MINUTES

THE REGULAR MEETING OF THE
BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI
February 24, 2015

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 24, 2015, at 7:00 p.m. Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Garrett Anderson gave the invocation.

ROLL CALL

City Clerk Westfall called roll: Mayor Presley presiding, Patrick Parnell, Mike Booth, Rick Todd, Cris Bohinc and Rick Davis. Absent: Bob Simmons.

Also present from the City were: City Administrator Bill Malinen, City Clerk Lisa Westfall, City Attorney William Duston, Public Works Director and City Engineer David Miller, IT Director Chad Forster, Police Chief Kent Crutcher, Finance Director Jamie Rouch, Utilities Director Mike Ray, Economic Development Director Garrett Anderson, Planning and Development Director Joel Hornickel, Fire Chief Ted Martin and Human Resources Director Jan Fischer.

STATEMENT BY THE MAYOR

A statement was made by the Mayor. (See attached)

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.

Patrick Crisp, 220 Garner Drive, Branson, Missouri, commented as a citizen of this community, it sickens him to know that 50,000 pounds of hydrofluoric salicylic acid, which is a highly toxic industrial waste component, was put in the municipal water supply last year. He said there hasn't been any discussion or action taken on this topic and Branson is the last community in the county to fluoridate water and feels it is an unfounded medical and pharmaceutical application for which there's no evidence to support the claim that fluoride is a nutrient. Mr. Crisp stated fluoride is a toxic substance that disrupts bodily functions and can be detrimental to people's health and urged the Board to discuss this topic. He added, the decision to fluoridate Branson's water supply was made in the early 1990's and asked if a second look could be taken at this.

HEARING

Approval of the Findings of Fact and Conclusion of Law from the February 10, 2015 hearing against Branson Grand Plaza Hotel for violation of Chapter 10 of the Branson Municipal Code.

Mayor Presley asked City Clerk Westfall to provide the introduction for this item. City Clerk Westfall stated this is the approval of the Findings of Fact and Conclusion of Law from the February 10,

2015 hearing against Branson Grand Plaza Hotel for violation of Chapter 10 of the Branson Municipal Code and a staff report was provided by City Attorney Duston. Mayor Presley asked for a motion authorizing the Mayor to sign the Findings of Fact and Conclusion of Law concerning the February 10, 2015 hearing against Branson Grand Plaza Hotel for violation of Chapter 10 of the Branson Municipal Code. Alderman Booth so moved, seconded by Alderman Parnell. Mayor Presley asked for any comments from the Board regarding this matter. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried.

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. Alderman Booth requested item Number 8 be removed from the Consent Agenda and placed as the first item on the Regular Agenda. 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 Board of Aldermen Minutes:

a) February 5, 2015 Study Session
b) February 10, 2015 Regular Meeting

Acknowledge Receipt of Minutes:

a) Human Resources Committee meeting of January 9, 2015
b) Advisory Park Board meeting of January 20, 2015

BILL NO. 4705
Ord. No. 2015-0023 **Amending Chapter 26 of the Branson Municipal Code pertaining to panhandling.**

Final Reading of Bill No. 4705, an ordinance amending Chapter 26 of the Branson Municipal Code pertaining to panhandling was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2015-0023 was duly enacted.

BILL NO. 4706
Ord. No. 2015-0024 **Amending Section 34-43 of the Branson Municipal Code pertaining to court costs.**

Final Reading of Bill No. 4706, an ordinance amending Section 34-43 of the Branson Municipal Code pertaining to court costs was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2015-0024 was duly enacted.

BILL NO. 4707
Ord. No. 2015-0025 **Amending the adopted 2014 Budget for the City of Branson, to adjust monies for the Debt Service Fund.**

Final Reading of Bill No. 4707, an ordinance amending the adopted 2014 Budget for the City of Branson, to adjust monies for the Debt Service Fund was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2015-0025 was duly enacted.

BILL NO. 4708
Ord. No. 2015-0026 **Amending the adopted 2014 Budget for the City of Branson, to adjust monies for various funds.**

Final Reading of Bill No. 4708, an ordinance amending the adopted 2014 Budget for the City of Branson, to adjust monies for various funds was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2015-0026 was duly enacted.

BILL NO. 4710
Ord. No. 2015-0027 **Approving an agreement with Environmental Systems Research Institute, Inc. pertaining to the Enterprise License Agreement.**

Final Reading of Bill No. 4710, an ordinance approving an agreement with Environmental Systems Research Institute, Inc. pertaining to the Enterprise License Agreement and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2015-0027 was duly enacted.

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

REGULAR AGENDA

BILL NO. 4709
SUBSTITUTED **Authorizing the borrowing of funds in the amount of not to exceed $78,000,000 from the Missouri Development Finance Board in connection with the refinancing of certain redevelopment costs described in a Tax Increment Financing Plan previously approved by the City; approving the form of and authorizing the execution of a Third Supplemental Financing Agreement with the Missouri Development Finance Board; ratifying the mortgaging of property to secure bonds issued by the Missouri Development Finance Board; providing for the administration of a special allocation fund and other funds and accounts; and prescribing other matters relating thereto.**

Final Reading of Bill No. 4709, an ordinance authorizing the borrowing of funds in the amount of not to exceed $78,000,000 from the Missouri Development Finance Board in connection with the refinancing of certain redevelopment costs described in a Tax Increment Financing Plan previously approved by the City; approving the form of and authorizing the execution of a Third Supplemental Financing Agreement with the Missouri Development Finance Board; ratifying the mortgaging of property to secure bonds issued by the Missouri Development Finance Board; providing for the administration of a special allocation fund and other funds and accounts; and prescribing other matters relating thereto was read by title by City Clerk Westfall. She stated this bill has had its First Reading during the February 10, 2015 meeting. Due to the fluctuating numbers in the market, there have been substantial changes to the final bond numbers. As a result, a substitute bill has been drafted to include these changes. This will be introduced as our next item. A staff report was presented by Jamie Rouch. Also available for comments were Don Wilbon of J.P. Morgan and Kelsi Spurgeon of Columbia Capital. Mayor Presley asked for a motion that Bill No. 4712 be considered as a substitute bill and replacement for Bill No. 4709 and that Bill No. 4709 be removed from the agenda. Alderman Davis so moved, seconded by Alderman Todd. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. City

Clerk Westfall stated the record with reflect that Bill No. 4709 has been replaced with Substitute Bill No. 4712.

SUBSTITUTE BILL NO. 4712
Ord. No. 2015-0028

Authorizing the borrowing of funds in the amount of not to exceed $62,560,000 from the Missouri Development Finance Board in connection with the refinancing of certain redevelopment costs described in a Tax Increment Financing Plan previously approved by the City; approving the form of and authorizing the execution of a Third Supplemental Financing Agreement with the Missouri Development Finance Board; ratifying the mortgaging of property to secure bonds issued by the Missouri Development Finance Board; providing for the administration of a special allocation fund and other funds and accounts; and prescribing other matters relating thereto.

First Reading of Substitute Bill No. 4712, an ordinance authorizing the borrowing of funds in the amount of not to exceed $62,560,000 from the Missouri Development Finance Board in connection with the refinancing of certain redevelopment costs described in a Tax Increment Financing Plan previously approved by the City; approving the form of and authorizing the execution of a Third Supplemental Financing Agreement with the Missouri Development Finance Board; ratifying the mortgaging of property to secure bonds issued by the Missouri Development Finance Board; providing for the administration of a special allocation fund and other funds and accounts; and prescribing other matters relating thereto was read by title by City Clerk Westfall. Mayor Presley asked for a motion approving Substitute Bill No. 4712. Alderman Booth moved to approve, seconded by Alderman Parnell. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Alderman Bohinc moved to read Substitute Bill No. 4712 for its final reading due to time sensitivity and changes that could happen in the bond market, seconded by Alderman Davis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Mayor Presley called for a vote on the motion to read Substitute Bill No. 4712 for its final reading. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Final Reading of Substitute Bill No. 4712, an ordinance authorizing the borrowing of funds in the amount of not to exceed $62,560,000 from the Missouri Development Finance Board in connection with the refinancing of certain redevelopment costs described in a Tax Increment Financing Plan previously approved by the City; approving the form of and authorizing the execution of a Third Supplemental Financing Agreement with the Missouri Development Finance Board; ratifying the mortgaging of property to secure bonds issued by the Missouri Development Finance Board; providing for the administration of a special allocation fund and other funds and accounts; and prescribing other matters relating thereto was read by title by City Clerk Westfall. Mayor Presley asked for a motion approving Substitute Bill No. 4712. Alderman Todd moved to approve, seconded by Alderman Davis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2015-0028 was duly enacted.

Report by Leah Chandler about the Branson Chamber of Commerce Year End 2014 Marketing Report and 2015 Marketing Plan.

A report about the Branson Chamber of Commerce Year End 2014 Marketing and 2015 Marketing Plan was presented by Leah Chandler of the Branson/Lakes Area Chamber of Commerce. 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.

RESOLUTION NO. 2015-R005

Approving a Special Event Permit Application for Missouri Bar's Solo and Small Firm block party.

A Resolution approving a Special Event Permit Application for Missouri Bar's Solo and Small Firm block party was read by title by City Clerk Westfall and a staff report was presented by Joel Hornickel. Mayor Presley asked for a motion adopting the resolution. Alderman Booth moved to adopt, seconded by Alderman Bohinc. 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. Mayor Presley called for a vote on the Resolution. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Resolution No. 2015-R005 was adopted.

The meeting recessed at 8:32 p.m. and reconvened at 8:44 p.m.

RESOLUTION NO. 2015-R006

Authorizing the construction of an operations and maintenance building at the Cooper Creek Wastewater Treatment Plant.

A Resolution authorizing the construction of an operations and maintenance building at the Cooper Creek Wastewater Treatment Plant was read by title by City Clerk Westfall and a staff report was presented by Mike Ray. Mayor Presley asked for a motion adopting the resolution. Alderman Davis moved to adopt, seconded by Alderman Parnell. 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. Mayor Presley called for a vote on the Resolution. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Resolution No. 2015-R006 was adopted.

BILL NO. 4713

Accepting the proposal of Carson Mitchell, Inc. pertaining to the construction of a Utilities Operation and Maintenance Facility to be located at the Cooper Creek Wastewater Plant.

First Reading of Bill No. 4713, an ordinance accepting the proposal of Carson Mitchell, Inc. pertaining to the construction of a Utilities Operation and Maintenance Facility to be located at the Cooper Creek Wastewater Plant and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Mike Ray. Mayor Presley asked for a motion approving Bill No. 4713. Alderman Parnell moved to approve, seconded by Alderman Bohinc. 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: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried.

BILL NO. 4714

Accepting the proposal of ETC Institute pertaining to Community and Business Surveys.

First Reading of Bill No. 4714, an ordinance accepting the proposal of ETC Institute pertaining to Community and Business Surveys and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Garrett Anderson. Mayor Presley asked for a motion approving Bill No. 4714. Alderman Todd moved to approve, seconded by Alderman Parnell. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter.

Patrick Crisp, 220 Garner Drive, Branson, Missouri, commented he feels the survey questions in the past have been vague and believes the Delphi method is used to develop these surveys. He stated the Delphi method is used to steer the public outcry towards a predetermined consensus and

doesn't feel this is a good method. Mr. Crisp said he believes this might allow the Board to avoid responsibility and feels the outcomes may not be the best for the community. Discussion.

Mayor Presley asked for additional comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried.

BILL NO. 4715

Amending the contract with Radiophone Engineering, Inc. to provide radio equipment in and on a site located off Elm Shade Drive.

First Reading of Bill No. 4715, an ordinance amending the contract with Radiophone Engineering, Inc. to provide radio equipment in and on a site located off Elm Shade Drive and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Kent Crutcher. Mayor Presley asked for a motion approving Bill No. 4715. Alderman Bohinc moved to approve, seconded by Alderman Davis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Parnell attended the Lucia Ridge Neighborhood Association annual meeting in which officers were elected and he felt attendance was good. He thanked Mayor Presley and Steve Presley for attending. He stated as a result of a neighborhood grant, new street signs will be installed in the Lucia Ridge Neighborhood with the neighborhood logo on them.

Alderman Todd said successful organizations and companies focus on the big issues they're facing and in his opinion a big issue for the City is the weekly and monthly motel rentals. He commented he would like to know all of the City's options in order to address the unpleasant issues surrounding this topic.

Alderman Bohinc gave her condolences to the family of Jasmine Miller.

Alderman Davis stated as a Planning and Zoning Commission Representative he appreciates the addition of the Planning and Zoning Commissioners to the discussion of the Spirit of Highway 76 Project and feels this is right on target. He feels the need to discuss envisioning the project's outcome pertaining to capturing the uniqueness and the experiential outcome desired. He added, he hopes the project will not simply be an investment resulting in chain businesses being established along Highway 76 that are not unique and expressed his concerns about the planning aspect of this. Alderman Davis mentioned reading about the bond issue and reported one item he found interesting is unemployment has steadily dropped since six years ago. He mentioned one of the risks of the bonds is the Pay for Performance Agreement with the Branson Airport and said he would like to ensure the City's money is going towards reducing the bonded indebtedness of the project. To his knowledge, the money hasn't been used to pay off the bonds, but has been put in a reserve fund instead and bondholders are being told the money is going towards paying off the bonds when that isn't the case. Alderman Davis added, it's time to look at where the money is actually going and asked City Administrator Malinen to research this. Alderman Davis reported the Tree Board has made arrangements to plant several hundred short leafed pine trees on public land in Branson during the first week of March. He asked Alderman Todd if he could think of any places ideal for these trees to be planted and Alderman Todd commented Caudill Park might be a great place. Mayor Presley inquired how fast the trees grow and Alderman Davis commented the trees grow fairly fast.

Administrator Malinen attended a meeting with Planning and Development Director Hornickel, Public Works Director and City Engineer Miller and other team members regarding the zoning overlay for the Spirit of Highway 76 Project. He commented one item that will be a priority is signs and reported the weekly financing plan meetings will continue. Administrator Malinen stated the sales tax numbers are 2.6% higher than last year and last year was historically better than the previous 6 years. He reported tourism tax is 19% higher than last year, which may see a decline if it follows the trend of sales tax, but it is still starting off very strong this year. He mentioned Trip Advisor had ranked Branson number 19 of the top destinations in the United States and number 4 of the top vacation rental destinations in the United States. He stated the City made a presentation to the Hollister Rotary regarding the City of Branson year 2014 in review and the City's neighborhood outreaches were emphasized. Alderman Parnell commented he is working on getting this presentation on an upcoming agenda of the Branson/Lakes Area Chamber of Commerce.

Mayor Presley reminded everyone Loaves and Fishes is February 26th, the D.A.R.E Program is Wednesday night, the Employee Chili and Soup Challenge is February 27th and the Branson/Lakes Area Chamber of Commerce Black Tie Event is February 28th. She commented there are two vigils scheduled in memory of Jasmine Miller on Saturday. Mayor Presley mentioned the Missouri Department of Health and Senior Services has an annual program in which eligible applicants can apply to receive reimbursement for water fluoridation.

EXECUTIVE SESSION

Mayor Presley asked for a motion to adjourn into a closed Executive Session. Alderman Davis moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation, seconded by Alderman Bohinc. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried.

ADJOURN

Mayor Presley asked for a motion to adjourn. Alderman Davis moved to adjourn, seconded by Alderman Booth. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: none. Absent: Simmons. Motion carried. Meeting adjourned at 9:22 p.m.

Raeanne Presley
Mayor

Hillary Bargman
Deputy City Clerk

STATEMENT MADE BY MAYOR PRESLEY

Before we begin our regular agenda this evening I feel compelled to take a moment to share and reflect on the senseless murder of an innocent child, Jasmine Miller, in our city this last weekend.

This death has touched our community deeply. We're heartbroken, angry, fearful – we're seeking answers & justice.

For the family left without their child – we offer prayers for your comfort and healing. The Millers were new residents in our city, but the sheer number of those who have reached out to help, in ways seen and unseen, shows that even in the face of evil, there can be great compassion and grace.

I want to thank our police and fire dept. for a very difficult Saturday evening and the professional way they have handled this case. Thank you to those who came out to help search for Jasmine. Several social agencies came together to provide resources to the family – some from Branson, some from Springfield. These are emotionally draining tasks, but we are grateful you are there in a very dark hour.

I encourage our community to support the family. There is a fund setup at Branson Bank to help with their daily expenses, entertainers are planning an event, and there are at least 2 candlelight vigils planned for this Saturday. We each grieve in our own way & I hope these efforts will hold up the family and bring our residents closer together.

We seek Justice for Jasmine. Little about the case will be known until the accused individual comes to trial. It's natural for us to want the details, but a fair trial must be our goal and justice the outcome.

In the weeks and month that follow there will be time for reflection. Share your thoughts with your families, your friends, this board, our staff, community leaders & our spiritual leaders. Let's pledge to use this energy and momentum to seek solutions that bring us closer together, not divide us. We've weathered many trying times before, and risen stronger & wiser. It is why people seek to come here – to live, to work, to raise their families.

I believe Jasmine is in a place of great joy, surrounded by immeasurable love & that I will meet her there one day.