

# MINUTES

THE REGULAR MEETING OF THE  
BOARD OF ALDERMEN  
CITY OF BRANSON, MISSOURI  
June 9, 2020  
MEETING I

## INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri, met in regular session in the Council Chambers of the City Hall on June 9, 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 Ted Martin gave the invocation.

## ROLL CALL

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

## PUBLIC COMMENT

Mayor Akers began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

Doug Clark, 121 A Saint Andrews Street, Branson, Missouri, inquired why the City and County oath of office doesn't include the words "to support and defend the Constitution from all enemies, foreign and domestic" and "so help me God" like the federal oath of office does. He explained the reason for bringing this up is because he's looked into the history of oaths of office, their historical references and reasons behind the language in the oaths. He explained if people live by the means of the Constitution and Bill of Rights which say their rights are from God, then people need to look at what's being introduced into the City as public policy from organizations that may have direct conflicts with that. Mr. Clark commented this is ongoing from the World Health Organization's (WHO) policies which have a direct threat to part of the rule of law here. When looking at the structure of the United Nations and all of its areas, it has real animosity towards the United States Constitution and Bill of Rights. He explained the United Nations directly says that it opposes God and America's system of patriotism is something it would like to change and it doesn't mind saying this in anything it publishes. He inquired why people allowed this type of policy to do what it did to the community financially, affect church attendance and other things that should be protected and held above this kind of policy. Mr. Clark explained people can go to the World Health Organization's website to read this policy, see how it was originally designed, how it got through the National Institutes of Health (NIH) and the Centers for Disease Control and Prevention (CDC), see how it's been put in different types of documents over the years and influence policy for health departments. He asked, if they're against the structure of this country and what its people hold dear, why are people violating the things it holds dear in our country? He quite consciously doesn't get this and pointed out it's not only the WHO, but also the United Nations Educational, Scientific and Cultural Organization (UNESCO). It uses the same language and detests this country's patriotism, family, structure of the church and goes clear into the environmental structure of the United Nations. He explained the United Nations' program on the environment is basically a Gaia Earth type of document and all of this stuff is here in the City of Branson. Mr. Clark feels people have to recognize the language, balance it out against what's been set as the structure of this country and see how it violates what people stand for. He believes the reason there's not the basis of the Bible anymore or any rule of law is due to violating Title 18 Section 242 which says anybody who violates people's rights under the Constitution is a violation of the US Code. In his opinion there's a multitude of other things people don't pay attention to such as sustainable developments for which money, structure or surveys are accepted from outside

entities to make up people's minds on what is going to be done in Branson. As far as he's concerned, there's enough collective intelligence as a City to think up its own rules and regulations on how it wants to go on. He mentioned watching this stuff since becoming aware of some of this in the early 1990s. It's gotten more aggressive every year on how this stuff is instituted from within. Schools are reporting United Nation's policy on how curriculum is taught and he explained if they're a member of UNESCO, they can't teach anything outside the curriculum that UNESCO sends. He believes reasons for the chaos that's going on is because patriotism, history and America's Founding Fathers' structure of what they thought the government ought to be isn't taught in schools. Mr. Clark stated it's completely backwards as to what they intended and he extended the offer to sit down with anyone interested in learning about the things being done that are right out of the United Nations.

Jonas Arjes, 201 William Place, Branson, Missouri, commented he'd like to let the record show he's making a request on behalf of his wife to please reopen the recycle center. Discussion.

## **MAYOR STATEMENT**

Mayor Akers stated it is my responsibility as Mayor under state law to take care of the ordinances of our City and the state laws relating to our City are complied with. Under one of our ordinances, Branson Municipal Code 2-64, I am tasked with the responsibility of being the Presiding Officer of the Board and am required to preserve strict order and decorum at all meetings. Decorum is often defined in the dictionary as proprietary or good taste in conduct or appearance. One of the many definitions of order is the state of peace, freedom from confusion, unruly behavior and respect for law and proper authority. Unfortunately, we've had a number of abstentions on votes without proper basis for the abstentions. The citizens of Branson elected us to make decisions on policy matters and we make those decisions by voting. We are obligated to vote unless a conflict of interest prevents us from doing so. The common law of the State of Missouri supports this. Although I cannot force any member of this Board to vote and no member can be required to cast a vote, I do have the ability to control the order and decorum of these meetings. As a result, I'm announcing under my authority to preserve order and decorum of these meetings, and any abstention by any member of the Board during the meeting can be recast as a no vote.

## **CONSENT AGENDA**

Mayor Akers asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Akers asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Hearing none, Mayor Akers asked City Clerk Westfall to read the items on the Consent Agenda. City Clerk Westfall read the following Consent Agenda items by title.

Approval of Board of Aldermen Minutes:

- a) May 26, 2020 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Budget and Finance Committee Meeting of February 27, 2020
- b) Capital Improvement Committee Meeting of February 28, 2020

**BILL NO. 5820**  
**Ord. No. 2020-0063**

**Approving a Final Subdivision Plat for 248 Parkway, Phase II.**

Final Reading of Bill No. 5820, an ordinance approving a Final Subdivision Plat for 248 Parkway, Phase II was read by title by City Clerk Lisa Westfall. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried. Ordinance No. 2020-0063 was duly enacted.

**BILL NO. 5821**

**Ord. No. 2020-0065**

**Approving an agreement for Professional Consultant Services between the City of Branson and HDR Engineering, Inc. for Subgrade Analysis and Preliminary Engineering of a Flood Protection System at the City's Compton Drive Wastewater Treatment Plant.**

Final Reading of Bill No. 5821, an ordinance approving an agreement for Professional Consultant Services between the City of Branson and HDR Engineering, Inc. for Subgrade Analysis and Preliminary Engineering of a Flood Protection System at the City's Compton Drive Wastewater Treatment Plant and authorizing the Mayor to execute the contract was read by title by City Clerk Lisa Westfall. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried. Ordinance No. 2020-0065 was duly enacted.

**BILL NO. 5822**

**Ord. No. 2020-0066**

**Amending the adopted 2019 Budget for the City of Branson to adjust monies for the Tourism Fund for the Branson MO Regional Airport TDD.**

Final Reading of Bill No. 5822, an ordinance amending the adopted 2019 Budget for the City of Branson to adjust monies for the Tourism Fund for the Branson MO Regional Airport TDD was read by title by City Clerk Lisa Westfall. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: none. Motion carried. Ordinance No. 2020-0066 was duly enacted.

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

## **REGULAR AGENDA**

## **DISBURSEMENTS**

Mayor Akers stated the next item is the review of disbursements [(February 28, 2020 through May 29, 2020) See Master File for copies of disbursements] Mayor Akers asked if there were any questions regarding the disbursements. Discussion. Mayor Akers asked for a motion to acknowledge the receipt of disbursements from February 28, 2020 through May 29, 2020. Alderman Clonts so moved, seconded by Alderman Skains. Mayor Akers asked for any comments. No discussion. Voting aye: McConnell, Clonts, Simmons, Skains, Milton and Castillon. Nays: None. Motion carried.

## **ANNOUNCEMENT OF ELECTION RESULTS**

City Clerk Westfall read the Certification of Municipal Election results from the June 2, 2020, election into the record (See attached).

## RECOGNITION OF OUTGOING BOARD

Mayor Akers and Alderman Simmons recognized Alderman Clonts and Alderman Castillon for their years of service to the City of Branson and he opened the floor for comments from the Board. Discussion.

**Alderman Castillon and Alderman Clonts left the meeting at 6:19 p.m.**

## ADJOURN

Mayor Akers asked for a motion to adjourn. Alderman Skains moved to adjourn, seconded by Alderman Milton. Voting aye: McConnell, Simmons, Skains and Milton. Nays: None. Absent: Clonts and Castillon. Motion carried. Meeting adjourned at 6:21 p.m.



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E. Edd Akers  
Mayor



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Lisa Westfall  
City Clerk



**TANEY COUNTY CLERK**  
*Donna J. Neeley*



**CERTIFICATION OF ELECTION RESULTS**  
**BY DONNA NEELEY, TANEY COUNTY CLERK**  
 (FOR PROPOSITIONS AND QUESTIONS)

To: City of Branson

The following is an Official Certificate of Election Results for the Municipal Election held in Taney County, Missouri, on June 2, 2020, upon the following:

**FOR ALDERMAN WARD I**  
**TWO YEAR TERM**

| Vote For One    |     |
|-----------------|-----|
| Willard Harris  | 9   |
| Marshall Howden | 161 |
| Bill Skains     | 193 |

**FOR ALDERMAN WARD II**  
**TWO YEAR TERM**

| Vote For One   |     |
|----------------|-----|
| Rick Castillon | 110 |
| Jeff Seay      | 297 |

**FOR ALDERMAN WARD III**  
**TWO YEAR TERM**

| Vote For One  |     |
|---------------|-----|
| Jamie Whiteis | 315 |

**CERTIFICATE OF ELECTION RESULTS**

I, Donna Neeley, County Clerk and Election Authority of Taney County, Missouri, do hereby certify that the foregoing is a full and accurate return of all votes cast at said election as certified to me by the duly qualified and acting judges of said election.

Certified this 5th day of June, 2020.



*Donna Neeley*  
 County Clerk and Election Authority  
 Taney County, Missouri

# MINUTES

## THE REGULAR MEETING OF THE BOARD OF ALDERMEN

CITY OF BRANSON, MISSOURI

June 9, 2020

MEETING II

## OATHS OF OFFICE

City Clerk Westfall gave the Oath of Office to Bill Skains, Ward I; Jeff Seay, Ward II; Jamie Whiteis, Ward III.

## INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri, met in regular session in the Council Chambers of the City Hall on June 9, 2020, at 6:33 p.m. Mayor Akers called the meeting to order.

## ROLL CALL

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

## ELECTION OF ACTING PRESIDENT OF THE BOARD

Mayor Akers called for nominations for Acting President of the Board. Alderman Skains nominated Bob Simmons and Alderman McConnell nominated Larry Milton for Acting President of the Board. Mayor Akers then asked if there were additional nominations. Hearing none, nominations were closed. Mayor Akers stated the Board will be voting on Bob Simmons and Larry Milton by writing their choice on the ballot provided. The City Clerk will read the results and the nominee receiving the most votes will be approved to fill the position. Mayor Akers called for a vote on the nominations. City Clerk Lisa Westfall read the results of the vote: Larry Milton voted for Larry Milton, Bill Skains voted for Bob Simmons, Bob Simmons voted for Bob Simmons, Kevin McConnell voted for Larry Milton, Jamie Whiteis voted for Bob Simmons and Jeff Seay voted for Bob Simmons. The result of the vote is Bob Simmons – 4 votes and Larry Milton – 2 votes. Bob Simmons will serve as the Acting President of the Board.

## REGULAR AGENDA

### BILL NO. 5823

#### Approving a petition to add certain real property to the 76 Entertainment Community Improvement District.

Public Hearing and First Reading of Bill No. 5823, an ordinance approving a petition to add certain real property to the 76 Entertainment Community Improvement District was read by title by City Clerk Westfall. Mayor Akers opened the public hearing and City Clerk Lisa Westfall and Jacob Lowry of Kutak Rock LLP, Special Counsel for the City, provided a staff report. Mayor Akers asked for a motion approving Bill No. 5823. Mayor Akers asked for anyone in the audience wishing to speak in favor of or opposing this matter.

Gail Myer, 365 Whisper Ridge, Branson, Missouri, feels this is a great day for Branson and recalled this project really started about a decade ago. He believes 76 Country Boulevard is the main artery to the heartbeat of Branson and what this project will do upon approval of the annexation is over time, it will invest over \$70 million into the 76 Corridor. Through enhancement and renewal it has the ability to make the most significant economic impact the City has done as a project in conjunction with the Community Improvement District (CID) and possibly the history of Branson. He is proud to be here this evening and he thanked Public Works Director and City Engineer Keith Francis and Engineering Office Specialist Cheryl Harrison who inherited the design portion of this, set the stage for saving money in the future and got ahead of the game on design which is appreciated. Mr. Myer thanked Finance Director Jamie Rouch for her help with understanding things from a financial standpoint and for getting the project back after it went through a rocky time. He mentioned Communications Manager Melody Pettit has helped get information out and he believes there will be more of that to come. Mr. Myer emphasized the significance of City Administrator Stan Dobbins' ability to get it and reset this project to have a successful path to the future. He expressed appreciation for Assistant City Administrator John Manning for providing leadership and City Clerk Lisa Westfall for doing her job. He feels Planning and Development Director Joel Hornickel is a good addition to the CID Board and will help in the future with organizing the project. Mr. Myer listed additional members of the CID Board including Chuck O'Day with the Hollywood Wax Museum, Brian Cossiboom with Dolly Parton's Stampede and Jamie Whiteis with Tanger Outlets. He added, we're going to lose him as a stakeholder, but hopes to gain him as an Alderman on the CID Board. He doesn't want to leave anyone out as there have been many other committed Board members, both from a stakeholder and City representative standpoint who helped this journey. Mr. Myer recognized Craig Wescott from the audience as a past Board member who was instrumental in this journey. He also recognized Ann McDowell who has helped get information out, attended almost every meeting and volunteered her high quality time. He feels she will be extremely helpful to the future of the CID with creativity and helping make it a fun place to be with the dollars allocated for the above ground design. He recalled when Mayor Akers got elected, the CID received some signatures which he believes is because people trust him because of all the things he's done in the past in which he poured himself into community service. He feels that helped the CID get over the hump. He mentioned his predecessor, Larry Schmitt, was extremely passionate about this project and wanted it to be successful more than anyone else. Mr. Myer said every time he goes to a meeting he thinks about Mr. Schmitt and he appreciates his mentorship and leadership for this community. Mr. Myer recalled what had happened was after the City had a comprehensive plan, he talked to the City Administrator at the time, Dean Kruithof, and the Mayor Raeanne Presley. At that meeting he pointed out the City now had a comprehensive plan, but asked them to look at what was happening to sales tax revenues; the City wouldn't be able to implement the comprehensive plan. That's what started the discussion about what should happen on Highway 76 and he feels it's truly been quite the journey. He believes today is a great day for Branson and he's appreciative of the Board. He said he would appreciate its vote on both the first and second readings and he's happy to answer any of the Board's questions. He expressed how much he dislikes power lines.

Mayor Akers asked for comments from the Board. Discussion. Mayor Akers closed the public hearing. Mayor Akers asked for a motion approving Bill No. 5823. Alderman Skains so moved, 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. Voting aye: McConnell, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

#### **BILL NO. 5824**

#### **Approving the annexation of the property located at 135 Lake Front Drive, Branson, Missouri.**

Public Hearing and First Reading of Bill No. 5824, an ordinance approving the annexation of the property located at 135 Lake Front Drive, Branson, Missouri, was read by title by City Clerk Lisa Westfall. Mayor Akers opened the public hearing and Planning and Development Director Joel Hornickel provided a staff report. Mayor Akers asked for a motion approving Bill No. 5824. 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 approving Bill No. 5824. Alderman Skains so moved, 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. No discussion. Voting aye: McConnell, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried.

## MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Simmons welcomed the new Aldermen and said he appreciates having them here and hopes they enjoy their experience.

Alderman Skains welcomed the new aldermen to the Board and thanked everybody who worked on campaigns, put up signs, dedicated their time and worked the polls from 5:30 a.m. until late at night. He expressed appreciation for everybody involved and thanked his wife for putting up with him during the extended election period of time.

Alderman Seay echoed Alderman Skains' comments and mentioned a lot of his supporters are in attendance this evening and he's thanked them personally. He's happy with the turnout of the vote, feels it was a circus to say the least, but everyone got it done. He was surprised at the turnout and he expressed appreciation for those who voted.

Mayor Akers announced the deadline is approaching to have all committee recommendations in so people can be appointed to serve. He encouraged anyone interested in being involved with the City to contact the City Clerk's Office and get the information needed to be able to serve on a committee. He feels it's really an important time as a lot of appointments will be made at the next meeting. He announced training sessions will be held by the Missouri Municipal League (MML) in August and he encouraged the Aldermen to attend. He explained these sessions provide information on specific areas of service, serving in a Fourth-Class City and the ordinances and laws of the state. They also provide education to help them do their best job as an Alderman. Mayor Akers expressed appreciation for the community and for the people who voted since it wasn't convenient and there's a lot of things going on. Everyone has been working hard to do the best they can to find a thin line between the economics and health of the community. He appreciates the cooperation and effort the community has given to try and make sure guests feel safe. Mayor Akers explained Branson has to earn people's trust back so they feel comfortable coming back to Branson. He added, they're not coming back in droves yet, but they will be back as long as Branson can keep things going. He is encouraged by what he sees and it's been a tough year, but he's hopeful the last half of the year can be good.

## ADJOURN

Mayor Akers asked for a motion to adjourn. Alderman Milton moved to adjourn, seconded by Alderman Skains. Voting aye: McConnell, Whiteis, Simmons, Skains, Milton and Seay. Nays: None. Motion carried. Meeting adjourned at 6:59 p.m.



E. Edd Akers  
Mayor



Lisa Westfall  
City Clerk