. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried.

ADJOURN

At this time Mayor Presley asked for a motion to adjourn. Alderman Davis so moved, seconded by Alderman Barker. Voting aye: Williams, Davis, Bohinc, Barker and Simmons. Nays: none. Absent: Marshall. Motion carried. Meeting adjourned at 8:59 p.m.



Raeanne Presley
Mayor



Lisa K Westfall
City Clerk