

# **MINUTES**

**THE REGULAR MEETING OF THE  
BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
October 27, 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 October 27, 2020, at 6:00 p.m. Mayor Akers called the meeting to order with the "Pledge of Allegiance," the Preamble of the Missouri Constitution and Jamie Rouch gave the invocation.

## **ROLL CALL**

City Clerk Lisa Westfall called roll: Mayor Akers presiding, Julia King, Jamie Whiteis, Bob Simmons, Bill Skains, Larry Milton and Jeff Seay.

## **PUBLIC COMMENT**

Mayor Akers made a statement regarding decorum and asked anyone wishing to speak this evening to spend no more than five minutes speaking on a topic. Due to the large size of the agenda, he requested anyone speaking in agreement with a previous speaker, to simply say they agree with what that person said.

Doug Clark, 121 A Saint Andrews Street, Branson, Missouri, mentioned previously addressing the Board on some of the things he'll be speaking about, but wanted to bring a couple of things to the Board's attention he's learned in the last few days. He expressed concerns over the participation of the World Health Organization (WHO) in the structure of this country's internal health management. He reported the philosophy of the World Health Organization and its first Secretary General, Brock Chisholm, is to achieve world government. Mr. Chisholm has said that in order to achieve world government, it's necessary to remove from the minds of men their individualism, loyalty to family traditions, national patriotism and religious dogmas. He pointed out at this meeting everyone just got done praying and talking about the Constitution which contains a lot of religious dogmas these people don't like. He feels people have to examine the philosophy of all of the different United Nations Organizations and their ultimate goals, because they're not good. He explained Mr. Chisholm also said the reinterpretation and eventual ratification of the concept of right and wrong, and belated objectives are all merely psychotherapy. Mr. Chisholm was a psychiatrist and there's a whole slew of people like this running that organization. It's a behavior modification organization that's trying to change the way some things are managed to something else. Mr. Clark explained the WHO has had a very erratic methodology on this pandemic; at one time it's said there's no need for masks and recently flipped its position on the lockdowns. On July 13th it said there's no quantified virus isolates available which means it doesn't have an actual sample of the COVID-19 virus available to do anything; even calibrate the machines that do these tests. The tests are measuring something that's completely different. One test is a PCR test that takes a particle of DNA, heats it up and multiplies the particle, but does not identify a virus. There's a new 15-minute test being used to come up with all the numbers, but all it does is sample a protein. None of these tests can identify a specific virus, but what they do is pick up a flu, part of a flu from 10 years ago or will test positive if a person ever had measles or any kind of viral vaccine. He stated he's been looking at the draft-controlling mechanisms of how the WHO is going to distribute these vaccines. He said it's called a landscape of COVID-19 candidate vaccines and

explained the document says the WHO disclaims any and all liability, responsibility whatsoever for any death, disability, injury, suffering, loss, damaging prejudice product, including any of these landscape documents. Mr. Clark reported there are 100 different vaccines in the evaluation process right now and they will not protect anyone. There's no liability protection for anything that happens with this vaccine distribution system which he feels should scare everybody. On top of that, the WHO doesn't have a good record of managing these vaccines as there have been all kinds of problems with polio and tetanus vaccine distribution to Africa. It's done carnage on a multitude of African countries and these people cannot show their face back there, including Bill Gates. Mr. Clark mentioned finding a draft of the COVID-19 vaccination plan from the State of California and the State of Missouri. He asked if anyone on the Board has seen it, and asked them to take a look at it if they haven't because it has the mechanics for a forced vaccination program. He urged anyone who takes a vaccine to look at the vaccine inserts that come with any vaccine because they tell people about all of the contradictions and side effects. It also says it's not tested for mutations or genetic effects on fertility which people need to think about before deciding to take a vaccine.

Cherry Webster, 118 Country Bluff Drive, Branson, Missouri, commented she lives in the affordable housing development Country Bluff Estates and there are hundreds of houses in this subdivision. She explained people were able to afford the houses in this subdivision because they either work in the workforce or did for 20 to 30 years and are now retired. She's here tonight to talk about the low-income housing project at 3855 Fall Creek Road, specifically the annexation, Bill No. 5718 that was approved in May. She explained this bill approved the annexation from the County into the City for the parcel, bringing in with it the plan of intent that was in the County. She reported the only thing that got brought in other than the plan of intent was the zoning and there was another part of this plan that didn't get brought in. She said she'd like to read a paragraph from the September 11, 2006, Taney County Planning Commission public hearing, which was the second reading for the parcel. She explained at the time, it was owned by Dwight and Linda Sprague and was called Fountains at Fall Creek. She read it was to develop a mixed-use project containing commercial condominiums, duplexes and cabins for nightly rental and timeshare located at Fall Creek Road and Country Bluff Drive. Ms. Webster mentioned a comment was made by Mr. Sprague about a 50-foot buffer between the two developments. Mr. Ingram, the attorney representing Country Bluff at the time, asked if a 100-foot buffer could be left. Discussion followed and Mr. Sprague stated he is doubling what the County requires and doing 100 feet would be a problem for him. The code stated that the Commission can go up to 40 feet and Sarah Klinefelter, a Planning Commissioner that night, made a motion to approve the mixed-use development based upon the decision of record and the submitted plan with the addition of a 50-foot buffer between Country Bluff. She continued, the existing vegetative buffer will remain undisturbed and the property next to the lake will be a 30-foot buffer. Ms. Webster reported they had a second, a vote and it was approved. When she reads that, what she sees is a plan of intent that says there's supposed to be a 50-foot, undisturbed vegetative buffer. She recalled the morning after the annexation's first reading on February 11<sup>th</sup>, Mr. Ruda had a bulldozer and a backhoe out there and for the next 14 days before the second reading was scheduled, he knocked down all of the trees, up to a 30-foot buffer. She doesn't think he should be allowed to pick and choose which items on the plan of intent to bring into the City as part of the annexation process. She'd like to formally request the City modify the annexation, Bill No. 5782, to incorporate the 50-foot buffer. She reported Mr. Ruda has already destroyed 20 of the 50 feet and she feels he needs to make this buffer up somehow, perhaps in the first subdivision plan. She offered to provide the Board with a copy of the minutes and she thanked the Board for its time.

Wally Marshall, 14914 FM 3133, Anna, Texas, mentioned he's here tonight to thank the City of Branson, Chamber of Commerce, Mayor Akers and everybody involved with helping bring the Crappie Expo 2020 to the Branson Convention Center this week. He announced the Crappie Expo begins Friday at 10:00 a.m. and there are currently 230 anglers on Table Rock Lake fishing for crappie for \$200,000. Mr. Marshall explained this is to bring crappie fishing to a higher level as over 100 manufacturers are being brought to Branson. He wanted to design a show where the manufacturers get to meet the end user, the fishermen. He announced there will be some of Branson's finest entertainment such as Jerry Lee Lewis' son, Jason D. Williams, and the world's largest crappie fry. He asked the Board how much crappie they could eat for free and he invited everyone to attend. Mr. Marshall mentioned the event started last year, which was a dream of his four years ago, and was held in Hot Springs, Arkansas, and over 35,000 people attended in three days. For this event, he's spent over \$90,000 on marketing and there will be a giveaway of two boats, RV Cajun cookers, pellet grills and \$500 shopping sprees. Kids can get lures and he mentioned hiring Branson's

finest officers to help work the show and hand out lures during the day. He stated it's going to be a fun, family event and he invited everyone to come out and support the Crappie Expo and City of Branson. He encouraged everyone to visit [crappieexpo.com](http://crappieexpo.com) for additional information about the event, entertainment and giveaways. He reiterated this was a dream of his four years ago as he's been in the crappie industry 33 years, worked for Bass Pro Shops for 14 years and designed products for Johnny Morris. He mentioned leaving there in 2010 and now he sells to the world. Branson is his starting place and coming back to Branson has brought back memories and the people at CVB and Branson Convention Center have made him feel at home. He announced the crappie eating begins Saturday at 11:00 a.m. until it runs out. In addition, there will be 14,000 hush puppies, 700 pounds of potatoes and about 14,000 filets. He welcomed everyone to attend and said everyone's been cooped up too long and it's time to party at the Crappie Expo.

## CONSENT AGENDA

Mayor Akers asked if there were any citizens who had any items they wished to have removed from the Consent Agenda for further discussion. A member of the audience requested Item 20 be removed from the Consent Agenda and placed on the Regular Agenda. Mayor Akers asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Alderman Simmons requested Item Numbers 11, 12, 14 and 15 be removed from the Consent Agenda and placed on the Regular Agenda. Alderman Milton requested Item Number 3 be removed from the Consent Agenda and placed 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) October 13, 2020 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Advisory Park Board meeting of September 15, 2020
- b) Human Resources Committee meeting of August 19, 2020

**BILL NO. 5881**  
**Ord. No. 2020-0125**

**Amending Appendix A of the Branson Municipal Code pertaining to Utilities Fee Schedule.**

Final Reading of Bill No. 5881, an ordinance amending Appendix A of the Branson Municipal Code pertaining to Utilities Fee Schedule was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0125 was duly enacted.

**BILL NO. 5882**  
**Ord. No. 2020-0126**

**Approving the renewal of the contract with Affinity Chemical, LLC for the purchase of operational chemicals used in the City's Wastewater Treatment Process.**

Final Reading of Bill No. 5882, an ordinance approving the renewal of the contract with Affinity Chemical, LLC for the purchase of operational chemicals used in the City's Wastewater Treatment Process and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0126 was duly enacted.

**BILL NO. 5883**  
**Ord. No. 2020-0127**

**Approving the renewal of the contract with Brenntag Mid-South, Inc. for the purchase of operational chemicals used in the City's Water and Wastewater Treatment Processes.**

Final Reading of Bill No. 5883, an ordinance approving the renewal of the contract with Brenntag Mid-South, Inc. for the purchase of operational chemicals used in the City's Water and Wastewater Treatment Processes and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0127 was duly enacted.

**BILL NO. 5884**  
**Ord. No. 2020-0128**

**Approving the renewal of the contract with Hawkins, Inc. for the purchase of operational chemicals used in the City's Water and Wastewater Treatment Processes.**

Final Reading of Bill No. 5884, an ordinance approving the renewal of the contract with Hawkins, Inc. for the purchase of operational chemicals used in the City's Water and Wastewater Treatment Processes and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0128 was duly enacted.

**BILL NO. 5885**  
**Ord. No. 2020-0129**

**Approving a contract with CDW Government, LLC pertaining to the purchase of computer hardware and software.**

Final Reading of Bill No. 5885, an ordinance approving a contract with CDW Government, LLC pertaining to the purchase of computer hardware and software and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0129 was duly enacted.

**BILL NO. 5886**  
**Ord. No. 2020-0130**

**Approving the Memorandum of Understanding with Branson School District pertaining to providing four School Resource Officers, one at each Branson School District Campus.**

Final Reading of Bill No. 5886, an ordinance approving the Memorandum of Understanding with Branson School District pertaining to providing four School Resource Officers, one at each Branson School District Campus and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0130 was duly enacted.

**BILL NO. 5887**  
**Ord. No. 2020-0131**

**Approving the renewal of the contract with NRoute Enterprises LLC. to provide vehicle equipment installation and repair services.**

Final Reading of Bill No. 5887, an ordinance approving the renewal of the contract with NRoute Enterprises LLC. to provide vehicle equipment installation and repair services and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0131 was duly enacted.

**BILL NO. 5890**  
**Ord. No. 2020-0134**

**Approving the first renewal of the services contract with Under the Wire, LLC pertaining to traffic signal maintenance services for the City.**

Final Reading of Bill No. 5890, an ordinance approving the first renewal of the services contract with Under the Wire, LLC pertaining to traffic signal maintenance services for the City and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0134 was duly enacted.

**BILL NO. 5893**  
**Ord. No. 2020-0137**

**Approving the renewal of the contract with Taney County Health Department for Public Health Services.**

First Reading of Bill No. 5893, an ordinance approving the renewal of the contract with Taney County Health Department for Public Health Services and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0137 was duly enacted.

**BILL NO. 5894**  
**Ord. No. 2020-0138**

**Approving the renewal of the contract with Capitol Solutions Consulting pertaining to Lobbying Services.**

Final Reading of Bill No. 5894, an ordinance approving the renewal of the contract with Capitol Solutions Consulting pertaining to Lobbying Services and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0138 was duly enacted.

**BILL NO. 5895**  
**Ord. No. 2020-0139**

**Approving the amendment to the contract with Taney County, MO pertaining to reimbursement for certain qualified expenses for the Taney County General Aviation Airport.**

Final Reading of Bill No. 5895, an ordinance approving the amendment to the contract with Taney County, MO pertaining to reimbursement for certain qualified expenses for the Taney County General Aviation Airport and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0139 was duly enacted.

**BILL NO. 5896**  
**Ord. No. 2020-0140**

**Approving the Intergovernmental Agreement between Taney County and the City of Branson pertaining to reimbursement for certain qualified expenses from the Coronavirus Aid, Relief and Economic Security Act.**

Final Reading of Bill No. 5896, an ordinance approving the Intergovernmental Agreement between Taney County and the City of Branson pertaining to reimbursement for certain qualified expenses from the Coronavirus Aid, Relief and Economic Security Act and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0140 was duly enacted.

**BILL NO. 5898**  
**Ord. No. 2020-0142**

**Approving the option agreement for the contract for sale of the property commonly known as the "Old High School" located at 300 S. 6<sup>th</sup> Street.**

Final Reading of Bill No. 5898, an ordinance approving the option agreement for the contract for sale of the property commonly known as the "Old High School" located at 300 S. 6th Street and authorizing the Mayor to execute all documents and other actions in connection with the purchase was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0142 was duly enacted.

**BILL NO. 5899**  
**Ord. No. 2020-0143**

**Amending Chapter 2 Section 28 of the Branson Municipal Code pertaining to Administrative and Supervisory Committees.**

Final Reading of Bill No. 5899, an ordinance amending Chapter 2 Section 28 of the Branson Municipal Code pertaining to Administrative and Supervisory Committees was read by title by City Clerk Lisa Westfall. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0143 was duly enacted.

Mayor Akers opened the floor for a motion to approve all items on the Consent Agenda as amended. Alderman Skains so moved, seconded by Alderman King. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

## **REGULAR AGENDA**

**Alderman Simmons left the meeting at 6:30 p.m. He disclosed his conflict of interest pertaining to the next two items due to being the majority owner of Table Rock Asphalt Construction Co.**

**BILL NO. 5888**  
**Ord. No. 2020-0132**

**Accepting the proposal of Table Rock Asphalt Construction Co., Inc. for the purchase of concrete.**

Final Reading of Bill No. 5888, an ordinance accepting the proposal of Table Rock Asphalt Construction Co., Inc. for the purchase of concrete and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was provided by Public Works Director and City Engineer Keith Francis. Mayor Akers asked for a motion approving Bill No. 5888. Alderman Skains so moved, seconded by Alderman Whiteis. 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: King, Whiteis, Skains, Milton and Seay. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2020-0132 was duly enacted.

**BILL NO. 5889**  
**Ord. No. 2020-0133**

**Accepting the proposal of Table Rock Asphalt Construction Co., Inc. for the purchase of stone and asphalt for the Public Works Streets Department.**

Final Reading of Bill No. 5889, an ordinance accepting the proposal of Table Rock Asphalt Construction Co., Inc. for the purchase of stone and asphalt for the Public Works Streets Department and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Mayor Akers asked for a motion approving Bill No. 5889. Alderman Skains so moved, seconded by Alderman King. 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: King, Whiteis, Skains, Milton and Seay. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2020-0133 was duly enacted.

**Alderman Simmons returned to the meeting at 6:34 p.m.**

**Mayor Akers left the meeting at 6:34 p.m. He disclosed his conflict of interest pertaining to the next two items due to his son's involvement in the insurance business. Acting President Simmons presided over the meeting.**

**BILL NO. 5891  
Ord. No. 2020-0135**

**Approving the 2021 Delta Vision Plan Premiums through Delta Dental of Missouri for the City of Branson.**

Final Reading of Bill No. 5891, an ordinance approving the 2021 Delta Vision Plan Premiums through Delta Dental of Missouri for the City of Branson and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Acting President Simmons asked for a motion approving Bill No. 5891. Alderman Skains so moved, seconded by Alderman Whiteis. Acting President Simmons asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Acting President Simmons asked for comments from the Board. Discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Absent: Akers. Motion carried. Ordinance No. 2020-0135 was duly enacted.

**BILL NO. 5892  
Ord. No. 2020-0136**

**Approving payments for the 2021 Supplemental Insurance Premiums, Flexible Spending Accounts and Health Savings Accounts and approving enrollment of all health coverages to be managed through American Fidelity Assurance Company.**

Final Reading of Bill No. 5892, an ordinance approving payments for the 2021 Supplemental Insurance Premiums, Flexible Spending Accounts and Health Savings Accounts and approving enrollment of all health coverages to be managed through American Fidelity Assurance Company and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Acting President Simmons asked for a motion approving Bill No. 5892. Alderman Skains so moved, seconded by Alderman Whiteis. Acting President Simmons asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Acting President Simmons asked for comments from the Board. Discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Absent: Akers. Motion carried. Ordinance No. 2020-0136 was duly enacted.

**Mayor Akers returned to the meeting at 6:38 p.m.**

**BILL NO. 5880  
Ord. No. 2020-0124**

**Approving the annexation of the properties located at 121 Lenhart Lane, Branson, Missouri.**

Final Reading of Bill No. 5880, an ordinance approving the annexation of the properties located at 121 Lenhart Lane, Branson, Missouri, was read by title by City Clerk Lisa Westfall. Mayor Akers asked for a motion approving Bill No. 5880. Alderman Simmons so moved, seconded by Alderman Seay. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

Tim Davis, P.O. Box 1625, Branson, Missouri, introduced himself as a lot owner in Friendly Hills Subdivision. He doesn't think anyone in the neighborhood objects to the annexation and believes most

people in the neighborhood would like to annex into the City because of the additional services the City provides such as the sewer connections, higher quality police and fire protection. Mr. Davis feels annexation in itself is not a problem; the subdivision is currently a single-family, residential subdivision which people really value and is a different issue than the annexation.

Mayor Akers asked for comments from the Board. Discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0124 was duly enacted.

**BILL NO. 5897**  
**Ord. No. 2020-0141**

**Approving the amendments to the Lease Agreements with Hughes Entertainment, Inc., Tans Enterprise LLC, Branson's Best, Inc., and Recreational Investment & Management Corp. pertaining to a reduction in base rent for Fiscal Year 2020.**

Final Reading of Bill No. 5897, an ordinance approving the amendments to the Lease Agreements with Hughes Entertainment, Inc., Tans Enterprise LLC, Branson's Best, Inc., and Recreational Investment & Management Corp. pertaining to a reduction in base rent for Fiscal Year 2020 and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was provided by Finance Director Jamie Rouch. Mayor Akers asked for a motion approving Bill No. 5897. Alderman Skains so moved, seconded by Alderman Whiteis. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

Craig Wescott, 3388 Green Mountain Drive, Branson, Missouri, thanked City Staff for working on this and the Board for hearing this. He expressed gratitude on behalf of the lessees for this being approved on its first reading. He's grateful no matter what the decision is, but for him it's not about a little more money, but consistency. He explained the formulas used to provide this relief for his other three neighbors were based off the actual days they were closed as a percentage of the year multiplied by their base rent. The formula used for his lease was the number of days the City's ordinance required businesses close, which was less than the actual days it was closed. He added, and that was the amount as a percentage of the year multiplied by the base rent. He realizes his business pays \$80,000 in base rent, while everybody else pays \$25,000, which is probably why the physical numbers look different. His lease was renegotiated last year for consistency and to get a more fair and equitable lease as compared to the other leases that have existed for a long time. The formula is different for his company compared to the other ones which is not consistent. He shared how this all began and read an email he sent per the City Administrator's request for something in writing. Mr. Wescott mentioned his email included his proposal on behalf of all the lessees on the old airport property and he realizes everyone's terms and operating calendars are not consistent, but for the spirit of consistency he proposed reducing the base payment owed to the City by 12% this year. He explained he got to this percentage by using the number of days non-essential businesses were closed, 45 days, divided by 365 days which equals 12.3%. He rounded this number down to 12% and that's the number that was used for his business, while everybody else used their actual days. He asked about the lack of consistency with the percentages and if it's about the dollar amounts. He asked the City to please let people know if it's that or if it's capping it at a certain dollar amount. He feels it just seems right to do all of them using the same formula and reiterated he will be happy either way. Mr. Wescott believes strides have been made with consistency and he wants to stay on that train with these leases. Looking back he wishes he would have put the actual number of days his business was closed in his first email, because it was closed the same amount of days as the others; March 15<sup>th</sup> to May 15<sup>th</sup>. In the spirit of knowing this was going to be a stretch for the City, he proposed the most conservative thing he could, but didn't know it would bite him in the end.

Mayor Akers asked for comments from the Board. Discussion. Alderman Milton moved to amend Bill. No. 5897 by striking Section 4, seconded by Alderman Whiteis. Mayor Akers asked for anyone in the audience wishing to speak regarding the amendment. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Mayor Akers asked for anyone in the audience wishing to speak regarding Bill No. 5897 as

amended. Hearing none, Mayor Akers asked for comments from the Board. No discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Ordinance No. 2020-0141 was duly enacted.

**RESOLUTION NO.  
2020-R023**

**Adopting Park User Fees for the Parks and Recreation Department.**

A Resolution adopting Park User Fees for the Parks and Recreation Department was read by title by City Clerk Lisa Westfall and a staff report was provided by Parks and Recreation Director Cindy Shook. Mayor Akers asked for a motion adopting the resolution. Alderman King moved to adopt, seconded by Alderman Milton. 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. Mayor Akers called for a vote on the resolution. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Motion carried. Resolution No. 2020-R023 was adopted.

**RESOLUTION NO.  
2020-R024**

**Support for Work Force Housing by Branson Affordable Homes Development, LLC located off of Fall Creek Road.**

A Resolution of support for Work Force Housing by Branson Affordable Homes Development, LLC located off of Fall Creek Road was read by title by City Clerk Lisa Westfall and a staff report was provided by Planning and Development Director Joel Hornickel and Deborah Hart of Branson Affordable Homes Development, LLC. Mayor Akers asked for a motion adopting the resolution. Alderman Skains moved to adopt, seconded by Alderman Milton. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

Cherry Webster, 118 Country Bluff Drive, Branson, Missouri, commented she still lives in the affordable workforce development project Country Bluff Estates and she thanked Alderman Milton and Aldermen Skains for hearing concerns. She feels they were the only two voices that seemed to recognize that residents should have a say in the processes. She explained residents didn't have a say whatsoever because of the zoning by annexation and she asked the Board if it wants to support another resolution for someone who has no regard for the City's comprehensive plan. Ms. Webster commented the City's put a lot of effort, time and development into putting together a Comprehensive Plan that encourages landscaping, greenery and cluster housing with open green space for everyone to enjoy. She asked the Board if it really wants to support a developer who doesn't know how to cut roads and needs a blank slate. Ms. Webster stated that's so old school and mentioned the City's hired two planners that happen to be arborists. If the City goes to the effort of trying to build a good design and plan, why doesn't it hold developers to that? She thinks the City had an opportunity to do that back in February with the annexation, because people know the County has no codes, building codes or building inspectors. She can't believe the Board didn't know Mr. Ruda was going to pull a stunt like he did on February 12th, the morning after the first reading, in which he went out there and knocked down 42 acres of trees. She recalled making the comment in August that maybe the Board got snookered, but feels the Mayor, who was the chairman of the Taney County Planning Commission in 2006 when this parcel was rezoned, should have known the kind of antics he might try. She asked the Board if it wants to support someone who doesn't even follow his own engineer's soil erosion and storm water plans. Ms. Webster explained Mr. Ruda submitted a land disturbance permit on June 4th and from February 12th to June 4th, he'd already taken the trees down. His plan includes six items; item number six is removing the trees. Items prior to that include constructing silt fences, silt socks or barriers and rock check dams. She reported none of that was done except 14 days after, he tore the trees down. She recalled he then pleaded that he had engineering issues and asked the Board to delay the second reading. The Board delayed it until March 19th and then he came back and pleaded for more time and took six to eight weeks to burn those 42 Acres of trees on site. Ms. Webster reported there are no silt socks, barriers or rock check dams and the fourth item was to conduct a sediment basin which she'd like to see eventually. She explained there are two gravel dams and in between them there's a little bit of a pond, but no basin. She pointed out the sixth item is to remove the trees and said he

doesn't even follow his own engineer's designs. She asked the Board if this was the kind of developer it wants to support for a resolution on this parcel. She referred to the graphic included in the Storm water Pollution Prevention Plan and pointed out the shaded area shows the basin looks to be 200 feet wide because of the way it's positioned. It's from one end of lot 34 to the other end of Lot 35; both lots are 100 feet wide. She commented it looks like it's about 250 to 300 feet long, but that's not the pond that's down there right now. The notation on the engineering chart said to install gravel and rip rap filter basin, but there's not one rip rap over there and the gravel only got there because of the Missouri Department of Natural Resources (DNR). Mr. Ruda tore down all the trees at the end of February and in March and April it rains. She explained rainwater on a slope washes all the sediment and storm water under the joining properties and that's why Kirby Dieterman was out there almost every day doing sediment testing. She'd like to see the basin now and she's pretty sure the Mayor said once we get the property into the City then we can control things. She asked why the City can't make him install this basin now since there's still storm water running off. Ms. Webster commented another item on his soil erosion plan is that he's supposed to hydro seed or apply seed and straw which he did not. She reported he did put seed down, but not straw, and when it rained all the grass seed ran down to the bottom of the hill. So in the month of June when there wasn't any rain, all the grass that came up burnt. There's a mess over there now with 42 acres of blight and she feels the cow pasture at the entrance looks gorgeous compared to Mr. Ruda's parcel. Currently, there's bare dirt, weeds and brown burned up grass and the last time she spoke to the DNR she was told Mr. Ruda wasn't allowed to close out his land disturbance permit. He has to keep the permit with the City and the one with the DNR until there is 70% vegetation across 100% of the disturbed area. She asked the Board if it really wants to support another resolution for the kind of developer who performs tasks in that fashion or who selectively brings in what County plans of intent have been established. He only wanted to bring in the zoning; why not bring in the 50 foot buffer? She commented it seems like everything he's done is pretty much legal; ethical and fair is a whole different story and qualities of a good developer, no way. She clarified when she says legal, there was one little oops as he didn't bother to read the HUD contract. She explained the property has to be left alone until the environmental assessment is finished or the right to future disaster relief funds is lost. She doesn't know why he has to have this new resolution on the original parcel. He's had to move it and was going to lose \$5 million in disaster relief funds if he didn't move it to another site. Ms. Webster commented on the affordable housing project and said let's see if he can do that site without pulling the kind of stunts he's pulled on this original site next door to Country Bluff Estates. She asked the Board if it really wants to support this kind of development, because she doesn't think it can trust the man. She inquired what his next antics were going to be and when the Board would enforce him to implement his storm water and sediment erosion plan. She requested the Board vote no as she believes sometimes when there's bad behavior people get to sit out. She expressed concerns for the Ward III Aldermen representing Country Bluff Estates because they seem more interested in supporting developers. She mentioned Alderman Whiteis and Alderman King were kind enough to come and listen to the people in the subdivision last night, but they came with the initial attitude that they were going to vote for this and why. People explained to the Aldermen why they might not want to do that and she reiterated to the Board some other things it might want to consider. She gets the impression most of the Board members want that low-income feather in their caps and they're getting it here and there throughout the City with some other developments. She doesn't know why the rush if the Board is going to vote yes, just wait until the next Board meeting. It might not fit Mr. Ruda's time schedule, but during that time the Board could re-evaluate all these antics people have seen, develop a plan and anticipate what's going to come next. She added, because there are going to be other things to come next; for example, he does not have a 20 foot easement for sewer. In order to do gravity sewer, he's got to come through the southwest corner of lot 35, ideally according to the Utilities Department. That's where the culvert is and where it overflows. She's lived there 11 years and she's seen it overflow four times since February because the water coming off of Mr. Ruda's parcel exacerbates the water coming off the street. The last time it rained on Memorial Day was the worst she's seen in 11 years and she's surprised one of the neighbors didn't have flooding and another still has their driveway, because the water was flowing way beyond the boundaries. She commented on the next street down, people had to call in a City street sweeper to scoop up all the mud that had overflowed the boundaries of the creek. The storm water issue is a major issue that has not been resolved and her issue with it is minor compared to other people in her neighborhood. The water still comes down her property, snakes around a pile of rocks, erodes the soil on the trees, the tree roots are being exposed and it goes right on down to the street. She added, it takes a hard right and dumps mud and water, taking away the vegetation in its path and it needs to be fixed. She asked the Board if it really wants to give Mr. Ruda

another resolution when he hasn't even bothered to implement his plan to date. Ms. Webster suggested the Board wait two weeks as it would be a really good wait. She knows Mr. Ruda won't like it, but sometimes bad actions have consequences and she suggested letting him sit out for a while. When the Board decides to vote, she asked it to please attach a letter to the National Housing Development Corporation (NHDC) with a list of all the antics experienced to date, because it should know the kind of developer who's coming to them begging for money. She hopes the Board considers this. In response to the Board's questions, Ms. Webster clarified the storm water prevention pollution plan she was talking about was one of the submittal documents on a land disturbance permit that was applied for in the City. It was approved in July and was one of the documents he submitted to the City so it's on the City's land disturbance permit, not the one in the County. She addressed Ms. Hart's comments regarding the big, low-income portion by the road on the northwest side is up on the hill and explained when it rains, the water runs down the hill from the low-income housing five acres. That is the slope and the storm water plan says there's supposed to be a rock check every 50 linear feet, but there's not one up there, let alone one every 50 feet. So he took down the trees under a County permit, but the City has the plan on its land disturbance permit. Discussion.

Dan Ruda, 245 S. Wildwood Drive, Branson, Missouri, explained this process has been going on for a while as he bought the property 12 years ago. He paid a lot of money for it and got it zoned before it came. He shared his original plan was to do a different type of development, but 2008 came and the world changed and the Combs and Rudas took the leadership role and that's the decision they made. For the last several years this community has been talking about the need for workforce housing and the desire for somebody to do something and take some risk. As many already know, with workforce entry-level housing, the margins are extremely slim and in Branson they're even slimmer because it doesn't make economic sense. He explained land and infrastructure are too expensive and the income levels are low because Branson doesn't have union jobs where people in the workforce make \$50,000 a piece in a household. Branson has \$40,000 households, not \$100,000 households, all of these things put a lot of pressure on solving this problem. He recalled a year ago, coming to the City and receiving overwhelming support. He doesn't think his group is insensitive to the neighbors, but the fact is in the 20 years that development has been there, it's flooded numerous times. There are several people in the flood plain and it continually floods and his team has to develop this and thinks it's very important to the community. A year ago after having a meeting, the neighbors were upset that the City didn't ask them their input. So an ad hoc meeting was called which his group attended along with a few of the Aldermen and it was quite a meeting. The issues brought up then are entirely different than some of the issues being brought up tonight. He commented, it's a year later so that's fine, but when he has a property and he's trying to run a business, spending lots of money, he feels nobody has talked about the little deal about working on this project for a year. He explained he, Mark Ruda and the Combs boys aren't going anywhere; they're not going to pick up their toys and go back to Kansas City or New York because this is their home. He added, we're here, we have broad shoulders, we'll take it, but we really do want to do the right thing. The process keeps changing, so that night primarily was the neighbors didn't want affordable housing next to them which they brought up numerous times. Another issue was the expansion of Fall Creek Road and he mentioned buying the property and doing a residential deal to make a compatible project next to them. He explained in that process, he's worked with the County, talked to City Administrator Stan Dobbins and other City officials and has received a letter from the County regarding widening Fall Creek Road. He reported it's going to be widened into the entrance of Country Bluff and his two entrances which is about 15% to 20% of Fall Creek Road from Wildwood Drive out to Highway 165. This is important for relieving traffic and offering other alternatives and offered to provide a copy of the letter to the Board. He recalled the tree issue also came up and the County has different rules about development and clearing than the City since they're two different entities. He cleared the trees since the rules regarding trees inside the City are more rigorous and costly than the County's. The development has to pay for the land and maximize its return which means it's got to be a dead site. The single biggest problem is that it's 40 units on four and a half acres with streets, driveways and garages, so the amount of land that's left is minimal and if the roots under a tree's drip line are disturbed, the tree dies. This then becomes a problem for the neighborhood, so it's much better to vegetate it. He mentioned getting a DNR permit and he takes challenge of the neighbor saying he hasn't done anything and he invited the Board to go out and look at it; it's not adequate to maintain the water. The water that comes off his tract is only half the water; water is draining through his property from another 35 acres into Country Bluffs. His development team is not insensitive to that and the Mayor has been in continual contact, trying to help resolve the issue and be sensitive to the neighbors. He mentioned meeting

again with two of the Alderman, City Administration and the Mayor regarding the process in anticipation of this meeting. Mr. Ruda reported to help solve that problem and in the spirit of compromise in this process, his team made an offer to the City to build the retention to a 25-year event to control not only his water, but the water coming on his development. This would start as soon as possible, contingent upon the project being approved and the City agrees to bring water to the development under Fall Creek. He feels this makes sense as it's not only the cost of building this facility, but also that he had to give up two to three more acres of land for the water basin which is a big deal. Mr. Ruda said he's already paid for the land and every time he gives some up, it puts more pressure on the rest of the land. He added, but he made that commitment and thinks everybody understood it. He feels people can keep fighting, but his group has a business deal and is under tremendous pressure to do something as it's sat on the land, paid a large amount and has a lot of capital invested. He reported there's been two days of rain in a new area that's been disturbed, so the water should have a lot of sediment. He added, so early this afternoon after the rain stopped, he took pictures of that stream running through the upper side and lower side of the tubes. He provided the Board with a copy of the picture and pointed out it shows several things such as the water is in a very narrow portion of the run off and the water is clear which means the retention and rock structures Ms. Webster says are not there, actually work pretty good. He addressed the issue about the trees being removed and concerns about the entrance signs and reported he tried to show restraint. Whether he did a good enough job of it, when he hears someone badgering him and he reads his name in the paper, some of them tremendously exaggerated, he has a hard time not telling the other side of the story. Mr. Ruda explained the roads within the subdivision are City roads and the road between the subdivision and Fall Creek Road is not. The City's been maintaining it and he pointed out that's not quite right because it's taxpayer money. He admitted getting a little aggressive with the trees and probably shouldn't have, but feels comments have been made and sins committed on both sides. He thinks as a community, people know the right thing to do and there's a proposal out there that makes so much sense to him as there's water right across Country Drive. He reported the road could be cut and put it in for \$10,000 or \$15,000 before overlaying it and burying the pipe. Mr. Ruda mentioned the two Aldermen of that Ward, the Mayor and City Staff, not only spent time with the neighbors, but with his development team trying to get the information, all on their own time. His development team knows this makes so much sense, but it takes a little time for all of this to get worked out. He feels mistakes have been made by everyone and explained he can't go back and make 30 year-old trees or make it green again. College of the Ozarks has a 50-acre pasture that everybody seems to like, but he doesn't think he ought to give up 30 feet next to the neighbors. He thinks that's enough of a set back from it and their homes are within 20 feet of some of their back yards. He's willing to work with that, but isn't going to make a commitment tonight when the target keeps moving; when things keep moving it just keeps costing money and he and his team want closure. He feels the City's side of this could probably be done cheaper and he's willing to build that and start as soon as his project gets approved. At that point in time, he's going to start the infrastructure for building a 25-year retention facility, put the land in there to support the water and get this started as soon as the project gets approved by the state which is about the end of November. He's willing to do that and start spending his money again and expressed he's not insensitive to how others might feel, but there are other sides to the rest of the story. He thinks those pictures are fairly compelling that it wasn't just white washed and ignored, because water doesn't look like that if it was. The problem won't be resolved unless his team gets started on the bigger facility, but the bigger facility will not stop the 100-year event. If 10 inches of rain comes down in 2 hours, it will use the spillway of this facility. He explained he did not make the decision to build those several homes in a flood area and he can't do anything about it. He mentioned if this is not approved, the Rudas and the Combs are going to do something since they're in the City, they have zoning and the market is right do something. He feels it's time to start working together and the best way to solve this problem is to go ahead and hopefully get this, because it fills a greater need and also starts the infrastructure. The Rudas and the Combs have made a verbal commitment to the City because it makes economic sense to build more workforce housing. The area up towards the highway which is a part of where the MHDC property is, is about 25 acres and he's looking at light commercial zoning. He isn't sure with the new zoning requirements, but feels it's a significant amount of workforce housing. He commented, the best way to solve this problem is to do it; he'll make that commitment on the retention which is economically the most important thing to the neighbors. At the same time, it starts the process of getting the development done so it can be reseeded and revegetated to control the water because the neighbors are struggling, just like he would be if he lived there and it were his world. He mentioned trying to sell the property for two years after 2008 when the economy changed; several people looked at it, but everybody wanted to pay half of what he thought it was worth because they wanted

to put estates there. Now the neighbors are worried about the for-sale sign and are expressing concerns over someone coming in who doesn't feel any responsibility. He understands all of these concerns and hopes this gets approved so construction can start which is what gives him synergy to start putting in the retention he committed to. He explained this is subject to the project's approval and the City providing water which is at most is a \$50,000 deal. If everyone cooperates as a community, it could be a \$10,000 or \$15,000 deal that provides the infrastructure to start developing the rest of the property and ultimately revegetate it. In response to the Board's questions, Mr. Ruda explained he's talked to two of the County Commissioners and reported they didn't vote today, but they assured him they were going to do it. He commented, everyone wants to see process if they're going to make commitments and the Rudas and the Combs have stepped up and said they'll take it and do this and the County is saying the same thing. He reported it's been communicated to him by the County that this is in the budget and whether they do the lesser amount or not depends on the approval of this project. He clarified nothing has been agreed to on his proposal, but he's speaking totally as a tax payer and community person trying to get a project done. He made the proposal of trying to stop a stalemate and the continual arguing, because time kills projects. There's water in two places; City water is not currently on the Fall Creek Project and there is water running down into Country Bluff. There's City water running down on the left hand side of the road and that section of road is private and still owned by the development. He explained the subdivision's road are City streets and City infrastructure and City water runs down the road. There's also water on the other side of Fall Creek on the Thousand Hills side, but it's a County road and they don't want it torn up. His thought was in the spirit of that offer, the Rudas and the Combs would do the retention to the 25-year event and start immediately after the project being approved with the City bringing water to the site. He expressed he wasn't planning on putting all of this out for public discussion tonight because he thought it would be better for negotiations with calmer minds in a business-like fashion. Mr. Ruda shared there are several options, one is the developer does it and bores under Fall Creek Road. It has to be tapped down on both sides and sleeved since it's under a public road and if it breaks the road doesn't have to be tore up to get the pipe out. This costs more to do and he estimated \$40,000 or \$50,000 and he clarified this is his number, the City never told him any of that, and is just one end of the spectrum. This would try to solve a problem for the neighbors; giving up additional land to solve the water not only from his property, but the 30 acres coming down through it which is not only the additional water caused by his development, but past water. He is trying to solve both of those to a 25-year event and he reiterated he's making that commitment and believes the \$50,000 figure could be done for significantly less if the road were cut immediately before putting the pipe in, working with the County or City. He explained it would be cheaper than him doing it and would provide better storm water protection and he hopes over the next month or two everything will get worked out (See attached handouts). Discussion.

Alderman Skains made a motion to call the question, seconded by Alderman King. Voting aye: King, Simmons, Skains, Milton and Seay. Nays: Whiteis. Motion carried. Mayor Akers called for a vote on the Resolution. Voting aye: King, Simmons, Skains, Milton and Seay. Nays: Whiteis. Motion carried. Resolution No. 2020-R024 was adopted.

**The meeting recessed at 8:27 p.m. and reconvened at 8:36 p.m.**

**RESOLUTION NO.  
2020-R025**

**Support for a Senior Affordable Housing Rehabilitation Project by IRC Manager, LLC within the property located at 218 South Old County Road, Branson, Missouri.**

A Resolution of support for a Senior Affordable Housing Rehabilitation Project by IRC Manager, LLC within the property located at 218 South Old County Road, Branson, Missouri, was read by title by City Clerk Lisa Westfall and a staff report was provided by Planning and Development Director Joel Hornickel and Sam Catanese of IRC Manager, LLC was available via telephone. Mayor Akers asked for a motion adopting the resolution. Alderman Skains moved to adopt, seconded by Alderman Whiteis. 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. Mayor Akers called for a vote on the resolution. Voting aye: King,

Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Motion carried. Resolution No. 2020-R025 was adopted.

**Discussion of the FY2019 Audit findings performed by Cochran Head Vick & Co., P.C., for the City of Branson.**

Discussion of the FY2019 Audit findings performed by Cochran Head Vick & Co., P.C., for the City of Branson was presented by Michael Keenan of Cochran Head Vick & Co., P.C. and a staff report was provided by Finance Director Jamie Rouch. 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 NO.  
2020-R026**

**Resolution of support from the City of Branson, Missouri stating intent to seek funding through the Community Development Block Grant – Disaster Recovery Program and authorizing the Mayor to pursue activities in an attempt to secure funding.**

Public Hearing and a Resolution of support from the City of Branson, Missouri stating intent to seek funding through the Community Development Block Grant – Disaster Recovery Program and authorizing the Mayor to pursue activities in an attempt to secure funding was read by title by City Clerk Lisa Westfall. Mayor Akers opened the public hearing and a staff report was provided by Finance Director Jamie Rouch. She explained Elevate Branson intends to apply for Community Development Block Grants (CDBG) with its disaster relief for the Elevate Branson Hope Village in order to address a lack of affordable housing. The project amount is \$1.97 million which is 29% of the total project costs. She introduced Brandon Jensen, Associate Planner of the Southwest Missouri Council of Governments (SMCOG), to provide further information on this item. Mr. Jensen provided an overview of the grant application intended to be submitted on behalf of Elevate Branson. He explained this is notifying the public the City intends to submit an application for CDBG funds. These funds can only be accessed via a unit of local government and can be applied for on behalf of non-profit agencies which is what's being presented today. Mr. Jensen stated the name of the project is Elevate Branson Public Infrastructure and Support of Affordable Housing. The specific location of the project is an unaddressed parcel immediately adjacent to Elevate Branson, generally located at 310 Gretna Road, Branson, Missouri, 65616. It is bordered to the north and the east by undeveloped woodland, to the west by Gretna Road and Branson Inn and to the South by Elevate Branson. He explained every CDBG application requires the national objective to be applied under it which include low to moderate income, elimination of slum and blight and emergencies. He mentioned this project will be applied for under low to moderate income with limited clientele based on the folks that are intended to be served by this project. He added, they all would be considered as low to moderate income under CDBG standards. He shared for the purpose of this project, the CDBG funds will be used for design, engineering and subsequent construction of public infrastructure. Specifically, those improvements include a street extension from Gretna Road, a street that loops through the development providing access to the units, a detention pond to achieve run off rates that are less than predevelopment on the property, an eight-inch public water main extension, three fire hydrants, an eight-inch gravity sewer main with man holes and potentially a mid-block pedestrian crossing on Gretna to provide access to nearby job opportunities for residents who will be living on the property. Mr. Jensen explained this infrastructure is in support of the project that Elevate Branson is leading, to construct 48, 400 square-foot homes, two micro-enterprise opportunities, a missions bunkhouse and community centers. In order to address the lack of affordable housing, especially that within walking distance of most shops along Highway 76, Elevate Branson is proposing to build this Elevate Community Village. This is a master-planned community that will provide permanent housing to those displaced by the 2017 historical flooding in Branson. He added, as well as low and moderate income households and defined vulnerable populations. He clarified, since the property is currently undeveloped, there is no displacement of persons anticipated. Mr. Jensen reported the total grant being applied for is \$1,965,000.00 and \$270,000.00 of that will go towards the water distribution system, \$270,000.00 for sanitary sewer, \$108,000.00 for storm sewer improvements, \$162,000.00 for streets and roads, \$50,000.00 for lighting, \$100,000.00 for sidewalks, \$300,000.00 for site preparation, \$100,000.00

for security fencing and \$250,000.00 for electrical distribution lines for a total of \$1,610,000.00 for public facilities. It also includes \$125,000.00 for engineering and design, \$100,000.00 for engineering construction inspection and \$25,000.00 for other professional services for a total of \$250,000.00. In addition, it includes \$100,000.00 for clearance and demolition of the site and \$5,000.00 for grant administration, bringing the total to \$1,965,000.00. He mentioned the sub applicant, Elevate Branson, is also bringing a total of \$2,275,150.00 which will be used to cover \$4,400.00 for property survey work, \$750 for appraisals, \$220,000.00 for private roads on the site, \$1,856,000.00 for construction of the 48 affordable units, \$144,000.00 for foundational work and \$50,000.00 for architectural design. Additionally, private cash funds in the amount of \$2,450,000.00 are being contributed to the project for construction of on-site, supportive services which include a community theater, chapel, welcome center and other skill training buildings. He reported that brings the total project amount to \$6,690,150.00 with no funds coming directly from the City, except those provided by the CDBG Grant. He shared the anticipated timeline for the project if grant funds are awarded to be as follows: Funding notification received by the end of the year, environmental review clearance by May 2021, construction to start in November 2021, 50% construction completed May 2022, 100% construction completed October 2022 and the project closed out by the end of December 2022. This project includes the City of Branson as lead applicant, SMCOG as sub applicant for project management and Elevate Branson as sub applicant for all construction activities, exclusive of that which is funded by the CDBG grant for public infrastructure. Mr. Jensen stated as far as environmental impacts on natural, human and man-made environments, there are none he's aware of to-date. The project will undergo a process for environmental review and based on his experience with other CDBG projects, the only environmental impact anticipated is the impact on bat species as there will be removal of some on-site vegetation. The only impact this could have on the project would be controlling when site demolition and clearance can occur between November and March. He reported the only anticipated environmental impact to the project from the surrounding environment is potential noise impacts which has been mitigated by a revised site design. This was a result of a process Elevate Branson went through last year in which it received some insight on. Additionally, the project anticipates conducting a phase one environmental site assessment which will work to identify any potential hazardous materials on site if the project is awarded CDBG funding. He commented, all applicable local permits would be required as well as a state land disturbance permit. He added, as far as mitigation measures, project modifications and conditions for approval, he mentioned previously addressing the Board about the potential modification of the demolition and clearance timeline related to bats. He gave a general overview of CDBG environmental review procedures and explained it's a multi-step process and first the types of activities anticipated to occur would be looked at since this does include construction on previously undeveloped land. He commented it will be at a heightened environmental review requirement, so no construction activities would be allowed to begin on site until environmental clearance is achieved and all conditions of approval from state and federal agencies is received. He added, this is what the May 2021 date is anticipated to be. At the start of the environmental review process, consultation would be initiated with the State Historic Preservation Office which would review any existing structures on site, which there are none, as well as the existing fill materials and any sources of additional fill needed to be brought on site. It would also involve consultation with any Indian or Native American tribes that have a vested interest in the area and all other environmental agencies would be given a chance to review the project. A statutory checklist would be completed that includes analysis of hazardous materials, impacts to flood plains and wetlands, noise and water quality. He mentioned there are about 20 different items that will be looked at to ensure there aren't any additional environmental impacts generated by the project. As part of that, if there are any potential impacts, a condition of approval would be received that would be required to be met. Mr. Jensen shared the common ones include the use of silt erosion and silt fencing to help control soil erosion on site and improve water quality. He commented the project would receive all of those conditions of approval, complete the environmental review record, have the City's chief elected officers sign off on it and then submit it to the agency for review and preliminary approval. At the point in which they say it looks good, a public and agency comment period of 30 days would begin and the public would have an opportunity to provide any comments on potential environmental issues they think might have been missed as well as any agencies that provided a comment earlier in the process. After that comment period is completed and all submitted concerns are addressed, the request for the release of funds would be submitted. He explained this starts a 15-day state review period, culminating in the agency issuing an authorization to use grant funds, at which time construction activities can begin. Mr. Jensen stated he's been designated as the preparer of the environmental review, and restated his name is Brandon Jensen, Associate Planner with SMCOG. He commented this is everything he's required to run

through for the grant application and he welcomed any questions. 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 and asked for a motion adopting the resolution. Alderman Whiteis 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. No discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Motion carried. Resolution No. 2020-R026 was adopted.

**RESOLUTION NO.  
2020-R027**

**Approving the annual Operating & Capital Budgets of the Branson Convention Center from January 1, 2021 to December 31, 2021.**

A Resolution approving the annual Operating & Capital Budgets of the Branson Convention Center from January 1, 2021 to December 31, 2021, was read by title by City Clerk Lisa Westfall and a staff report was provided by Finance Director Jamie Rouch and Sam Voisin, General Manager of the Convention Center. Mayor Akers asked for a motion adopting the resolution. Alderman King moved to adopt, seconded by Alderman Milton. 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. Mayor Akers called for a vote on the resolution. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Motion carried. Resolution No. 2020-R027 was adopted.

**RESOLUTION NO.  
2020-R028**

**Approving the disposition of Surplus Property.**

A Resolution approving the disposition of Surplus Property was read by title by City Clerk Lisa Westfall and a staff report was provided by Finance Director Jamie Rouch. Mayor Akers asked for a motion adopting the resolution. Alderman King moved to adopt, seconded by Alderman Milton. 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. Mayor Akers called for a vote on the resolution. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Resolution No. 2020-R028 was adopted.

**BILL NO. 5900**

**Adopting a Budget, a Capital Program, a Pay/Merit Plan and a Reserve Policy for the City of Branson, Missouri, for the Fiscal Year January 1, 2021 through December 31, 2021.**

Public Hearing and First Reading of Bill No. 5900, an ordinance adopting a Budget, a Capital Program, a Pay/Merit Plan and a Reserve Policy for the City of Branson, Missouri, for the Fiscal Year January 1, 2021 through December 31, 2021, 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. 5900. Alderman King so moved, seconded by Alderman Skains. Alderman King moved to amend Bill No. 5900, Section 3 of the Ordinance from Fiscal Year 2020 to Fiscal Year 2021 and the Exhibit "3" Chart from 2020 Merit Matrix to 2021 Merit Matrix, seconded by Alderman Whiteis. Mayor Akers asked if anyone in the audience wished to speak regarding the amendment. Hearing none, Mayor Akers asked for comments from the Board. Discussion. Mayor Akers called for a vote on the amendment. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Mayor Akers opened the public hearing and 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. No discussion. Mayor Akers closed the public hearing. Mayor Akers asked for anyone in the audience wishing to speak regarding Bill No. 5900 as amended. Hearing none, Mayor Akers asked for comments from the Board. No discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5901**

**Amending the adopted 2020 Budget for the City of Branson, to adjust monies for various funds.**

First Reading of Bill No. 5901, an ordinance amending the adopted 2020 Budget for the City of Branson, to adjust monies for various funds was read by title by City Clerk Lisa Westfall and a staff report was provided by Finance Director Jamie Rouch. Mayor Akers asked for a motion approving Bill No. 5901. Alderman King so moved, seconded by Alderman Whiteis. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5902**

**Calling an Election in the City of Branson, Missouri on the question of authorizing the City to issue bonds and imposing a Tourism Tax.**

First Reading of Bill No. 5902, an ordinance calling an Election in the City of Branson, Missouri on the question of authorizing the City to issue bonds and imposing a Tourism Tax was read by title by City Clerk Lisa Westfall and a staff report was provided by Finance Director Jamie Rouch. Mayor Akers asked for a motion approving Bill No. 5902. Alderman Skains so moved, seconded by Alderman King. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5903**

**Ord. No. 2020-0144**

**Approving the contract for the expenditure from the City's Tourism Tax Contingency Fund to the Downtown Branson Betterment Association.**

First Reading of Bill No. 5903, an ordinance approving the contract for the expenditure from the City's Tourism Tax Contingency Fund to the Downtown Branson Betterment Association and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was provided by Finance Director Jamie Rouch. Mayor Akers asked for a motion approving Bill No. 5903. Alderman Milton 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Alderman King moved to read Bill No. 5903 for its second reading, seconded by Alderman Milton. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Final Reading of Bill No. 5903, an ordinance approving the contract for the expenditure from the City's Tourism Tax Contingency Fund to the Downtown Branson Betterment Association and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Mayor Akers asked for a motion approving Bill No. 5903. Alderman Milton so moved, seconded by Alderman King. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Motion carried. Ordinance No. 2020-0144 was duly enacted.

Linda Cherry, 609 Parnell Drive, Branson, Missouri, introduced herself as part of the Downtown Branson Betterment Association (DBBA). She thanked the Board on behalf of the DBBA and explained the Christmas Tree is a 30-foot tower tree which she's excited about.

**BILL NO. 5904**

**Approving an Intergovernmental Agreement with Branson/Lakes Area Tourism Community Enhancement District to license the ExploreBranson domain name.**

First Reading of Bill No. 5904, an ordinance approving an Intergovernmental Agreement with Branson/Lakes Area Tourism Community Enhancement District to license the ExploreBranson domain name and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was provided by IT Director Chad Forster. Mayor Akers asked for a motion approving Bill No. 5904. Alderman Skains so moved, seconded by Alderman Whiteis. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5905**

**Approving a contract renewal with Dazzee Integrations pertaining to Information Technology Managed Network and Security Services.**

First Reading of Bill No. 5905, an ordinance approving a contract renewal with Dazzee Integrations pertaining to Information Technology Managed Network and Security 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 IT Director Chad Forster. Mayor Akers asked for a motion approving Bill No. 5905. Alderman King so moved, seconded by Alderman Whiteis. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5906**

**Appointing Thomas Motley as Municipal Court Judge.**

First Reading of Bill No. 5906, an ordinance appointing Thomas Motley as Municipal Court Judge and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and she provided a staff report. Mayor Akers asked for a motion approving Bill No. 5906. Alderman Skains so moved, 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5907**

**Appointing members to fill certain vacancies on the City of Branson Tax Increment Financing Commission.**

First Reading of Bill No. 5907, an ordinance appointing members to fill certain vacancies on the City of Branson Tax Increment Financing Commission was read by title by City Clerk Lisa Westfall and she provided a staff report. Mayor Akers asked for a motion approving Bill No. 5907. Alderman King 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. No discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5908**

**Approving the renewal of the contract with PepsiCo for vending services and merchandise resale.**

First Reading of Bill No. 5908, an ordinance approving the renewal of the contract with PepsiCo for vending services and merchandise resale and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was provided by Parks and Recreation Director Cindy Shook. Mayor Akers asked for a motion approving Bill No. 5908. Alderman King 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5909**

**Accepting the proposal of Site One Landscape Supply pertaining to the purchase of agriculture supplies.**

First Reading of Bill No. 5909, an ordinance accepting the proposal of Site One Landscape Supply pertaining to the purchase of agriculture supplies and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was provided by Parks and Recreation Director Cindy Shook. Mayor Akers asked for a motion approving Bill No. 5909. Alderman King so moved, seconded by Alderman Whiteis. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5910**

**Amending Chapter 6 of the Branson Municipal Code pertaining to alcohol by weight of malt liquor.**

First Reading of Bill No. 5910, an ordinance amending Chapter 6 of the Branson Municipal Code pertaining to alcohol by weight of malt liquor was read by title by City Clerk Lisa Westfall and a staff report was provided by City Attorney Chris Lebeck. Mayor Akers asked for a motion approving Bill No. 5910. Alderman King so moved, seconded by Alderman Seay. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5911**

**Amending Chapter 94 of the Branson Municipal Code pertaining to microbreweries.**

First Reading of Bill No. 5911, an ordinance amending Chapter 94 of the Branson Municipal Code pertaining to microbreweries was read by title by City Clerk Lisa Westfall and a staff report was provided by Planning and Development Director Joel Hornickel. Mayor Akers asked for a motion approving Bill No. 5911. Alderman King so moved, seconded by Alderman Whiteis. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

**BILL NO. 5912**

**Amending Chapter 94 of the Branson Municipal Code pertaining to special events.**

First Reading of Bill No. 5912, an ordinance amending Chapter 94 of the Branson Municipal Code pertaining to special events was read by title by City Clerk Lisa Westfall and a staff report was provided by Planning and Development Director Joel Hornickel and Police Chief Jeff Matthews. Mayor Akers asked for a motion approving Bill No. 5912. Alderman King 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 Milton moved to amend Bill No. 5912, Line 99 to remove the word "shall" and insert the word "may", 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Alderman Milton moved to amend Bill No. 5912, Line 42, under definitions, by

removing the stricken lines 26 and 27, leaving the current language. Motion died for a lack of a second. Discussion. Alderman Milton moved to amend Bill No. 5912, Line 127, by reverting back to the original language and removing all added language. Motion died for a lack of a second. Mayor Akers called for a vote on Bill No. 5912 as amended. Voting aye: King, Whiteis, Simmons, Skains and Seay. Nays: Milton. Motion carried.

**BILL NO. 5913**  
**DEFEATED**

**Approving High Density Residential (HDR) Zoning for the properties located at 121 Lenhart Lane, Branson, Missouri.**

First Reading of Bill No. 5913, an ordinance approving High Density Residential (HDR) Zoning for the properties located at 121 Lenhart Lane, Branson, Missouri, was read by title by City Clerk Lisa Westfall and a staff report was provided by Planning and Development Director Joel Hornickel. Mayor Akers asked for a motion approving Bill No. 5913. Alderman Skains so moved, seconded by Alderman Seay. Mayor Akers asked for anyone in the audience wishing to speak regarding this matter.

Tim Davis, P.O. Box 1625, Branson, Missouri, thanked the Board for the opportunity to speak. He referred to the map and the green line that runs down the bottom center of the page and mentioned he owns the three lots to the west of it and is why he has a stake in what happens. He explained he's going to confine to the compatibility of this proposal with the Branson Community Plan 2030 and he provided excerpts of relevant sections to the Board. He referred to page 13 of the plan which highlights some of the themes and overarching objectives the City of Branson hopes to achieve through its planning structure such as protecting natural beauty and strengthening neighborhoods. In this particular case, there are several factors that relate to protecting the natural beauty of the community as the Friendly Hills neighborhood is in very prominent location on a hillside. It takes up an entire hillside overlooking Moonshine Beach, the Chateau's marina and the main body of Table Rock Lake in front of the dam. It's a high visibility area which is one factor considered in planning and zoning and is also steeply sloped; most of the land has a slope exceeding 30 degrees. It's also heavily wooded and in a natural state apart from the handful of luxury homes that are there. In terms of strengthening neighborhoods, it's a single-family neighborhood that's been there for almost 40 years, all the lots are large in size and the smallest lot is one acre. Mr. Davis stated all the homes are large, every home exceeds 3,500 square feet and most of the homes are 5,000 square feet. He referred to page 18 of the Community Plan 2030 which observes single-family residential is an endangered category in the City as only 11% of the property in the City is currently designated as a single-family. Mr. Davis pointed out page 20 highlights the proportion of single-family residential in the City has rapidly fallen from 1990 to 2010 and the portion of land that was single-family residential fell by half. As the plan notes, the City has very little residential zoned land which has been a problem it's struggled with. He explained when most people want to develop in Branson, they want to develop a commercial application, not a residential one. He feels the next page of the plan shows sensitive lands and Friendly Hills is clearly indicated for its high visibility and slope exceeding 30%. The plan also includes Branson's goals such as preserving natural beauty, focusing on places with mature trees that are already well forested, places of high visibility and places with steep slopes. He expressed concerns approving what's been proposed threatens all three of those things. If high density residential gets put in and the current proposal that's already been shown to the City is put in place, then five lodges would be put on one vacant lot, instead of placing one luxury, single-family home and high density residential would require rezoning to do that. He explained it's currently a vacant lot and the proposal is to put five lodges on one acre. He expressed his concerns over this and said he knows developers need to be able to build and make money, but feels they could build a luxury, single-family home on this lot and still make money. He's helped lifestyle contractors develop other places, but when he found out they wanted to put five lodges on one lot in his own neighborhood, he fired them as his client. Mr. Davis referred to page 93, Strategy 4.4 of the Community Plan 2030 which says cluster, high density residential uses should be along wider streets. He reported the private road that runs adjacent to these two lots are not public streets and the streets on either side are both private streets in a private subdivision. That in itself would clash with the Community Plan, placing high density residential on a narrow, private street. Strategy 4.5 says the City wants to maintain neighborhood diversity by retaining the size pattern of lots and building character of different neighborhoods within the community to the extent possible. He explained people aren't asking the City to expend any

money to do anything out of the ordinary, but their request is to simply maintain the current residential character of this neighborhood by keeping it single-family residential. That won't prevent them from building one luxury lodge on each lot and if they make certain provisions in the covenants, it would even allow people to use luxury lodges as nightly rentals. He feels five lodges on one lot is too much and he offered to answer any questions. He expressed appreciation for everyone's hard work and patience. (See attached handouts). Discussion.

Sean Martinez, 271 Lenhart Drive, Branson, Missouri, introduced himself as a homeowner in the subdivision and a trustee representing the subdivision. He commented not everyone was able to make it here tonight due to limitations, physical or otherwise, but he has letters he'd like to read from a couple of people who cannot be here. He read a letter on behalf of Scott Earls who feels the proposed zoning change from R-1 to high density residential in the Friendly Hills Subdivision should be denied. Mr. Earls feels his neighborhood already has about all the traffic its streets can handle because of the condos at the end of Lenhart Lane. Mr. Earls has lived there for 30 years, owns four lots and would really hate to see his subdivision's covenants trashed by this application to change them. Mr. Martinez read another letter from Mark Kirby which expressed his strong opinion that this zoning change from R-1 to high-density residential should be denied because it directly goes against the Friendly Hills Subdivision covenants. He owns the property on lot three, right next to the planned zoning changes. Mr. Kirby pointed out in his letter that the subdivision's covenants have clearly stated that only one single-family home, no smaller than 3,900 square feet can be built on the Friendly Hills Subdivision lot and no smaller than one acre among many other intentional restrictions. One can look in any direction and find all levels of high-density residential products, but they will not find another Friendly Hills Subdivision with luxury homes built on one acre, plus lots overlooking Table Rock Lake located in Branson. Mr. Martinez looked for a home from 2015 to 2019 and as he was looking for a home in the Branson area, this property became available. He didn't know what he was getting into, but feels it's been a gem with its location as it allows his daughter to attend Branson High School. She's very thankful for that and this is one of the few properties that's lakefront and close to Branson. Mr. Martinez expressed his family's concerns about the subdivision changing, because they purchased that lot and home because of the location and large lots. This goes directly against his subdivision's covenants and his neighborhood doesn't need another big developer coming in wrecking its covenants, leaving it open territory to the next developer. He added, there's plenty of that all over the place. He would really appreciate the Board's support and understanding and he hopes it will preserve the only community like this that's left and he feels it's the right thing to do.

Wayne Drummond, 186 Friendly Hills Drive, Branson, Missouri, expressed concerns for this development being too close to his neighborhood. He mentioned there used to be a strong barrier which can be seen on the map with the trees in the upper part. The covenants were passed long before the company bought these two lots and earlier this evening the Board annexed those two lots. He's never heard of a city ignoring the covenants of any residential subdivision and he feels his colleagues made a good presentation. His major concern and the reason he emailed the Board this morning, is these trees have already been removed and so has most of them in that area. Mr. Drummond reported the environment has been greatly impacted as bulldozers have already been very active on site number two. They have blasted with dynamite, used caterpillars to tear up the land, removed all of the trees on lot number two and bulldozers have started to take down the garage section of a home. As his colleagues have stated, the people in his neighborhood like the quietness and are not objecting to development, but think the company is in real violation for what they're doing on lots one and two. The Board has just approved the annexation of those two properties earlier and he mentioned serving as a planner and architect in other states and he's never heard of a city not honoring the annexation of existing property. His major objection is that the developer has already started without the Board's permission; this is the first reading and they've already torn down all the trees and half the house. He asked the Board to make a motion that the City will uphold the covenants that have governed that property and he thanked the Board for its time. Discussion.

Marc Rys, 171 Lenhart Lane, Branson, Missouri, introduced himself as a property owner of two lots to the left and owner of a house on the lot to the south. He's lived in that subdivision for 17 years now and has raised his two kids, ages 12 and 15. He agreed with Mr. Martinez's comments regarding it being a unique property as it's not in City limits, but is in the County and still has a Branson address. The property in question was just purchased from one of his previous neighbors and the subdivision just amended its

covenants and restrictions which was a contingency of them buying that house. They were completely aware of the subdivision's covenants and restrictions at the time they purchased the house. He explained he's not asking the Board to enforce covenants, but to make a decision that will do the right thing to stop a property like that from encroaching on and changing the character of the subdivision. He clarified people don't have any problems with them building a 3,900 square foot home and putting it in a vacation rental program, but for them to build five lodges there would definitely impact the character of the subdivision. Mr. Rys mentioned Mr. Drummond lives right across the street from the southern lot and Mr. Kirby lives directly south of the lot and they didn't buy homes there to have five lodges pop up in their backyards. He expressed there's a desire to cooperate and evolve with the new neighbor, but hopes the Board could stop the high density residential zoning from happening. Mr. Rys shared he hasn't heard anything from the developer or seen any site plans regarding where it wants to bring traffic into their properties. Currently, Friendly Hills Drive goes down south and already accesses this lot. Discussion.

Debra Johnston, 104 Lenhart Lane, Branson, Missouri, stated she owns three lots in Friendly Hills Subdivision and has called it home since 1999. She thanked the Board for the opportunity to voice concerns and recalled being drawn to Friendly Hills by its natural beauty. She ultimately built her home there because the subdivision had covenants which she understands the City isn't litigating. She grew up in Branson and watched the development of the community over the years and is precisely why she chose to build her home in a subdivision protected against high density residential developments. The property surrounding Friendly Hills has changed use over time, but she was always comforted that her neighborhood would remain the same because of its restrictions. The two lots being considered to change zoning were recently purchased with the knowledge of the covenants. If they are allowed to change the high-density residential zoning in the City, and assuming that some other property would be annexed into the City, it opens the door for more development in Friendly Hills that contradicts the nature of the single-family, residential neighborhood. She asked the Board to please deny the rezoning to reserve her neighborhood.

Mayor Akers asked for comments from the Board. Discussion. Alderman Simmons moved to postpone to the November 10, 2020 meeting. Motion died for lack of a second. Discussion. Vote aye. None. Nays: King, Whiteis, Simmons, Skains, Milton and Seay. Motion failed.

## **BILL NO. 5914**

### **Accepting the proposal of Empire Energy, LLC pertaining to motor vehicle fuel.**

First Reading of Bill No. 5914, an ordinance accepting the proposal of Empire Energy, LLC pertaining to motor vehicle fuel and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall and a staff report was provided by Public Works Director and City Engineer Keith Francis. Mayor Akers asked for a motion approving Bill No. 5914. Alderman Skains so moved, seconded by Alderman King. 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: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

## **OTHER BUSINESS**

### **Cancelling of 2020 Board of Aldermen meeting.**

Mayor Akers stated the next item is cancelling of 2020 Board of Aldermen meeting. Mayor Akers asked for a motion to cancel the December 22, 2020 Regular Meeting. Alderman Skains so moved, seconded by Alderman King. Mayor Akers asked for comments from the Board. No discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

## **APPOINTMENTS**

Mayor Akers stated this appointment process is in accordance with the Board and Committee Appointments Procedure. He announced the following appointments in Category 4:

### **Branson Housing Authority Board:**

John Jeschke, Appointment to the Branson Housing Authority Board with a term expiring October 2024.

### **Outside Program Assistance Committee:**

Edd Akers, Appointment to the Outside Program Assistance Committee with a term expiring September 2021.

Larry Milton, Appointment to the Outside Program Assistance Committee with a term expiring September 2021.

Jeff Matthews, Appointment to the Outside Program Assistance Committee with a term expiring September 2021.

Ted Martin, Appointment to the Outside Program Assistance Committee with a term expiring September 2021.

Melody Pettit, Appointment to the Outside Program Assistance Committee with a term expiring September 2021.

Cris Bohinc, Appointment to the Outside Program Assistance Committee with a term expiring September 2021.

Howard Boyd, Appointment to the Outside Program Assistance Committee with a term expiring September 2021.

## **DISBURSEMENTS**

Mayor Akers stated the next item is the review of disbursements [(September 3, 2020 through September 25, 2020) See Master File for copies of disbursements] Mayor Akers asked if there were any questions regarding the disbursements. No discussion. Mayor Akers asked for a motion to acknowledge the receipt of disbursements from September 3, 2020, through September 25, 2020. Alderman King so moved, seconded by Alderman Simmons. Mayor Akers asked for any comments. No discussion. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

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

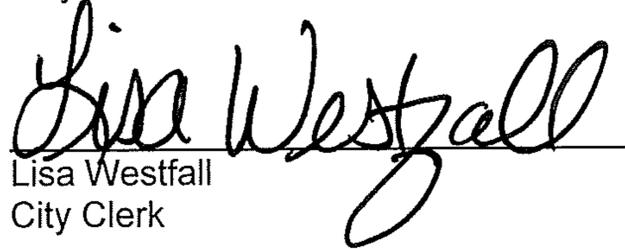
Mayor Akers reminded everyone next Tuesday is the General Election and he encouraged everyone to get out and vote. Municipal elections are in April which will include the tourism tax and all positions from Wards I, II and III and the Mayor position. He announced his intent to seek re-election.

## ADJOURN

Mayor Akers asked for a motion to adjourn. Alderman King so moved, seconded by Alderman Skains. Voting aye: King, Whiteis, Simmons, Skains, Milton and Seay. Nays: none. Motion carried. Meeting adjourned at 11:30 p.m.



E. Edd Akers  
Mayor



Lisa Westfall  
City Clerk

Handout Submitted by Dan Ruda for Item #24

Handout Item #24  
~~Handout~~  
From Dan Ruda



County of **TANEY**  
State of Missouri

TANEY COUNTY COURTHOUSE  
P.O. BOX 1018 FORSYTH, MO 65653  
(417) 546-7268 FAX: (417) 546-7710

Devin Huff County Highway Admin.	Denzil Brown Assistant Admin.	Kathy Roberts Admin Asst. III	Bridget Collins Admin Asst. II	Angle Edwards Receptionist
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Date: October 27, 2020

Re: Fall Creek Road Improvements

To: Whom it may concern

The Taney County Road & Bridge Department is in the planning stage to improve a portion of Fall Creek Road from County Bluff Drive to Dandelion Court.

We will widen the Bluff View at Fall Creek side of the road with the existing Right-of-Way. Widening this portion of the road will improve the drivers sight distance. The other side of the road will remain the same and keep the existing drainage ditch.

Due to increased traffic, we will put a turn lane in at Country Bluff, the entrance to Bluff View at Fall Creek and on the property line towards Dandelion Court.

Sincerely,

A handwritten signature in black ink, appearing to read "Devin Huff", is written over a horizontal line.

Devin Huff  
County Highway Administrator







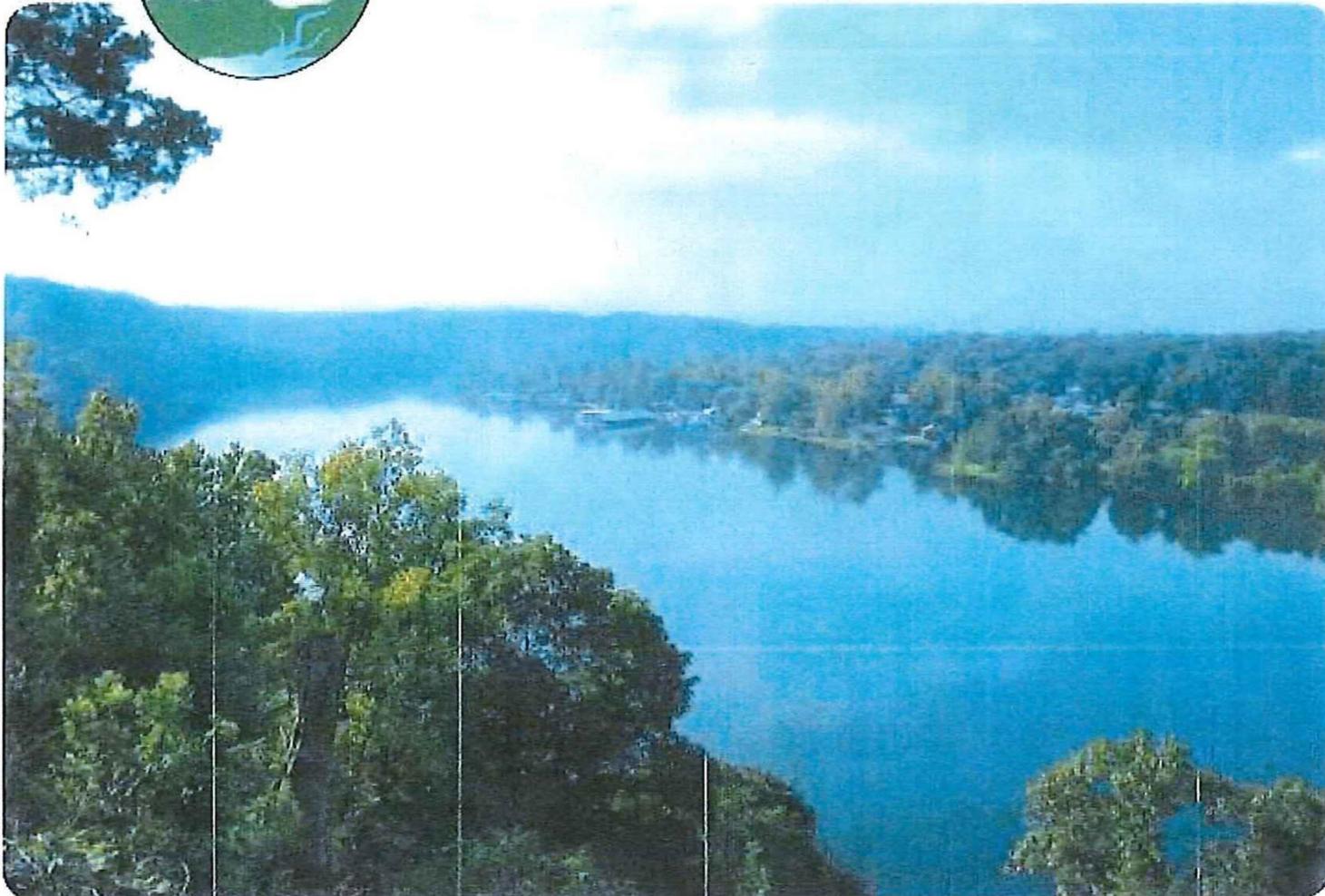


Handout Submitted by Tim Davis for Item #43

*Handout Item #43  
Handout from Tim Davis*



## Branson Community Plan 2030



**Approved by Planning & Zoning Commission March 6, 2012  
Resolution No. 12-22.1**

**Approved by Board of Aldermen March 27, 2012  
Resolution No. 2012-R007**

Prepared by  
**DESIGNWORKSHOP**

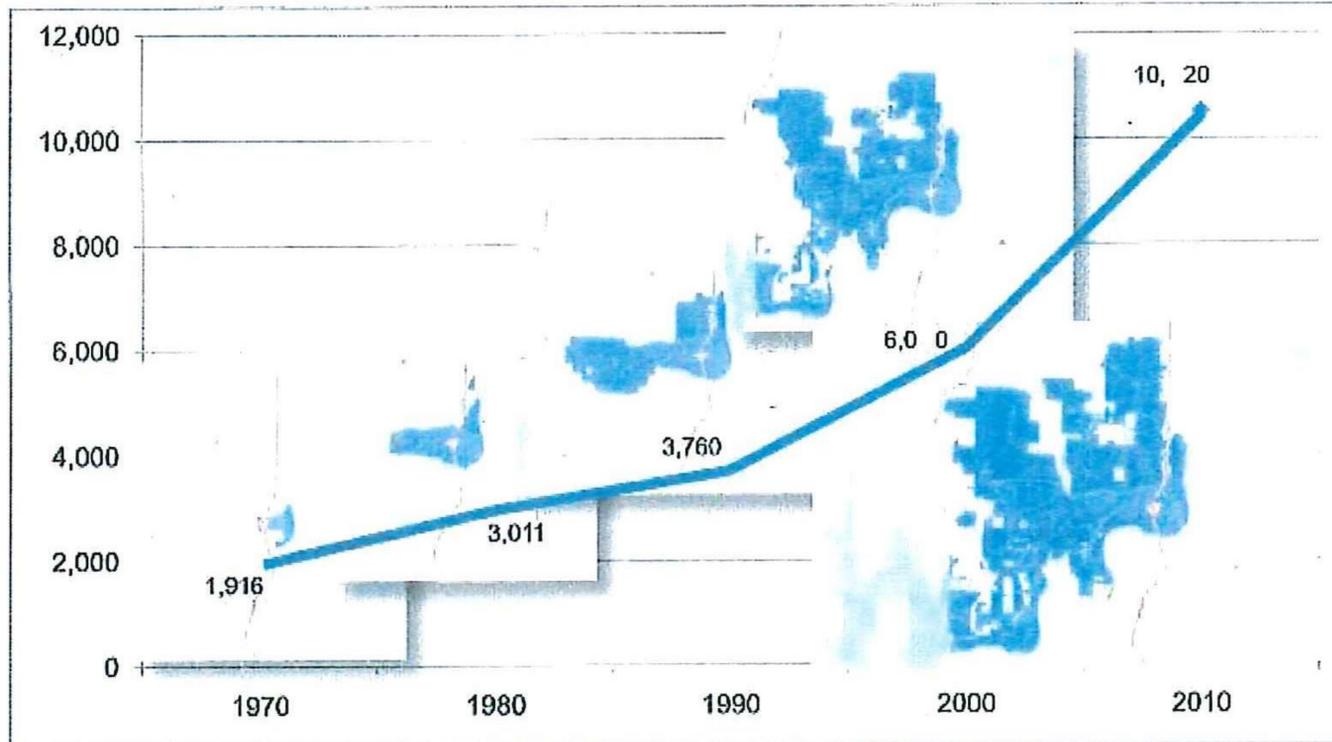
## CONSISTENT THEMES

Through the information collection, stakeholder interviews and community surveys, the team heard consistent themes concerning Branson's future. The following list of items includes the issues that received the most attention throughout the Community Plan process. They are not listed as priorities, but rather to acknowledge what the community has consistently identified as important focus areas for Branson's future.

- **Maintain the Culture and Values of Our Ozark Mountain Legacy.** The Ozark Mountain Legacy defines the community's values and principles. The community expressed an interest in ensuring these values are preserved.
- **Annexation Policies.** Branson should concentrate development within the City limits to manage growth as efficiently as possible. The community agrees that the City should physically grow at a pace that is aligned with the City's ability to provide essential services (fire, police, sewer and water) to developments.
- **76 Country Blvd. Improvements.** The 76 Country Blvd. corridor (the "Strip") is a long, evolving entertainment district that has area for improvement. There is consensus that the Strip needs to be improved from a streetscape, pedestrian and automobile circulation, building rehabilitation/redevelopment and a safety perspective. 76 Country Blvd. was often characterized as 'lired'.
- **Infill Development First Before Growing Outward.** Before annexing new land, there is a priority to develop approved, unfinished planned developments, abandoned construction sites, and undeveloped lands within the existing City limits. There is a significant cost associated with servicing new property and the City should take advantage of the existing utilities in place before extending infrastructure and service to new developments on the City's fringe.
- **Protection of Natural Beauty.** Our Ozark Mountain sense of place includes the area's aesthetic appeal that attracts both visitors and permanent residents. As a result, our landscape needs to be maintained and enhanced. This includes the preservation of visible hillsides and steep slopes, which is supported by a majority of Branson residents as an appropriate measure in protecting natural assets.
- **Recreation Expansion.** The RecPlex has experienced a 45 percent increase in business since it opened in 2005 and its economic impact for the community has grown by 55 percent between 2008 and 2010. To keep up with demand of groups wanting to recreate in Branson and to continue serving as a destination for competitive sporting events, the recreation facilities need to be expanded. Additionally, to keep up with the demand of our citizens and visitors wanting to preserve and enhance their quality of life, community trails, bicycle paths and neighborhood parks need to be expanded.
- **Year Round Employment.** Branson's tourism economy creates challenging employment conditions for seasonal workers, a large percentage of Branson's workforce. Approximately 62% of the population contributes towards the dominant entertainment, retail and tourism economy. The community advocates an economic development strategy that attracts companies who can offer year round employment for Branson residents. These employers should complement the predominant professional industries that are in Branson today and the skills of the existing workforce including health care, information technology and light industrial businesses.
- **Diversify Entertainment Offerings.** In order for Branson to remain a preferred tourist destination for generations to come, it is believed the entertainment offerings need continual evaluation and improvement to appeal to the constantly changing demographics.
- **Update Zoning Regulations.** The existing zoning and municipal codes need to be updated to accommodate the policies in the Community Plan. The zoning regulations should be updated to include regulatory and financing incentives for infill development, overlay zones for vertically mixed-uses, a finer grain of detail for commercial and phasing requirements for Planned Developments, etc.
- **Strengthening Our Neighborhoods.** Our neighborhoods are the backbone of the community and we need to invest in them to insure the quality of life is preserved while protecting the values and investments of our community. Promotion of local pride will strengthen the sense of place and build a stronger community through relationships and involvement.

## Background

Figure 2: Annexation History Compared to Population Growth



Source: Taney County GIS Data

## Land Use

The predominant land uses in Branson are commercial, planned development and wilderness areas. The Branson land use diagram clearly demonstrates that Branson is an entertainment and commercial market that has a comparatively small permanent resident population. Development patterns have created a huge reliance on commercial sales tax revenues.

Table 1 shows the total acreage per each land use category. Similarly, Table 2 illustrates how the growth of each of the zoning categories has occurred from 1990 to 2010. Of the 8,372 acres of newly annexed land between 1990 and 2010, three percent was for agricultural uses, 18 percent for commercial uses, one percent for multi-family uses, 38 percent for Planned Developments and four percent for single family residential. Additionally, 36 percent of the annexed land was not zoned. According to local stakeholders, the common pattern of annexation has been construction within the County followed by City annexation so as to service the properties with adequate utilities.

Table 1: Land Use Distribution 2010

	Parcels	Acres	% of Total
Commercial	973	924 AC	7.5%
Entertainment	71	529 AC	4.3%
Lodging	465	819 AC	6.7%
Condominium	2,878	387 AC	3.1%
Multi-family	499	249 AC	2.0%
Single Family	2,252	1,401 AC	11.4%
Agricultural	82	1,831 AC	14.9%
Recreation	57	678 AC	5.5%
Open Space	32	1,664 AC	13.6%
Education	4	200 AC	1.6%
Health Care	22	42 AC	0.3%
Institutional	28	422 AC	3.4%
Religious	37	153 AC	1.2%
Industrial	2	15 AC	0.1%
Utilities	28	44 AC	0.4%
Vacant	1,751	2,922 AC	23.8%
		<b>12,280 AC</b>	<b>100.0%</b>

Source: Taney County GIS Data

## Background

Table 2: Zoning Distribution (1990-2010)

Zoning District	1990		2000		2010	
	Acres	% of Total	Acres	% of Total	Acres	% of Total
AGRICULTURAL (A)	0	0%	200	2%	250	2%
COMMERCIAL (C)	1972	60%	3370	32%	3502	29%
DOWNTOWN (D)	15	0%	15	0%	15	0%
MOBILE HOME PARK (M-H)	8	0%	12	0%	16	0%
MULTI-FAMILY (R-3)	251	6%	305	3%	306	2%
PLANNED DEVELOPMENT (PD)	735	19%	3107	29%	3883	32%
SINGLE-FAMILY (R-1)	714	18%	966	9%	1089	9%
TWO-FAMILY (R-2)	14	0%	14	0%	14	0%
UNZONED	70	2%	2492	23%	3060	25%
WILDERNESS AREA (WA)	130	3%	130	1%	130	1%
<b>TOTAL</b>	<b>3,409</b>		<b>10,671</b>		<b>13,280</b>	

Source: Taney County GIS  
Assumptions: No zoning changes have occurred during 1990-2010.

### Residential

The City has very little residential zoned land, approximately 1,650 acres or 13 percent of the city's property. The residential is made up of 4,953 total units, 3,982 single family units, 991 multi-family units, including private ownership and rental units. Additional residential details are explained in the Housing Chapter.

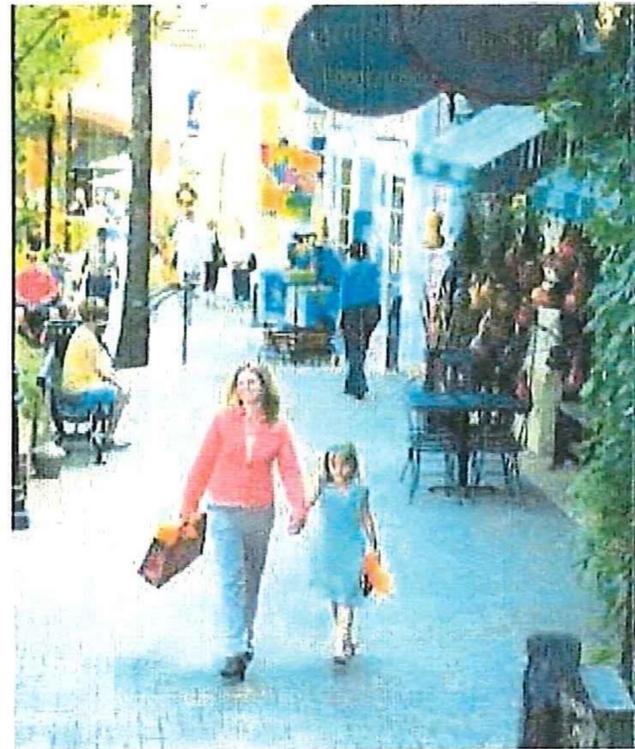
### Commercial

The City's existing commercial land use is largely made up of retail, entertainment and office properties, roughly 29 percent. The City experienced incredible commercial growth in the 1990's, directly attributed to the entertainment boom that occurred. To support this trend, the City's 2003 Comprehensive Plan suggests the City maximize commercial growth within the City's limits. The City's commercial property increased from 1,972 acres in 1990 to 3,370 acres in 2000, and then to 3,502 acres in 2010.

The broad commercial zoning category includes office, retail, lodging and entertainment uses. It is recommended that any future amendment to the zoning regulations provide a greater level of detail and description for varying types of commercial uses within the City such as: retail, regional commercial, mixed-use, office, etc. The downtown is a separate zoning category but permits all the same uses as those within the commercial category, except for residential and facilities for substance abuse.

The tourism industry in Branson is the largest economic driver in the City. The City also has a regional draw for retail, with two large outlet shopping centers: Tanger Outlet mall and The Shoppes at Branson Meadows. The Hilton Branson Convention Center, with 220,000 square feet of flexible meeting space,

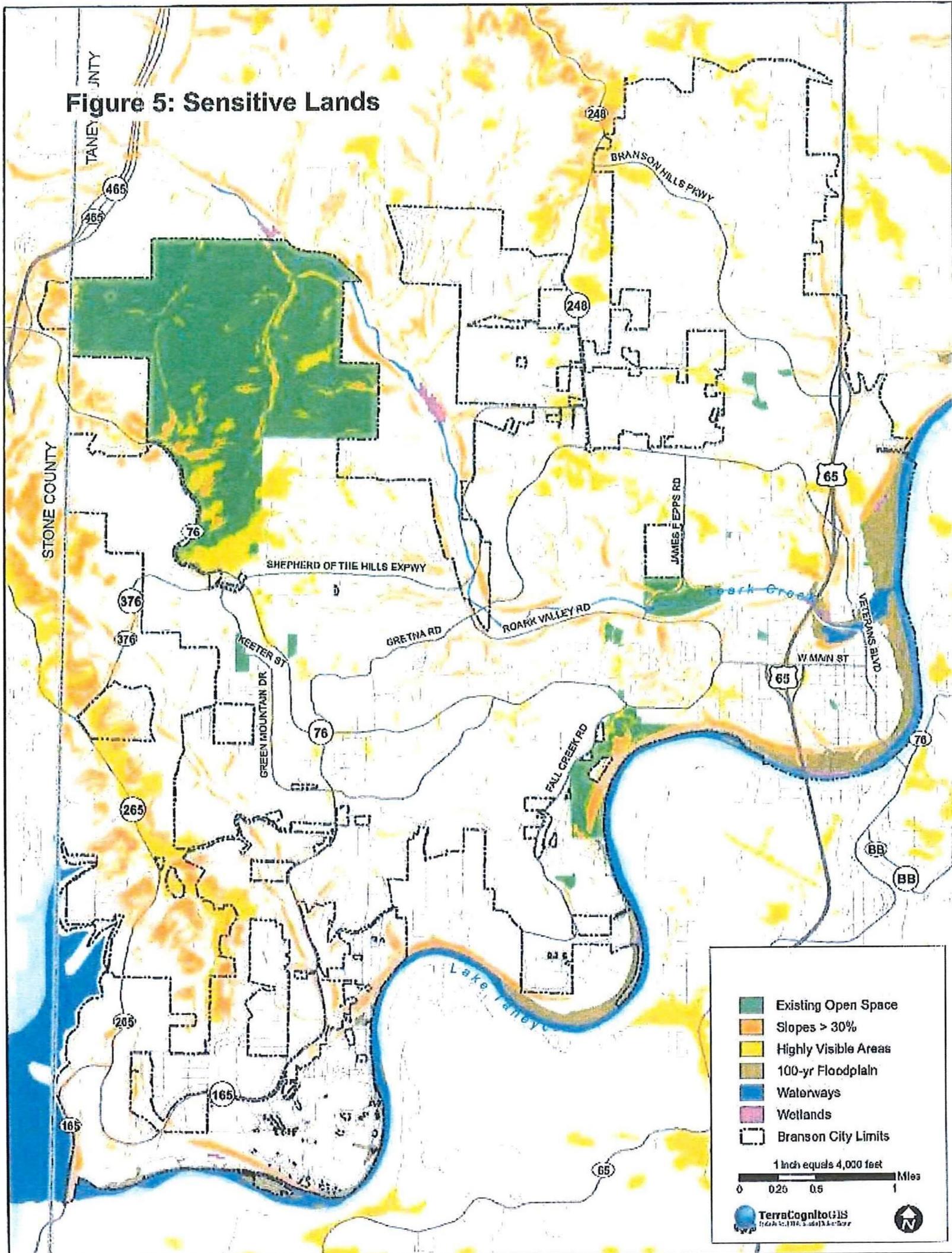
has attracted a conference business sector to the City and diversifies the City's year round offerings.



Shoppers in The Road Village Shops

Office properties within the City limits are limited; however, the overall office vacancy is roughly 31 percent. The low supply of office and high vacancy implies the low demand for this type of use. There are some low-intensity office uses within the downtown including City Hall. Commerce Park has 15 pads available for office and/or industrial development that have been vacant for months. The 200-acre master planned project has been platted and was originally planned for business incubation and expansion.

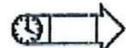
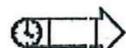
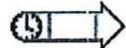
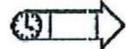
**Figure 5: Sensitive Lands**



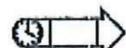
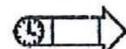
## Strategies & Actions

**LU-7: Sustainable Development.** Branson will be environmental stewards of the land by protecting natural systems and by promoting sustainable development.

**LU Strategy 7.1 Preserve Natural Beauty.** Preserve the area's natural beauty by enhancing, protecting and preserving Branson's sensitive lands, including steep slopes, waterways, floodplains, and biodiversity corridors.

- 
  - Action 7.1.1 Develop regulations for lands with a 30 percent slope and greater.
- 
  - Action 7.1.2 Develop criteria for sensitive land classification (i.e. percent slope, visible hillsides, 100 or 500 year floodplain, etc.).
- 
  - Action 7.1.3 Identify and map the sensitive lands as defined by the community and various stakeholders using Geographic Information Systems (GIS).  
  
Work with the community and stakeholders to determine what is appropriate for long-term preservation and protection and what the priorities are.
- 
  - Action 7.1.4 Provide regulations and standards for development within the identified sensitive lands via a zoning amendment.
- 
  - Action 7.1.5 Research additional methods for protecting sensitive lands and implement the most suitable initiatives and incentives (i.e. publicly formed conservation areas, land owner partnerships, purchase options, etc.).
- 
  - Action 7.1.6 Work with local agencies to identify, purchase and rehabilitate (where necessary) sensitive lands.

**LU Strategy 7.2 Sustainable Development Practices.** Encourage the use sustainable design and development practices for all new projects.

- 
    - Action 7.2.1 Define and document the application of sustainable development standards such as Leadership in Energy and Environmental Design (LEED) or similar sustainability standards in the zoning and building code.  
  
Sustainable development standards should apply to both building design and site design criteria.
  - 
    - Action 7.2.2 Identify incentives for projects that use and meet sustainability standards.
  - 
    - Action 7.2.3 Provide a more efficient approval process for projects that meet sustainable development standards.
- Note: As an example, in Scottsdale, Arizona developments that go through the Leadership in Energy and Environmental Design (LEED) process got an expedited approval with the City because it is known that the US Green Building Council (USGBC) will have put the application through a rigorous process that the City would then not have to do.

## Strategies & Actions

### CC Strategy 3.5 Streetscape. Enhance the streetscape within the 76 Country Blvd. public right-of-way.



- Action 3.5.1 Develop a cohesive, sustainable (long-lasting) landscape themes for the length of the 76 Country Blvd. public right-of-way and areas that abut the public right-of-way to reflect the Ozarks character.

Consider topography, different districts or zones along the highway, native plant species and a varying landscape treatment. Work with a landscape architecture consultant to define the appropriate landscape treatment.



- Action 3.5.2 Work with private landowners to implement site landscaping on private property along the street to improve the overall streetscape. Coordinate the streetscape concept for the entire corridor (per Action 3.5.1).



- Action 3.5.3 Utilize street trees to reinforce, define and connect space and corridors created by buildings and other features along 76 Country Blvd..



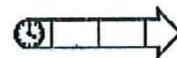
- Action 3.5.4 Utilize streetscape amenities such as public art, lighting, designated landscape zones, ornamental streets trees, special paving materials to create visual interest.

### CC-4: Neighborhoods. Branson will be a city of cohesive, diverse, attractive and safe neighborhoods.

#### CC Strategy 4.1 Neighborhood Identity. Each neighborhood within the City will have a distinct identity.



- Action 4.1.1 Work with businesses and property owners to form Neighborhood Organization(s) to establish a formal organizational structure making future decision making activities and communication more effective.



- Action 4.1.2 Work with identified neighborhoods to develop an action plan and to encourage the formation of neighborhood organization where appropriate.

#### CC Strategy 4.2 Signage. Provide a clear, consistent signage for Branson neighborhoods.

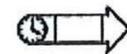


- Action 4.2.1 Encourage the design and construction of gateways or neighborhood identify signage that reflects the character of each neighborhood.

#### CC Strategy 4.3 Pedestrian Experience. Promote a safe, efficient and enjoyable pedestrian experience through residential neighborhoods.

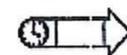


- Action 4.3.1 Establish an interconnected system of streets, sidewalks and walking/ bicycle paths within neighborhoods to improve the pedestrian experience.



- Action 4.3.2 Design neighborhood streets to discourage speeding and cut-through traffic (i.e. narrow streets, speed tables, on-street parking, etc.).

#### CC Strategy 4.4 Compatibility. Promote the capability of uses near residential neighborhoods.



- Action 4.4.1 Cluster higher density residential uses along wider streets that can accommodate higher traffic volumes. Transition medium density products to the lower density neighborhoods.

## Strategies & Actions



- Action 4.4.2 Promote a mix of housing types and scales to accommodate the needs of current and projected residents including large lot, small lot, apartments, townhomes, senior and attainable housing.

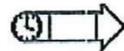
Refer to the Housing chapter for additional strategies and actions related to housing types and quantities.

### CC Strategy 4.5 Character. Embrace a diversity of residential character and forms while promoting cohesiveness and livability.



- Action 4.5.1 Maintain neighborhood diversity by retaining the size, pattern of lots and building character of different neighborhoods within the community to the extent possible as new development occurs.

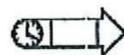
### CC Strategy 4.6 Streetscape. Enhance the streetscapes within Branson neighborhoods.



- Action 4.6.1 Encourage the design and development of residential buildings that address the street and encourage pedestrian activity.

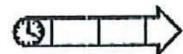


- Action 4.6.2 Require all streets to include a sidewalk on at least one side of the street, detached from the curb by a landscape strip.



- Action 4.6.3 Identify, improve and maintain sidewalks within existing neighborhoods that need repair. Align efforts with CIP budgets.

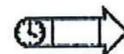
### CC Strategy 4.7 Public Spaces. Provide frequent, connected public spaces in a variety of forms through Branson neighborhoods.



- Action 4.7.1 Ensure all residents are within ¼ mile or a five-minute walk of a public space such as a park, plaza, or school, etc.

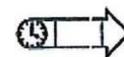


- Action 4.7.2 Ensure natural features including waterways, wetlands, steep slopes, floodplains and significant trees are incorporated into all neighborhood designs and are designated as shared community amenities.

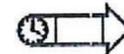


- Action 4.7.3 Connect public spaces via pedestrian/bicycle paths, sidewalks, greenways or pedestrian friendly streets.

### CC Strategy 4.8 Neighborhood Improvement Districts. Consider the formation of Neighborhood Improvement Districts to help fund infrastructure, public sidewalks and other public improvements.



- Action 4.8.1 Assess and identify the neighborhoods that need revitalization and that may warrant a Neighborhood Improvement District.



- Action 4.8.2 An Improvement District technique must obtain two-thirds vote from the property owners within the designated district to approve its creation.

**CC-5: City Gateway. Branson will have notable, pronounced gateways into the City with a distinguishing landscape character and identifying elements that project community values and leaves a lasting impression of the community on visitors.**