

MINUTES

THE REGULAR MEETING OF THE
BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI
February 11, 2020

INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri, met in regular session in the Council Chambers of the City Hall on February 11, 2020, at 6:00 p.m. Mayor Akers called the meeting to order with the "Pledge of Allegiance" and Charlie Huston gave the invocation.

ROLL CALL

City Clerk Lisa Westfall called roll: Mayor Edd Akers presiding, Kevin McConnell, Brian Clonts, Bob Simmons, Bill Skains and Rick Castillon. Absent: Larry Milton.

AWARDS / RECOGNITIONS

Employee of the Month

Alderman Skains presented Andrew Zubrod of the Information Technology Department as the February Employee of the Month in recognition for displaying City of Branson Values.

Proclamation

Mayor Akers recognized February 10, 2020 through February 16, 2020 as Ronald McDonald House Week in Branson, Missouri.

Special Recognition

Mayor Akers recognized Joyce Davis for 60 years of service with the Branson Café.

Mayor Akers read a statement regarding speaker decorum and stated in order to give everyone a chance to speak tonight I would like to ask that if you're speaking on an item, that you keep your comments succinct, to the topic and as short as possible. You're allowed to only speak once on an item and please do not repeat what has already been said by another speaker. Once public discussion has ended on an item and the Board starts their discussion, no additional comments will be taken from the audience. Please remember to speak into the mic and state your name and address for the record. However, if an Alderman wishes to bring someone back up, the chair allows for that to happen and if you have a clarification on an item or something you'd like to ask one of the speakers, the Aldermen have that. We just ask you please respect the five minute timeline.

PUBLIC COMMENT

Gary Groman, 350 S. Wildwood Drive, Branson, Missouri, mentioned speaking two meetings ago about two issues; the Mayor's failure to follow City ordinance and years of its application during the public comments part of the meeting, and what he considers the impropriety of the City Attorney making out-of-state inquiries about him after he spoke at a previous meeting. He will not repeat his comments relative to

his belief that the Mayor's approach to public comments is illogical and contrary to the way it's been done for decades and is in complete violation to section 2-70(c) of the Branson Municipal Code. He referenced the introduction the Mayor read a moment ago regarding public comments and the statement about how once public discussion ends on an item, the Board starts its discussion. He pointed out each person speaking during public comments usually discusses a different item, so based on the Mayor's own words it appears subsection 2-70(c) aside, that Board discussion starts after each item. Yet when an Alderman tries to do so, the Mayor says they have to wait until all of the speakers have spoken and call them up one by one. Mr. Groman stated, it seems like he can't even follow his own instructions, but has to modify them for his own purposes as he goes along. He asked what new order the Mayor is bringing to the meetings that previous Mayors in subsection 2-70(c) didn't and what caused him to make this change. He inquired if there was a problem needing solved, or if it's just a chance to show everybody who the boss is. He realizes these are rhetorical questions because he can't ask questions, and he feels the Board knows how it should be and is letting the Mayor get away with it. He added, but what would one expect from a group of leaders who did nothing when the City Attorney, with what he assumes was with the blessing of Senior City Staff, using City resources, made inquiries as to his professional status with the Illinois Bar Association through another attorney in Illinois. Mr. Groman reported City Attorney Chris Lebeck then sent an email about the results to the Board and Senior Staff. He recalled asking for what legitimate purpose was such action taken and if the Board was concerned about the message and perception such actions send out. He explained when he requested information on the situation, he received a copy of the email which was just a blank space with all the information redacted, including his name. He recalled asking at that meeting what message this action sends out to residents and businesses regarding interacting with City Government. He asked if this is a precedence the Board wants to let stand without any action. He commented it's easy to say it is only Gary Groman who cares. He said he actually doesn't even care himself, but now understands why people have expressed hesitation about speaking out about City actions for fear of what the City will do.

CONSENT AGENDA

Mayor Akers stated it's my responsibility as Mayor under state law to take care of the ordinances of our City and the state laws pertaining to our City are complied with. Under one of our ordinances, Branson Municipal Code 2-64, I am tasked with the responsibility of being the Presiding Officer of the Board and am required to preserve strict order and decorum in all meetings of the Board. The citizens of Branson elected us to make decisions on policy matters and we make those decisions by voting. We are obligated to vote unless a conflict of interest prevents us from doing so. The common law of the State of Missouri supports this. Although I cannot force any member of the Board to cast a vote, and no member can be required to cast a vote, I have the ability to control the order and decorum of these meetings. As a result, I'm announcing under my authority to preserve order and decorum for these meetings that any abstention by any member of the Board during this meeting can be recast as a no vote.

Mayor Akers asked if there were any citizens who had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Akers asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Alderman Castillon requested Item Numbers 4 and 6 be removed from the Consent Agenda and placed as the first and second items on the Regular Agenda. Mayor Akers asked City Clerk Lisa Westfall to read the items on the Consent Agenda as amended. City Clerk Lisa Westfall read the following Consent Agenda items by title.

Approval of Board of Aldermen Minutes:

a) January 28, 2020 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Budget and Finance Committee meeting of December 6, 2019

BILL NO. 5776

Ord. No. 2020-0025

Amending the adopted 2020 Budget for the City of Branson, to adjust monies for the General Fund.

Final Reading of Bill No. 5776, an ordinance amending the adopted 2020 Budget for the City of Branson, to adjust monies for the General Fund was read by title by City Clerk Lisa Westfall. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried. Ordinance No. 2020-0025 was duly enacted.

BILL NO. 5779

Ord. No. 2020-0027

Approving the contract with Don Brown Chevrolet pertaining to purchase of a 2020 Chevy Tahoe PPV for the Police Departments K9 Unit.

Final Reading of Bill No. 5779, an ordinance approving the contract with Don Brown Chevrolet pertaining to purchase of a 2020 Chevy Tahoe PPV for the Police Departments K9 Unit and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried. Ordinance No. 2020-0027 was duly enacted.

Mayor Akers opened the floor for a motion to approve all items on the Consent Agenda as amended. Alderman Clonts moved to approve all items on the Consent Agenda, seconded by Alderman McConnell. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

REGULAR AGENDA

BILL NO. 5778

POSTPONED

Amending Chapter 58 of the Branson Municipal Code pertaining to persons under 21 years of age prohibited from the purchase of tobacco products and prohibiting the sale of tobacco products to persons under 21 years of age.

Final Reading of Bill No. 5778, an ordinance amending Chapter 58 of the Branson Municipal Code pertaining to persons under 21 years of age prohibited from the purchase of tobacco products and prohibiting the sale of tobacco products to persons under 21 years of age was read by title by City Clerk Lisa Westfall. Mayor Akers asked for a motion approving Bill No. 5778. Alderman Clonts so moved, seconded by Alderman Skains. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Alderman Clonts moved to postpone Bill No. 5778 to the February 25, 2020 Board of Aldermen meeting, seconded by Alderman Skains. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. No discussion. Voting aye: Clonts, Simmons and Skains. Nays: McConnell and Castillon. Absent: Milton. Motion carried.

BILL NO. 5780

POSTPONED

Approving the contract with Clifton Larson Allen LLP pertaining to auditing services.

Final Reading of Bill No. 5780, an ordinance approving the contract with Clifton Larson Allen LLP pertaining to auditing services and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a Staff Report was provided by Assistant City Administrator John Manning and Finance Director Jamie Rouch. Mayor Akers asked for a motion approving Bill No. 5780. Alderman Clonts so moved, seconded by Alderman Skains. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Alderman Skains moved to postpone Bill No. 5780 to the February 25, 2020 Board of Aldermen meeting, seconded by Alderman Simmons. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Voting aye: Clonts, Simmons and Skains. Nays: McConnell and Castillon. Absent: Milton. Motion carried.

Report by Jonas Arjes about the Taney County Partnership 2019 Year-End Review.

A Report on the Taney County Partnership 2019 Year-End Review was provided by Jonas Arjes. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion.

Report by Marc Mulherin about the Branson Convention Center 2019 Year-End Review.

A Report about the Branson Convention Center 2019 Year-End Review was presented by Brian Johnson, SMG's Director of Finance of the Branson Convention Center. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion.

**RESOLUTION
POSTPONED**

Resolution approving the Annual Operating & Capital Budgets of the Branson Convention Center from January 1, 2020 to December 31, 2020.

A Resolution approving the Annual Operating & Capital Budgets of the Branson Convention Center from January 1, 2020 to December 31, 2020, was read by title by City Clerk Lisa Westfall and a staff report was provided by Finance Director Jamie Rouch and Brian Johnson, Director of Finance for the Branson Convention Center. Alderman McConnell moved to postpone the resolution to the February 25, 2020 Board of Aldermen meeting, seconded by Alderman Castillon. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

BILL NO. 5781

Approving the Annexation of the property located at 150 Gunner Hill Lane, Branson, Missouri.

Public Hearing and First Reading of Bill No. 5781, an ordinance approving the annexation of the property located at 150 Gunner Hill Lane, Branson, Missouri, was read by title by City Clerk Lisa Westfall. Mayor Akers opened the public hearing and a staff report was presented by Planning and Development Director Joel Hornickel. Mayor Akers asked for anyone in the audience wishing to speak in favor of or opposing this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Mayor Akers closed the public hearing. Mayor Akers asked for a motion approving Bill No. 5781. Alderman Skains so moved, seconded by Alderman McConnell. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. No discussion. Voting aye: McConnell, Clonts, Simmons and Skains. Nays: None. Absent: Milton. Motion carried. Alderman Castillon did not vote.

Public Hearing and First Reading of Bill No. 5782, an ordinance approving the annexation of the property located at 3855 Fall Creek Road, Branson, Missouri, was read by title by City Clerk Lisa Westfall. Mayor Akers opened the public hearing and a staff report was presented by Planning and Development Director Joel Hornickel. Mayor Akers asked for anyone in the audience wishing to speak in favor of or opposing this matter.

Cherry Webster, 118 Country Bluff Drive, Branson, Missouri, explained she lives in the second house on the right in the Country Bluff Estates subdivision and her property and the one adjoining it, which is an empty lot her mother owns, butts up against this parcel. She mentioned being involved in a lot of discussions back in August with Alderman Clonts, Mayor Akers, Alderman McConnell and Mr. Ruda and she feels it's still not a great location for government subsidized low income housing. She feels people can call it affordable housing and be politically correct, but her subdivision is also affordable as 100 families can afford to live there. She added, there are other locations that are much more logical, but it looks like this is going to proceed and she asked if it would be possible for Mr. Ruda to have a few proffer or development agreements that might make the two neighborhoods fit more easily together. She commented great fences make great neighbors and she feels it would be really nice if the 30 foot buffer was dense like tall thorny hawthorn trees, followed by medium size thorny barberry shrubs. She asked if it's possible to leave some of the mature trees on the parcel. She reported they're currently being torn down which is kind of ghastly looking and she hopes it's just going to be the four acres for the townhouse side. Ms. Webster asked if it's possible to leave the more mature trees back into the single family development area. Her subdivision has covenants which is one of the main reasons she bought her house 10 years ago and one covenant is that residents have to keep boats, trailers and RV vehicles in garages with the doors closed. She reported there are enough problems with the people who live in the subdivision that the subdivision's Board and President of the association frequently try to communicate with homeowners about keeping their vehicles inside their garages. She added, there are at least 12 neighbors who still think their garage is a closet and she doesn't understand why some people park their vehicles in their driveway and use their garage as a closet. Ms. Webster mentioned people park their business vehicles on the street and enclosed landscape trailers, making it hard for emergency vehicles to come in and is unsightly. She understands the City has ordinances to help keep a community looking attractive, but thinks it needs more than just the City ordinances. She stated they do not want the neighborhood next door to look like Bird Road or Spring Creek Road; it needs to be attractive. She recalled Mr. Ruda had said he builds a nice product and while he might be able to build a nice looking product, it's who is going to live there. She mentioned living in a government subsidized low income housing development in her early twenties and her and her husband happened to be the number two family that moved in there. They watched the rest of the neighborhood fill in and fortunately were able to leave two years later. She expressed concerns about the product that's going to be built and the people who are going to live there because low income housing does not usually generate the most responsible people. Ms. Webster recalled when she lived in subsidized housing, kids would hang around the dumpster at 9:00 p.m. or 10:00 p.m. on school nights with nothing to do. She explained when kids are hanging around with nothing to do, they get into trouble and she believes there's a need for covenants to make it look nice and some very strong barriers to keep neighbors in their own subdivision. She commented kids like to roam, they want to go hiking and seeing what is over on the other side.

Rick Key, 170 Country Bluff Drive, Branson, Missouri, commented his concern is as the property goes down Lake Taneycomo direction, the land narrows. He mentioned hearing all kinds of different things such as it's going to be affordable housing, partially affordable housing and all along Lake Taneycomo it will be nightly rental condos. In the case of it being nightly rental condos going down Fall Creek, he explained there's not much room between the bluff and Fall Creek at the lower end. He inquired if a condo, parking lot and road were put up, how close it would be to the homes in his subdivision. He mentioned offering to buy the corner and was told early on it was totally out of the question. He expressed his concerns that if it's affordable housing or nightly rentals that his subdivision would have consideration since the development would be close to the narrow part near their backyards. He added, we don't want to be right

there and explained it's on a hill too. Mr. Key commented he owns nightly rentals and doesn't have anything against them, but his nightly rentals are in a nightly rental complex with no homes around it. He feels it will be bad for everyone who lives on the far corner, because there's not much room down there and he requested the Board relay to Dan Ruda the subdivision's desire for consideration. He commented, it's a really nice neighborhood which is why he bought there and they would like to keep it that way. He clarified he's not saying nightly rentals are bad as he knows Mr. Ruda puts in top quality stuff which he's seen on some of the original properties down Fall Creek. He knows it is going to be nice if he does nightly rentals, but he'd like consideration for the people who live near the lower end of the property.

Jeff Seifried, 4100 Gretna Road, Branson, Missouri, speaking on behalf of the Branson/Lakes Area Chamber of Commerce and CVB, mentioned writing a letter of support to the State for this particular project. He explained Branson is way behind the eight ball when it comes to providing better quality housing for its residents and citizens. In light of shutting down unsafe places around the community and having availability of quality places to live, he feels this is a first step in the right direction. He feels this is a quality developer who cares about the community, has invested millions of dollars all over the City and will once again make a difference for the citizens of Branson. He explained if there are other projects they can help support at a State level with this developer or others, they would be happy to do, but they'd like to get moving on this project as soon as possible.

Charles Geer, 141 Country Bluff Drive, Branson, Missouri, shared his concerns about the flood water that runs through his property. He explained lot 35 is included in the drawing, but it is separate from Mr. Ruda's property and he doesn't see where it's designated as a separate lot. He added, it's right across the street from where he lives and all the flood water comes right down through Mr. Ruda's property and through the additional lot that's not his property, but is in the county. He explained the water will be coming down through his property, through another county lot and then into Country Bluff Estates and he wants to know what's going to be done with that flood water. He commented, that's his big concern because he's getting muddy water there now with the tree removal that's being done on that lot. He reiterated, the flood water needs to be addressed as to what's going on with that to keep everyone safe in Country Bluff Estates.

Mayor Akers asked for comments from the Board. Discussion. Mayor Akers closed the public hearing. Mayor Akers asked for a motion approving Bill No. 5782. Alderman Castillon so moved, seconded by Alderman Skains. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

BILL NO. 5783

Approving an agreement with Missouri American Water Company for Water Termination Services.

First Reading of Bill No. 5783, an ordinance approving an agreement with Missouri American Water Company for Water Termination Services and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was presented by Utilities Director Mike Ray. Mayor Akers asked for a motion approving Bill No. 5783. Alderman Simmons so moved, seconded by Alderman Clonts. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. No discussion. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

BILL NO. 5784

Approving an agreement with Missouri American Water Company for the purchase of Water Usage Data.

First Reading of Bill No. 5784, an ordinance approving an agreement with Missouri American Water Company for the purchase of Water Usage Data and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was presented by Utilities Director Mike Ray.

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Mayor Akers asked for a motion approving Bill No. 5784. Alderman Castillon so moved, seconded by Alderman Skains. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

BILL NO. 5785

Accepting the proposal of MTS Contracting Inc. for sandblasting and painting of the Branson Lakeside RV Park shower house and restroom for the City of Branson.

First Reading of Bill No. 5785, an ordinance accepting the proposal of MTS Contracting Inc. for sandblasting and painting of the Branson Lakeside RV Park shower house and restroom for the City of Branson and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was presented by Parks and Recreation Director Cindy Shook. Mayor Akers asked for a motion approving Bill No. 5785. Alderman Castillon so moved, seconded by Alderman McConnell. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

BILL NO. 5786

Amending the adopted 2020 Budget for the City of Branson, to adjust monies for the General Fund.

First Reading of Bill No. 5786, an ordinance amending the adopted 2020 Budget for the City of Branson, to adjust monies for the General Fund was read by title by City Clerk Lisa Westfall and a staff report was presented by Finance Director Jamie Rouch. Mayor Akers asked for a motion approving Bill No. 5786. Alderman Simmons so moved, seconded by Alderman Clonts. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

BILL NO. 5787

Approving the Facility Use Agreement with Ballparks of America, LLC.

First Reading of Bill No. 5787, an ordinance approving the Facility Use Agreement with Ballparks of America, LLC and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was presented by City Attorney Chris Lebeck and Paul Satterwhite of Ballparks of America, LLC. Mayor Akers asked for a motion approving Bill No. 5787. Alderman Castillon so moved, seconded by Alderman McConnell. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

Michael Solonik, Hamilton, New Jersey, introduced himself as the Cal Ripken World Series Director with Babe Ruth League, Inc. He commented it's been a few months' process trying to figure out who their new partners would be and since Mr. Satterwhite and his team have stepped up, he's gotten to know them. Mr. Solonik explained his company is also on a time crunch as it has 10 international countries coming in which have to figure out their travel arrangements. He mentioned his company has about 3,000 hotel room nights and 10 U.S. teams already qualified, but are just waiting to book travel. He commented as far as the facility use with the community, the Babe Ruth League orchestrated the donation of a video board to the complex with the previous owners. He explained the spirit of that was they wanted to be good community supporters and be a part of groups that need to do something there; whether with movie nights, concerts or things like that. After speaking with Mr. Satterwhite, he believes he shares that same vision and with regards to the time crunch, he'd like to show support for his request.

Mayor Akers asked for comments from the Board. Discussion. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

DISBURSEMENTS

Mayor Akers stated the next item is the review of disbursements [(November 22, 2019 through January 16, 2020) See Master File for copies of disbursements] Mayor Akers asked if there were any questions regarding the disbursements. Discussion. Mayor Akers asked for a motion to acknowledge the receipt of disbursements from November 22, 2019, through January 16, 2020. Alderman Skains so moved, seconded by Alderman Simmons. Mayor Akers asked for any comments. No discussion. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Skains thanked Jeff Seifried and everyone from the CVB involved with the Black Tie Gala which he felt it was first class. He mentioned seeing a lot of tears from people who were justly presented awards and recognized. Alderman Skains felt it was wonderful and he thanked all the sponsors as he greatly appreciates what they did.

Alderman Castillon agreed with Alderman Skains' comments and feels the CVB did a great job on the Black Tie Gala. He congratulated Alderman McConnell on his wedding and mentioned he will find out next Friday when he's having surgery and he will be out of operation up to 8 weeks.

City Administrator Stan Dobbins commended the Parks and Recreation Department for the work they've done on the Awberry Restroom. He explained they completely re-did the plumbing under the building and reported it's working far better and will reduce the costs of repair issues due to clogging. He added, they saved the City a considerable amount of money by doing it in-house; it was hard work in lousy weather and he can't thank them enough for what they did.

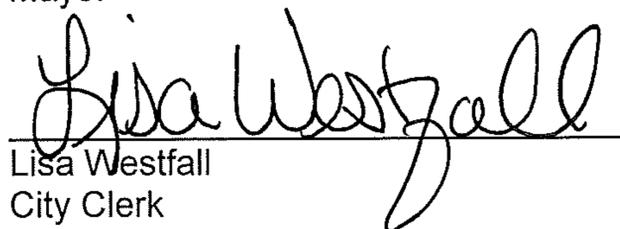
Mayor Akers said there has been some confusion over defining conflict of interest and he asked City Administrator Stan Dobbins to put together information for clarification and discussion. He announced the year-end figures will be coming in soon and he's anxious to see how the City ended up. Mayor Akers explained he'll have a state of the City report as soon as those figures are finalized and mentioned he'll miss next week's Study Session.

ADJOURN

Mayor Akers asked for a motion to adjourn. Alderman Castillon moved to adjourn, seconded by Alderman Skains. Voting aye: McConnell, Clonts, Simmons, Skains and Castillon. Nays: none. Absent: Milton. Motion carried. Meeting adjourned at 8:20 p.m.



E. Edd Akers
Mayor



Lisa Westfall
City Clerk