

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI

August 11, 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 11, 2009 at 7:00 p.m. with the following members present:

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

Also present from the City were: City Administrator Dean Kruithof, City Clerk Lisa Westfall, Acting City Attorney William Duston, Director of Computer Information Services D.J. Cline, Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Chief Carl Sparks, Director of Communications Jerry Adams, Director of Planning and Zoning Jim Lawson, Police Chief Caroll McCullough, Finance & Personnel Director Lori Helle and Economic Development Director Garrett Anderson.

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

CITIZEN'S ACADEMY GRADUATION CEREMONY

Mayor Presley and Jerry Adams presented Certificates of Achievement to the participants of the Citizen's Academy and thanked them for their participation.

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.

Gary Groman, 350 S. Wildwood Drive, Branson, Missouri withdrew from speaking.

CONSENT AGENDA

Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Alderman Davis requested Item 3, Bill 3664 be removed and placed as the first item on the Regular 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 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:

July 23, 2009 study session
July 28, 2009 regular meeting

Acknowledge Receipt of Minutes:

Budget & Finance Committee meeting of June 23, 2009
Planning & Zoning meeting of July 7, 2009

BILL NO. 3665

Ord. No. 2009-056

Approving a Final Subdivision Plat for Turtle Creek Phase 3 for properties located at 159 Turtle Creek Drive.

Final reading of Bill No. 3665 an ordinance approving a Final Subdivision Plat for Turtle Creek Phase 3 for properties located at 159 Turtle Creek Drive, Branson, Missouri was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried. Ordinance No. 2009-056 was duly enacted.

BILL NO. 3667

Ord. No. 2009-057

Authorizing the Mayor to execute a Transportation Enhancement Funds Supplemental Agreement with the Missouri Highways and Transportation Commission pertaining to trail construction.

Final reading of Bill No. 3667 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. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried. Ordinance No. 2009-057 was duly enacted.

BILL NO. 3668

Ord. No. 2009-058

Approving the purchase of water meters from Springfield Winwater Company for the Public Works Department of the City of Branson.

Final reading of Bill No. 3668 an ordinance approving the purchase of water meters from Springfield Winwater Company for the Public Works Department of the City of Branson and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried. Ordinance No. 2009-058 was duly enacted.

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

REGULAR AGENDA

BILL NO. 3664

Ord. No. 2009-055

Amending Sections 400.40 and 410.010 of the Branson Municipal Code pertaining to Nightly Rentals.

Final reading of Bill No. 3664 an ordinance amending Sections 400.40 and 410.010 of the Branson Municipal Code pertaining to Nightly Rentals was read by title by City Clerk Westfall. Mayor Presley asked for a motion approving the bill. Alderman Williams so moved, seconded by Alderman Barker. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Don Ingrum, P.O. Box 1105, Branson, Missouri stated he was representing Fred and Melinda Bousheri, owners of a nightly rental business in Branson. He said the Bousheri's started their nightly rental business in July, 2008 and obtained a business license in September, 2008 and DID pay sales tax with interest and penalties from July when they started the business. He stated they continue to operate the business with the only difference being the business changed from Mr. Bousheri's name to Mrs. Bousheri's, Melinda Murray Rentals, in 2008. Mr. Ingrum said one of the four properties they own is in an R-1 area on Eiserman Street. He said they have a business license to operate nightly rentals and they pay sales tax on the property. He said their Business License states it is for nightly rentals, and he requested the Eiserman Street be grandfathered in. Mayor Presley asked for comments from the Board. Discussion. Alderman Williams moved to amend Bill No. 3664, Section 400.040, Nightly Rental, by replacing the word "rooms" with "guestrooms" and replacing the number "28" with "30" and in Section 410.010(C) by deleting "four (4) rooms or fewer" and "five (5) rooms or more". Seconded by Alderman Barker. Mayor Presley asked for anyone wishing to speak regarding the amendment. Discussion. Mayor Presley called for a vote on the amendment. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried. Mayor Presley asked for anyone wishing to speak regarding Bill 3664 as amended. Discussion. Don Ingrum stated because the property has been used as a nightly rental for over a year it falls within the grandfather provision. Mayor Presley called for a vote on Bill 3664 as amended. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried. Ordinance No. 2009-055 was duly enacted.

PRESENTATION REGARDING THE BRANSON HOUSING AUTHORITY

Presentation by Kent Wolven and Linn Windle regarding the Branson Housing Authority. 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 BRANSON LAKES AREA CHAMBER OF COMMERCE

Presentation by Dan Lennon of the Branson Lakes Area Chamber of Commerce regarding the Marketing RFP. 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 LORI HELLE

Lori Helle, Director of Finance, provided an update on monthly financial reports. 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.

FINAL REPORT ON BRANSON LANDING OCCUPANCY PERMITS FOR BUILDING 7-12

Dean Kruithof and David Miller provided a final report on the Branson Landing Occupancy Permits for Building 7-12. 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.

The meeting recessed at 8:39 p.m. and reconvened at 8:51p.m.

BILL NO. 3669 Establishing the annual levy of a property tax for general revenue in the City of Branson, Missouri, a City of the Fourth Class.

Public hearing and first 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 and a staff report was presented by Lori Helle. Mayor Presley opened the public hearing and asked for anyone wishing to speak in favor or opposition of this matter. Hearing none, Mayor Presley closed the public hearing and asked for a motion approving the first reading of Bill No. 3669. 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, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried.

BILL NO. 3670 Approving a Municipal Code amendment to Chapter 2 and Chapter 90 of the Branson Municipal Code pertaining to the fiscal year and contingency fund.

First 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 and a staff report was presented by Dean Kruithof. Mayor Presley asked for a motion approving the first reading of Bill No. 3670. Alderman Barker moved to approve, 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. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried.

BILL NO. 3671 Approving an agreement with HTE/Sungard to provide the City's financial software applications for a term of four months.

First reading of Bill No. 3671, an ordinance approving an agreement with HTE/Sungard to provide 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 and a staff report was presented by Dean Kruithof. Mayor Presley asked for a motion approving the first reading of Bill No. 3671. 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. Discussion. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried.

BILL NO. 3672 Regarding State requirements for financial interest disclosure for Municipal Officials.

First 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 and a staff report was presented by Dean Kruithof and Lisa Westfall. Mayor Presley asked for a motion approving

the first reading of Bill No. 3672. Alderman Barker moved to approve, seconded by Alderman Davis. 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: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried.

**RESOLUTION NO.
2009-R007**

Approving the City of Branson's Strategic Goals and Focus for year 2010.

A Resolution approving the City of Branson's Strategic Goals and Focus for year 2010 was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion adopting the resolution. Alderman Marshall moved to approve, 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, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried. Resolution No. 2009-R007 was adopted.

DISBURSEMENTS

Mayor Presley stated the next item was review of disbursements for June 26, 2009 through July 23, 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. Alderman Williams so moved, seconded by Alderman Marshall. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Barker thanked Jerry Adams for his work on the Citizens' Academy.

Alderman Simmons said he attended the Summer Cruise and was pleased to see the proportional mixture of older people, families and young people having a good time and being reasonably respectful. He complimented Chief McCullough on the police presence.

Chief McCullough said the whole weekend went well with a large number of people in town. He said with the help of several agencies there were approximately 80 officers. He said moving the route was a plus and a lot of the participant liked the route better because it is easier on their cars. He stated the Drinking in Public ordinance made a big difference and several citations were issued but he noted it was not as prevalent as in the past. He thanked Chief Sparks, Larry VanGilder and staff from both departments for their help.

Mayor Presley thanked Gary Snadon for his cooperation in changing the location and clean up after the cruise. She noted the hotels were full and there was lots of traffic.

Alderman Williams said there were a lot of people sitting along Highway 76 and she was concerned if they were aware of the route change.

Alderman Davis inquired if the crowds were in town because of the cruise or also because of the tax free weekend.

Mayor Presley said the cruise will be moved to the third weekend in August next year. She noted there were 350 cars in the parade this year.

Alderman Simmons stated some people would not enter their cars in the past because they feared damage but they plan to enter next year due to the route change.

Alderman Marshall talked about his vacation to Canada and some of the sustainability efforts the Community of Oakville have adopted.

Alderwoman Williams said there was a nice turn out for the Cliff Drive walk.

Alderman Davis thanked everyone who participated in the Hiawatha-Cliff Drive neighborhood walk and thanked Jim Lawson and his staff for their help. He said he heard several concerns with traffic calming being one of the biggest issues and he looks forward to networking with property owners on possible solutions. He provided a Planning & Zoning Commission update. He said Commissioner Butler and himself met with Jim Lawson and Tara Norback to start looking at the landscaping ordinance and those will be coming before the Board soon. He said the Planning and Zoning Department is working on a draft form of a Natural Stream Preservation Chapter and a Hillside Management Chapter and he thanked Engineering for all the time and energy they have put into this. He inquired if a block party is still planned for Fall Creek Road.

Garrett Anderson said a community wide celebration opening Fall Creek Road is planned for the end of September.

Alderman Davis noted H1N1 season is coming back and with school starting the City needs to be mindful of proper protocol for assuring employees get the right amount off in the event they get the flu. He also suggested some educational efforts may benefit the public.

Administrator Kruithof asked Chief Sparks to provide information regarding a donation to the Fire Department from Budweiser.

Chief Sparks said after obtaining a training tower two years ago the Department realized they would need a tow vehicle to get the maximum utilization from it. They began a search for a tow vehicle and learned occasionally Budweiser will donate older vehicles. He said after a few meetings with representatives of Budweiser they donated a used freightliner tractor and trailer in very good condition. He stated as a condition of the donation Budweiser asked that it be kept quiet but now Budweiser has released the information.

Administrator Kruithof reported there are two people listening to this meeting live on the internet.

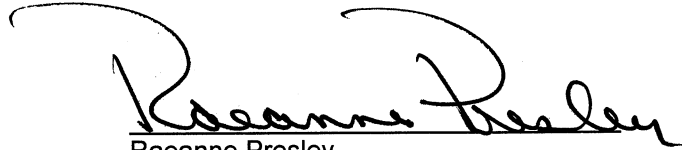
Mayor Presley reminded everyone about the Pointe Royale meeting August 12th and the Community Day of Caring on August 18th. She said she attended a census meeting in preparation of the upcoming 2010 count. She thanked the First Baptist Church and the RecPlex for hosting the recent Back to School Bash.

EXECUTIVE SESSION

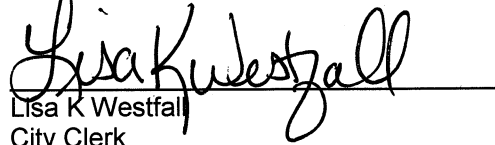
Mayor Presley stated, that concluded the Regular Agenda and entertained a motion to adjourn to a closed Executive Session. Alderman Williams moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation and 610.021.3 RSMo for personnel, seconded by Alderman Marshall. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried.

ADJOURN

At this time Mayor Presley asked for a motion to adjourn. Alderman Davis moved to adjourn, seconded by Alderman Marshall. Voting aye: Marshall, Williams, Davis, Barker and Simmons. Nays: none. Absent: Bohinc. Motion carried. Meeting adjourned at 9:40 p.m.



Raeanne Presley
Mayor



Lisa K Westfall
City Clerk

Citizens Academy Graduates Summer 2009

Joe McDowell

Dave Friggle

Jane Friggle

Marcia Chapman

Kristin Garnett

Mary West

Jory Rolf

Lorena Richtarsic

Ransom Davis

Sherrie Anderson

Mona Menezes